



HIGH COURT ACT 1991

PRACTICE DIRECTION NO.2 OF 2010

Coming into operation

1st June 2010

The Deemsters give this Direction under section 27A of the High Court Act 1991¹.

1. Title, commencement and interpretation

- (1) The title of this Direction is Practice Direction No.2 of 2010.
- (2) This Direction comes into operation on 1st June 2010.
- (3) In this Direction "the Rules" means the Rules of the High Court of Justice 2009².

2. Restriction on orders for costs in small claims

- (1) The sums referred to in rule 11.21(2)(b) and (c) of the Rules (legal advice and assistance in small claim which includes claim for injunction or specific performance or claim for personal injuries) shall be determined in accordance with the following formula –

$$H \times L$$

where –

- H = such number of the hours actually spent in giving legal advice and assistance relating to the claim as the court may determine by summary assessment to be reasonable;
- L = the appropriate hourly rate prescribed under section 19(3) of the Legal Aid Act 1986³ for work done at the time the legal advice and assistance were given.

¹ 1991 c.12

² SD 352/09


³ 1986 c.23


(2) Subject to rule 11.21(3)(b), the sum referred to in rule 11.21(2)(g) of the Rules (fee of expert witness) is the amount of the fee actually and necessarily incurred, not exceeding —

- (a) £500, in the case of a medical expert; or
- (b) £300, in the case of any other expert.

MADE TH 30 MARCH

2010


Her Majesty's First Deemster and Clerk of the Rolls


Second Deemster

EXPLANATORY NOTE

(This note is not part of the Direction.)

This Practice Direction sets out the formula for determining the amount which may be awarded a successful party in a small claim for (a) the cost of legal advice and assistance where the claim includes a claim for injunction or specific performance or a claim for personal injuries, and (b) the fee of an expert witness. Under section 27A of the High Court Act 1991 it ceases to have effect on 31st December 2011 unless previously revoked.