



THE COURT OF APPEAL
CIVIL

The President
Edwards J.
Whelan J.

[2022 No. 237]
Neutral Citation Number [2023] IECA 133

BETWEEN

THE BOARD OF MANAGEMENT OF WILSON'S HOSPITAL SCHOOL

RESPONDENT

AND

ENOCH BURKE

APPELLANT

RULING of the Court on COSTS delivered (via electronic delivery) on the 26th day of May 2023 by Birmingham P.

1. On 7th March 2023, this Court delivered three judgments dismissing the appellant's appeal against a number of High Court orders. The question of what order should be made in relation to the costs of the appeal hearing arises for consideration.

2. The parties were invited to provide written submissions. In those submissions, the appellant contended that no costs order should be made. The submissions referred to the fact that issues of general importance were raised. It must be said that the submissions on the part of the appellant, to some extent, at least, involve a re-litigation of the issues that were before the Court on the appeal hearing where he was unsuccessful. The respondent contends that the usual rule is that costs follow the event and that there were no substantial reasons of an unusual kind which would justify – still less, require – departing from that rule. We find ourselves in agreement with the submissions of the respondent. In our view, this is indeed a

case where costs must follow the event, where there must be an order for costs in favour of the successful party, the respondent, the Board of Management of Wilson's Hospital School, and against the unsuccessful party, the appellant, such costs to be adjudicated by a legal costs adjudicator in default of agreement, and that will be the order of the Court.

Mr. Justice George Birmingham

Mr Justice John Edwards

Ms Justice Maire Whelan