



STATUTORY INSTRUMENTS.

**S.I. No. 126 of 1999.**



DISTRICT COURT (COSTS) RULES, 1998.

**(Pn. 7220)**

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DISTRICT COURT (COSTS) RULES, 1998.

The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act, 1924, section 72 of the Courts of Justice Act, 1936, section 17 of the Interpretation Act, 1937 [as applied by section 48 of the Courts (Supplemental Provisions) Act, 1961] and section 34 of the Courts (Supplemental Provisions) Act, 1961, do hereby, with the concurrence of the Minister for Justice, Equality and Law Reform, make the following Rules of Court:—

1. These Rules may be cited as the District Court (Costs) Rules, 1998.

2. These Rules shall come into operation on the 21st day of May.....1999...., and shall be read together with all other District Court Rules for the time being in force.

3. Order 51 of the District Court Rules, 1997 (S.I. No. 93 of 1997) shall be amended by the addition after Rule 6 of the following Rule:

“6A. The expression “actual and necessary outlay” in Rule 6 hereof shall include a sum for miscellaneous outlays set out under the heading “Schedule of Outlays” in the Schedule of Costs annexed to these Rules to include postage, photocopying, registered post, fax and sundries and the Schedule of Costs shall be read accordingly.”

and the said Order 51, as so amended, appears in Schedule 1 to these Rules.

4. The Schedule of Costs annexed to the District Court Rules, 1997) S.I. No. 93 of 1997) shall be amended by the addition thereto after the matter at reference number 11 of the Schedule of Outlays which appears in Schedule 2 to these Rules.

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 18th June, 1999.*

SCHEDULE 1

ORDER 51

COSTS AND EXPENSES

1. Save as otherwise provided by statute or by Rules of Court, the granting or withholding of the costs of any party to civil proceedings in the Court shall be in the discretion of the Court.

Costs in general to be in the discretion of Court.

2. Save as otherwise provided, the costs specified in each scale in the Schedule of Costs annexed to these Rules or in any other similar Schedule for the time being in force shall be the only lawful costs.

Scales of costs.

3. The Court shall have discretion to allow or to refuse to allow the expenses (or any part thereof) of any witness and where allowed, the amount of such expenses (or part thereof) may be measured by the Court.

Witnesses' expenses.

4. No costs other than actual and necessary outlay shall be allowed or awarded to a party who conducts his or her own case.

Where no solicitor retained.

5. Where the plaintiff is successful and the defendant has not been professionally represented at the hearing, the costs shall be in the appropriate scale for undefended cases, unless the Court, upon application made to it at the hearing, shall direct that the scale for defended cases shall apply.

Costs where defendant not professionally represented.

6. The costs set forth in the scales in the Schedule of Costs annexed to these Rules or any other similar schedule for the time being in force shall in every instance be exclusive of and in addition to any sum allowed as recovery of value-added tax and all such actual and necessary outlay as may be allowed.

Costs in Schedule to be exclusive V.A.T. and outlay.

6A. The expression "actual and necessary outlay" in Rule 6 hereof shall include a sum for miscellaneous outlays set out under the heading "Schedule of Outlays" at reference number 11A in the Schedule of Costs annexed to these Rules to include postage, photocopying, registered post, fax and sundries and the Schedule of Costs shall be read accordingly,

Definition of outlay.

Costs of adjournment.

7. The Court may allow the costs and expenses of any adjournment of the hearing or further hearing of any civil proceedings and may order that such costs be added to or deducted from the costs allowed to either party on the final determination of the proceedings, or may if it thinks it reasonable to do so, make a separate order (form 51.1 Schedule C) for their payment.

Power to strike out with costs claims in excess of jurisdiction.

\*8. Where civil proceedings are brought in the Court which the Court has no jurisdiction to hear and determine, the Court shall, as soon as such want of jurisdiction becomes apparent, order such proceedings to be struck out and may, if it so thinks proper, make an order awarding to the defendant such costs as the Court could have awarded if it had jurisdiction to try and determine such proceedings and either the plaintiff did not appear or appeared and failed to prove his or her claim.

Costs in hire purchase claims.

9. Proceedings by the owner of a chattel against the hirer thereof under a hire-purchase agreement for the recovery or return of the same shall, for the purpose of the measurement of the costs, be deemed to be an action in contract in which the amount sued for is the amount of the instalments due and unpaid under the agreement at the date of commencement of the proceedings.

Costs in actions for wrongful detention.

10. In actions for wrongful detention brought by virtue of section 33, subsection (3) of the Courts (Supplemental Provisions) Act, 1961, the costs awarded shall be on the tort scale according to the value of the goods as determined by the Court.

Costs to apply for A.G., Govt. Ministers etc.

11. The scales of costs in the Schedule of Costs annexed hereto or any other similar schedule for the time being in force shall apply to proceedings to which the Attorney General or any Minister of the Government or any Minister of State or any Government Department is a party.

Costs in consent proceedings.

12. Solicitors' costs, where allowed, in consent proceedings to which section 4 (c) of the Courts Act, 1991 and Order 39, r.14 of these Rules relate, shall be in accordance with the provisions of item No. 10 in the Schedule of Costs annexed to these Rules or any similar provisions for the time being in force.

\*Courts of Justice Act, 1936 (No. 48) Sec. 60.

13. Solicitors' costs, where allowed, in actions remitted or transferred from the High Court or the Circuit Court and to which Order 39, r.15 of these Rules relates, shall be in accordance with the provisions of item No. 11 in the Schedule of Costs annexed to these Rules or any similar provisions for the time being in force.

Costs in actions transferred from High Court or the Circuit Court.

14. In any case where the Court is of opinion that there is no appropriate scale of costs provided, it may measure the costs.

In certain cases may be measured.

## SCHEDULE 2

## SCHEDULE OF OUTLAYS

11A. Miscellaneous outlays to include postage, photocopying, registered post, fax and sundries to be allowed in accordance with Order 51, rule 6A.

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Amount Due at the date of issue of civil summons

—(in the case of Summary Judgment proceedings)

—(in the case of Instalment Orders)

Amount decreed for debt

—(in cases of contract, breach of contract and tort proceedings and in claims for damages unconnected with contract)

Annual Rent

—(in the case of Ejectment Proceedings instituted by Civil Summons)

—(in proceedings for the recovery of possession under section 16 of the Housing (Private Rented Dwellings) Act, 1982)

Amount of compensation awarded

—(in proceedings for compensation under Section 15 of the Housing (Private Rented Dwellings) Act, 1982)

Amount of compensation claimed

—(in cases under the Malicious Injuries Acts, 1981 and 1986)

Amount sued for

—(in summary proceedings brought by summons for the recovery of rates)

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£0-£1,000	£10 plus VAT
£1,001-£2,000	£20 plus VAT
£2,001-£3,000	£30 plus VAT
£3,001-£4,000	£40 plus VAT
£4,001-£5,000	£50 plus VAT

Given this 12th day of October, 1998.

Peter Smithwick, Chairman,  
John Garavan,  
John P. Brophy,  
Gillian M. Hussey,  
Sean McMullin,  
Gerard Griffin,  
Olive Caulfield.

I concur in the making of the foregoing Rules.

Dated this 13th day of May, 1999.

JOHN O'DONOGHUE,  
  
Minister for Justice, Equality and Law  
Reform.

EXPLANATORY NOTE.

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Rules amend Order 51 of the 1997 District Court Rules by including in the term "actual and necessary outlay" a sum for miscellaneous outlay. This sum as set out in the Schedule of Outlays attached to the Rules is to include postage, photocopying, registered post, fax and sundries.