

Neutral Citation No: [2020] NIFam 4

*Judgment: approved by the Court for handing down
(subject to editorial corrections)**

Ref: OHA11219

Delivered: 03/02/2020

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

FAMILY DIVISION

ON APPEAL FROM THE MASTER

BETWEEN:

RACHEL ELIZABETH PITMAN

Petitioner/Appellant;

and

PHILIP JOHN PITMAN

Respondent.

RULING ON COSTS

O'HARA J

[1] Master Bell gave a ruling against the petitioner/appellant in his decision delivered in July 2018. I dismissed her appeal on 7 February 2020 on grounds which are essentially identical to his.

[2] I have received helpful submissions from counsel, for which I am grateful, on the issue of costs on the appeal. Those submissions make it unnecessary for me to add further to the costs by convening an oral hearing on the issue.

[3] It is common case that under section 59 of the Judicature (Northern Ireland) Act 1978 the court has a discretion as to costs including the power to determine by whom and to what extent the costs are to be paid. The Rules of the Court of Judicature then provide at Order 62 paragraph 3 as follows:

“1. This rule shall have effect subject only to the following provisions of this Order.

2. No party to any proceedings shall be entitled to recover any of the costs of those proceedings from any

other party to those proceedings except under an order of the Court.

3. If the Court in the exercise of its discretion sees fit to make any order as to the costs of any proceedings, the court shall order the costs to follow the event, except when it appears to the court that in the circumstances of the case some other order should be made as to the whole or any part of the costs.”

[4] The petitioner/appellant submits that instead of costs following the event (i.e. the loser pays) I should make no order as to costs. I do not see how that would be in any way appropriate in this case. Not only did the petitioner/appellant not succeed in her appeal, she did not win any point which she advanced. The appeal was entirely without merit and was dismissed with the Master’s order and reasoning being affirmed. In the circumstances I order her to pay the costs of the appeal which are to be taxed in default of agreement.