
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 412

COUNTY COURTS

County Court (Amendment No.
2) Rules (Northern Ireland) 2002

Made - - - - 30th December 2002

Coming into operation 3rd March 2003

We, the County Court Rules Committee, appointed by the Lord Chancellor under Article 46 of the County Courts (Northern Ireland) Order 1980(1), in exercise of the powers conferred on us by Article 47 of that Order and all other powers enabling us in that behalf, hereby make the following Rules:—

Citation and interpretation

1.—(1) These Rules may be cited as the County Court (Amendment No. 2) Rules (Northern Ireland) 2002.

(2) In these Rules a reference to an Order, Rule or Appendix is a reference to that Order, Rule or Appendix as numbered in the County Court Rules (Northern Ireland) 1981(2).

Costs

2.—(1) Order 55 shall be amended as follows—

- (a) by revoking paragraph (1) in rule 9;
- (b) by the insertion of the following new rule—

“11.—(1) This rule only applies where the plaintiff’s cause of action (or if there is more than one cause of action the principal cause of action):

- (a) related to contracts for works of building or engineering construction, contracts of engagement of architects, engineers or quantity surveyors, the sale of goods, insurance, banking, the export or import of merchandise, shipping or other mercantile matters, agency, bailment, carriage of goods, professional or clinical negligence or title to land;

(1) S.I.1980/397 (N.I. 3)

(2) S.R. 1981 No. 225 to which the most recent relevant amendments were made by, S.R. 1995 No. 151, S.R. 1995 No. 282 and S.R. 1999 No. 464

- (b) claimed assault, battery, wrongful arrest or false imprisonment and where a named defendant is the Ministry of Defence, Chief Constable of the Police Service of Northern Ireland or Head of the Northern Ireland Prison Service; or
- (c) was brought under:
 - (i) Part IV of the Sex Discrimination (Northern Ireland) Order 1976(3);
 - (ii) Part III of the Race Relations (Northern Ireland) Order 1997(4);
 - (iii) Part IV of the Fair Employment and Treatment (Northern Ireland) Order 1998(5);
 - (iv) Part III of the Disability Discrimination Act 1995(6); or
 - (v) section 76 of the Northern Ireland Act 1998(7);

(2) Subject to paragraph (4) where, at the conclusion of a cause of action to which this rule applies, the judge is satisfied that the issues in the case were of particular complexity, he may order that the parties receive an enhancement of their costs in addition to the scale costs set out in Appendix 2.

(3) The amount of any enhancement under this rule shall be one-third of the scale fee in Appendix 2 to which the parties are entitled.

(4) No enhancement shall be permitted under this rule unless:

- (a) prior to service of the civil bill or counterclaim, the plaintiff or the defendant has endorsed upon the civil bill or counterclaim that a cause of action between the parties falls within the provisions of this rule; or
- (b) where the proceedings were commenced in the High Court by writ of summons and remitted to the county court—
 - (i) the plaintiff within 14 days of the order for remittal serves a notice on the defendant that a cause of action falls within the provision of this rule; or
 - (ii) the defendant within 14 days of the service of the order for remittal upon the plaintiff serves a notice on the plaintiff that a cause of action in his counterclaim falls within the provision of this rule.

(5) Notice under paragraph (4) shall be copied to the chief clerk.”

(c) in rule 14 by substituting for paragraphs (3) and (4) the following new paragraphs—

“(3) Subject to paragraphs (4), (5) and (6) where judgment is entered on behalf of a plaintiff in accordance with Order 12, Rule 2 and damages are assessed under Order 12, Rule 13 or 16 the costs awarded to a solicitor or counsel shall be 50% of the scale fee payable under the relevant Table (as determined by the cause of action) in Appendix 2.

(4) Costs shall only be awarded to counsel in accordance with paragraph (3) if the judge has certified that it was necessary to instruct counsel in that case.

(5) Notwithstanding paragraph (3), the amount of 50% of the scale fee prescribed by paragraph (3) (being the costs payable to a solicitor and, if allowed, to counsel where judgment is entered on behalf of a plaintiff in accordance with Order 12, Rule 2 and damages are assessed under Order 12, Rules 13 or 16) may be increased at the discretion of the judge or district judge.

(3) S.I. 1976/1042 (N.I. 5)
(4) S.I. 1997/869 (N.I. 6)
(5) S.I. 1998/3162 (N.I. 21)
(6) 1995 c. 50
(7) 1998 c. 47

- (6) Notwithstanding paragraphs (3) to (5), in any case whether commenced by civil bill or on petition, where the approval of the judge is required under Order 44, Rule 1(1) (a), the costs payable to a solicitor and counsel shall be the full scale fee allowable under Appendix 2, Part 1”; and
- (d) in rule 17 by deleting the figure “£2·27” and substituting the figure “£2·37”.
- (2) For Appendix 2 there shall be substituted the new Appendix 2 set out in the Schedule.

We, the undersigned members of the County Court Rules Committee, having by virtue of the powers vested in us in this behalf made the foregoing rules, do hereby certify the same under our hand and submit them to the Lord Chancellor accordingly.

Dated 13th June 2002

*A. R. Hart
J. J. Curran
H. Keegan
Barry Valentine
Brian F. Walker
James A. Agnew
Brian J. Stewart
Brian Kennedy
P. J. Kelly*

After consultation with the Lord Chief Justice, I allow these Rules which shall come into operation on 3rd March 2003.

Dated 30th December 2002

Irvine of Lairg, C.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Rule 2(2)

APPENDIX 2

PART I

Ordinary civil bills

(other than those provided for in Table 3)

TABLE 1: PLAINTIFF'S AND DEFENDANT'S COSTS

<i>In actions where amount decreed (in the case of the plaintiff) and where amount claimed (in the case of the defendant)</i>		<i>Solicitor's costs</i>
(1)		(2)
i	does not exceed £1,000	£450
ii	exceeds £1,000 but does not exceed £2,500	£950
iii	exceeds £2,500 but does not exceed £5,000	£1,350
iv	exceeds £5,000 but does not exceed £7,500	£1,750
v	exceeds £7,500 but does not exceed £10,000	£2,000
vi	exceeds £10,000 but does not exceed £12,500	£2,200
vii	exceeds £12,500 but does not exceed £15,000	£2,400
<i>In actions where amount decreed (in the case of the plaintiff) and where amount claimed (in the case of the defendant)</i>		<i>Counsel's fee</i>
(1)		(3)
i	does not exceed £1,000	£150
ii	exceeds £1,000 but does not exceed £2,500	£220
iii	exceeds £2,500 but does not exceed £5,000	£320
iv	exceeds £5,000 but does not exceed £7,500	£400
v	exceeds £7,500 but does not exceed £10,000	£470
vi	exceeds £10,000 but does not exceed £12,500	£535
vii	exceeds £12,500 but does not exceed £15,000	£600

1. This Table does not apply to actions for defamation.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

2. Counsel travelling to attend a court–
 - (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £20·00;
 - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £40·00.

Solicitor travelling to attend a court–

- (a) 20 to 50 miles from the solicitor’s office or, where the solicitor’s firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £20·00;
- (b) more than 50 miles from the solicitor’s office or, where the solicitor’s firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £40·00.

Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.

3. Where the judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum of £35·00 for drafting a notice for further particulars.
4. For drafting a reply to a notice for further particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum of £35·00.
5. For each day or part of a day on which a trial or hearing is continued after the first day both counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel’s scale fee.
6. Where in any action or application under the Consumer Credit Act 1974 the amount decreed exceeds £15,000, the costs may be increased by such amounts as the Judge thinks proper having regard to the amount involved or the importance or difficulty of the case.

Costs where no notice of intention to defend is served and judgment is marked under Order 12

TABLE 2: PLAINTIFF'S COSTS

<i>In actions where amount decreed –</i>	<i>Where sum claimed and costs specified in civil bill not paid within 21 days of service</i>
(1)	(2)
i does not exceed £500	£66
ii exceeds £500 but does not exceed £1,000	£104
iii exceeds £1,000 but does not exceed £2,000	£130
iv exceeds £2,000 but does not exceed £3,000	£149
v exceeds £3,000 but does not exceed £4,000	£163
vi exceeds £4,000 but does not exceed £5,000	£181
vii exceeds £5,000 but does not exceed £6,000	£202
viii exceeds £6,000 but does not exceed £7,000	£220

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>In actions where amount decreed –</i>	<i>Where sum claimed and costs specified in civil bill not paid within 21 days of service</i>
(1)	(2)
ix	exceeds £7,000 but does not exceed £8,000 £237
x	exceeds £8,000 but does not exceed £9,000 £252
xi	exceeds £9,000 but does not exceed £10,000 £265
xii	exceeds £10,000 but does not exceed £12,500 £288
xiii	exceeds £12,500 but does not exceed £15,000 £319

1. Where the sum claimed is paid within 21 days of service of civil bill the sum for costs specified in column 2 to be reduced by 50%. See Order 55, Rule 14(1).
2. See Part IX (“Miscellaneous Costs”) of this Appendix for application of this Table to proceedings under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981 and under the Hire Purchase Acts.
3. Where in any undefended action under the Consumer Credit Act 1974 the amount decreed exceeds £15,000, the costs may be increased by such amounts as the district judge thinks proper having regard to the amount involved or the importance or difficulty of the case, provided that the total amount allowed for costs shall not exceed £352.
4. Solicitor travelling to attend a court–
 - (a) 20 to 50 miles from the solicitor’s office or, where the solicitor’s firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £20·00;
 - (b) more than 50 miles from the solicitor’s office or, where the solicitor’s firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £40·00.

Where a solicitor has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor.

Libel and slander

TABLE 3: PLAINTIFF'S COSTS

<i>In actions where amount decreed –</i>	<i>Solicitor’s costs</i>	<i>Counsel’s fee</i>
(1)	(2)	(3)
i	does not exceed £500	£447·00
ii	exceeds £500 but does not exceed £1,000	£192·00
iii	exceeds £1,000 but does not exceed £1,500	£287·00
iv	exceeds £1,500 but does not exceed £2,000	£357·00
		£447·00

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<i>In actions where amount decreed –</i> (1)	<i>Solicitor's costs</i> (2)	<i>Counsel's fee</i> (3)
v exceeds £2,000 but does not exceed £2,500	£810·00	£531·00
vi exceeds £2,500 but does not exceed £3,000	£910·00	£610·00

1. Counsel travelling to attend a court–
 - (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £20·00;
 - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £40·00.

Solicitor travelling to attend a court–

- (a) 20 to 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £20·00;
- (b) more than 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £40·00.

Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.

2. Where the judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum of £35·00 for drafting a notice for further particulars.
3. For drafting a reply to a notice for further particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum of £35·00.
4. For each day or part of a day on which a trial or hearing is continued after the first day counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel's scale fee.

Libel and slander

TABLE 4: DEFENDANT'S COSTS

<i>In actions where amount claimed –</i> (1)	<i>Solicitor's costs</i> (2)	<i>Counsel's fee</i> (3)
i does not exceed £500	£434·00	£192·00
ii exceeds £500 but does not exceed £1,000	£512·00	£287·00
iii exceeds £1,000 but does not exceed £1,500	£588·00	£357·00
iv exceeds £1,500 but does not exceed £2,000	£702·00	£447·00
v exceeds £2,000 but does not exceed £2,500	£796·00	£531·00

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<i>In actions where amount claimed –</i> (1)	<i>Solicitor's costs</i> (2)	<i>Counsel's fee</i> (3)
vi exceeds £2,500 but does not exceed £3,000	£897.00	£610.00

1. Counsel travelling to attend a court–
 - (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £20.00;
 - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £40.00.

Solicitor travelling to attend a court–

- (a) 20 to 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £20.00;
- (b) more than 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £40.00.

Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.

2. Where the judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum of £35.00 for drafting a notice for further particulars.
3. For drafting a reply to a notice for further particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum of £35.00.
4. For each day or part of a day on which a trial or hearing is continued after the first day counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel's scale fee.

PART II

Remitted actions

TABLE 1: PLAINTIFF'S COSTS

<i>In actions where amount decreed –</i> (1)	<i>Solicitor's costs</i> (2)
i does not exceed £1,000	£450
ii exceeds £1,000 but does not exceed £2,500	£950
iii exceeds £2,500 but does not exceed £5,000	£1,350
iv exceeds £5,000 but does not exceed £7,500	£1,750
v exceeds £7,500 but does not exceed £10,000	£2,000
vi exceeds £10,000 but does not exceed £12,500	£2,200
vii exceeds £12,500 but does not exceed £15,000	£2,400

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<i>In actions where amount decreed –</i> (1)	<i>Counsel's fee</i> (3)
i does not exceed £1,000	£150
ii exceeds £1,000 but does not exceed £2,500	£220
iii exceeds £2,500 but does not exceed £5,000	£320
iv exceeds £5,000 but does not exceed £7,500	£400
v exceeds £7,500 but does not exceed £10,000	£470
vi exceeds £10,000 but does not exceed £12,500	£535
vii exceeds £12,500 but does not exceed £15,000	£600

1. Where a Chancery action is remitted the Judge shall direct which costs tables shall apply having regard to the subject matter of the suit.
 2. Counsel travelling to attend a court–
 - (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £20·00;
 - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £40·00.
- Solicitor travelling to attend a court–
- (a) 20 to 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £20·00;
 - (b) more than 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £40·00.

Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.

3. Where the amount decreed exceeds £15,000, the costs may be increased by such amounts as the Judge thinks proper having regard to the amount involved or the importance or difficulty of the case.
4. Where the judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum of £35·00 for drafting a notice for further particulars.
5. For drafting a reply to a notice for further particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum of £35·00.
6. For each day or part of a day on which a trial or hearing is continued after the first day both counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel's scale fee.

TABLE 2: DEFENDANT'S COSTS

Solicitor's costs	£2,400·00
Counsel's fee	£600·00

provided, however, that, where no specific sum or a sum exceeding £15,000 is claimed, the Judge, having regard to the importance or difficulty of the case or to the amount involved, may increase the above amount.

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1. Where a Chancery action is remitted the Judge shall direct which costs tables shall apply having regard to the subject matter of the suit.
 2. Where the defendant complies with Order 8, Rule 6, he shall be entitled to claim £20.11.
 3. Counsel travelling to attend a court—
 - (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £20·00;
 - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £40·00.
- Solicitor travelling to attend a court—
- (a) 20 to 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £20·00;
 - (b) more than 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £40·00.

Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.

4. Where the judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum of £35·00 for drafting a notice for further particulars.
5. For drafting a reply to a notice for further particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum of £35·00.
6. For each day or part of a day on which a trial or hearing is continued after the first day counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel's fee.

PART III

Ejectments

TABLE 1: PLAINTIFF'S COSTS

(1)	<i>Solicitor's costs</i> (2)	<i>Counsel's fee</i> (3)
Where the proceedings are for the recovery of possession of premises by a statutory body under statutory powers or which are not otherwise subject to the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland) 1920 to 1956 and the Rent (Northern Ireland) Order 1978(8)	£110·00	£54·00
In other cases— where the valuation		
i does not exceed £500	£269·00	£102·00
ii exceeds £500	£383·00	£192·00
1. See Order 55, Rule 14(1). Only 50% payable where defendant delivers up possession within 21 days of service of civil bill.		
2. Counsel travelling to attend a court— (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £20·00;		

(8) 1978/1050 (N.I. 20)

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- (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £40·00.

Solicitor travelling to attend a court—

- (a) 20 to 50 miles from the solicitor’s office or, where the solicitor’s firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £20·00;
- (b) more than 50 miles from the solicitor’s office or, where the solicitor’s firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £40·00.

Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.

- 3. For each day or part of a day on which a trial or hearing is continued after the first day counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel’s scale fee.

TABLE 2: DEFENDANT’S COSTS

(1)	<i>Solicitor’s costs</i> (2)	<i>Counsel’s fee</i> (3)
Where the proceedings are for the recovery of possession of premises by a statutory body under statutory powers or which are not otherwise subject to the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland) 1920 to 1956 and the Rent (Northern Ireland) Order 1978	£110·00	£54·00
In other cases— where the valuation		
i does not exceed £500	£269·00	£102·00
ii exceeds £500	£383·00	£192·00

- 1. Counsel travelling to attend a court—
 - (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £20·00;
 - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £40·00.

Solicitor travelling to attend a court—

- (a) 20 to 50 miles from the solicitor’s office or, where the solicitor’s firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £20·00;
- (b) more than 50 miles from the solicitor’s office or, where the solicitor’s firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £40·00.

Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.

- 2. For each day or part of a day on which a trial or hearing is continued after the first day counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel’s scale fee.

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PART IV

Proceedings to annul precept, order or conviction – Order 37

Instructions, drawing notice and copy	£16·87
Entry, preparation for and attending hearing	£55·73
Drawing order	£5·06

PART V

Restitution of possession

Where the application for restitution is opposed and is refused, Part III, Table 2, shall apply as if the respondent were a defendant.

Where the application for restitution is granted no party and party costs shall be allowed.

PART VI

Grant and revocation of probate or administration

TABLE 1: PLAINTIFF'S COSTS

<i>Where the net estate –</i> (1)	<i>Solicitor's costs</i> (2)	<i>Counsel's fee</i> (3)
i does not exceed £10,000	£307·00	£230·00
ii exceeds £10,000 but not £20,000	£422·00	£287·00
iii exceeds £20,000 but not £30,000	£563·00	£320·00
iv exceeds £30,000 but not £40,000	£693·00	£351·00
v exceeds £40,000 but not £45,000	£816·00	£378·00

1. Counsel travelling to attend a court–
 - (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £20·00;
 - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £40·00.

- Solicitor travelling to attend a court–
 - (a) 20 to 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £20·00;
 - (b) more than 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £40·00.

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- Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.
2. Where the judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum of £35·00 for drafting a notice for further particulars.
 3. For drafting a reply to a notice for further particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum of £35·00.
 4. For each day or part of a day on which a trial or hearing is continued after the first day counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel's scale fee.

TABLE 2: DEFENDANT'S COSTS

<i>Where the net estate –</i> (1)	<i>Solicitor's costs</i> (2)	<i>Counsel's fee</i> (3)
i does not exceed £10,000	£295·00	£230·00
ii exceeds £10,000 but not £20,000	£409·00	£287·00
iii exceeds £20,000 but not £30,000	£549·00	£320·00
iv exceeds £30,000 but not £40,000	£681·00	£351·00
v exceeds £40,000 but not £45,000	£804·00	£378·00
1. Counsel travelling to attend a court–		
(a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £20·00;		
(b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £40·00.		
Solicitor travelling to attend a court–		
(a) 20 to 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £20·00;		
(b) more than 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £40·00.		

- Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.
2. Where the judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum of £35·00 for drafting a notice for further particulars.
 3. For drafting a reply to a notice for further particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum of £35·00.
 4. For each day or part of a day on which a trial or hearing is continued after the first day counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel's scale fee.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART VII

Application under Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968

TABLE 1: APPLICANT'S COSTS

<i>Where the net estate –</i> (1)	<i>Solicitor's costs</i> (2)	<i>Counsel's fee</i> (3)
i does not exceed £30	£21·00	£8·00
ii exceeds £30 but does not exceed £75	£38·00	£21·00
iii exceeds £75 but does not exceed £150	£67·00	£26·00
iv exceeds £150 but does not exceed £300	£104·00	£34·00
v exceeds £300 but does not exceed £500	£115·00	£37·00
vi exceeds £500 but does not exceed £1,000	£137·00	£39·00
vii exceeds £1,000 but does not exceed £2,000	£152·00	£56·00
viii exceeds £2,000 but does not exceed £3,500	£174·00	£67·00
ix exceeds £3,500 but does not exceed £5,000	£190·00	£79·00
x exceeds £5,000 but does not exceed £5,500	£200·00	£81·00
xi exceeds £5,500 but does not exceed £6,000	£209·00	£87·00
xii exceeds £6,000 but does not exceed £6,500	£221·00	£89·00
xiii exceeds £6,500 but does not exceed £7,000	£229·00	£95·00
xiv exceeds £7,000 but does not exceed £7,500	£238·00	£101·00

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<i>Where the net estate –</i> (1)	<i>Solicitor's costs</i> (2)	<i>Counsel's fee</i> (3)
xv exceeds £7,500 but does not exceed £8,000	£249·00	£104·00
xvi exceeds £8,000 but does not exceed £8,500	£260·00	£107·00
xvii exceeds £8,500 but does not exceed £9,000	£268·00	£115·00
xviii exceeds £9,000 but does not exceed £9,500	£276·00	£118·00
xix exceeds £9,500 but does not exceed £10,000	£284·00	£123·00

1. If claim is settled and attendance of applicant's solicitor not required at court for purpose of obtaining a decree, 85% only of costs in columns (2) and (3) are payable, unless the parties otherwise agree or the Judge orders.
2. Where the respondent has before the hearing of an application in court made an unconditional offer in writing to pay a specified amount for compensation and the compensation awarded by the Judge does not exceed such amount, only 50% of the costs in columns (2) and (3) are payable. Such written offer must be served on the applicant in accordance with section 24 of the Interpretation Act (Northern Ireland) 1954 not less than fourteen days before the commencement of the actual hearing by the Judge. The amount specified in the offer shall not be communicated to the Judge until after he has determined the amount awarded.
3. Where the case is of exceptional complexity or difficulty, and in any event, taking into account the role of counsel and the nature and content of the proceedings, the Judge may certify an amount exceeding scale figure.
4. Where the Judge considers that it was proper for the applicant to instruct senior as well as junior counsel, he may certify counsel's fees and solicitor's costs in such sum as he considers appropriate.
5. Where the amount awarded exceeds £10,000, the Judge shall, unless the parties otherwise agree, certify the amount for solicitor's costs and the amount allowed for counsel's fees.

RESPONDENT'S COSTS

Where an application for compensation is dismissed the amount recoverable by the respondent for solicitor's costs or counsel's fees shall, in default of agreement, be such amount, if any, as the Judge may settle.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Party and party costs in appeals under Article 15 of the
Criminal Damage (Compensation) (Northern Ireland) Order
1977 in relation to claims for compensation under that Order**

TABLE 2: APPELLANT'S COSTS

<i>Where the amount awarded is greater than the Secretary of State's determination and does not exceed</i>	<i>Solicitor's costs</i>	<i>Counsel's fee</i>
(1)	(2)	(3)
£	£	£
250	145	56
500	179	69
750	225	92
1,000	256	107
2,000	288	121
3,000	322	135
4,000	356	141
5,000	387	152
6,000	423	162
7,000	456	174
8,000	487	182
9,000	523	194
10,000	557	205
15,000	709	259
20,000	879	319
25,000	1,032	376
30,000	1,201	443
35,000	1,354	501
40,000	1,519	570
45,000	1,675	612
50,000	1,829	703
60,000	2,074	813
70,000	2,316	925
80,000	2,551	1,041
90,000	2,795	1,166
100,000	3,026	1,285

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<i>Where the amount awarded is greater than the Secretary of State's determination and does not exceed</i>	<i>Solicitor's costs</i>	<i>Counsel's fee</i>
(1)	(2)	(3)
£	£	£
125,000	3,182	1,369
150,000	3,349	1,461
175,000	3,514	1,576
200,000	3,672	1,649
250,000	3,991	1,836
300,000	4,071	1,890
350,000	4,150	1,937
400,000	4,224	1,985
450,000	4,303	2,031
500,000	4,381	2,086
600,000	4,543	2,191
700,000	4,699	2,294
800,000	4,860	2,398
900,000	5,023	2,512
1,000,000	5,177	2,621

NOTES:

1. Subject to the discretion of the Judge to certify otherwise, the scale of counsel's fees in column (3) above relates only to the item or items in dispute and not to the value of the claim as a whole.
2. Where a case is settled more than 2 days prior to the court hearing, 85% of the appropriate amount in column (3) of the above table is payable as counsel's fees.
3. Where the Judge considers it was proper for an applicant to instruct senior as well as junior counsel, the senior counsel's fee will be one and a half times the appropriate figure in column (3) of the above table.
4. Where the amount awarded is in excess of £1,000,000 the Judge shall, unless the parties otherwise agree, certify the amount of solicitor's costs and the amount allowed for counsel's fees.
5. Where the case is one of exceptional complexity or difficulty the Judge may certify an amount exceeding the scale figures in columns (2) or (3) of the above table.
6. Nothing in this table or note shall derogate from the provisions of Rule 4 of Order 54 or Article 15(3) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977⁽⁹⁾.
7. The scale of solicitor's costs in column (2) of the above table is inclusive of any costs (but not expenses) payable under Article 12(2) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 in respect of making out and verifying the claim to compensation up to the date of the Secretary of State's determination.
8. (a) Where a solicitor conducts an appeal without counsel he shall, if the Judge so allows, be entitled to an enhancement of his costs in addition to the scale costs in column (2) of the above table; and
(b) the amount of any enhancement shall be in the discretion of the Judge, but shall not exceed 50% of the scale fee in column (3) of the above table to which counsel, if conducting the appeal, would have been entitled.

(9) S.I.1977/1247 (N.I. 14)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

RESPONDENT'S COSTS

1. Where an appeal is dismissed, the Judge may order the appellant to pay the Secretary of State an amount for his solicitor's costs or counsel's fees.

2. Where he does so, that amount shall, in default of agreement, be such as the Judge may determine, whether equal to or less than the costs actually incurred or the fees paid by the Secretary of State in resisting the appeal.

Party and party costs in appeals under Article 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

TABLE 3: APPELLANT'S COSTS

<i>Where the amount awarded is greater than the Secretary of State's determination and does not exceed –</i>	<i>Solicitor's costs</i>	<i>Counsel's fee</i>
(1)	(2)	(3)
£	£	£
500	225	92
750	310	126
1,000	387	148
2,000	423	163
3,000	444	181
4,000	478	198
5,000	500	215
6,000	523	220
7,000	544	227
8,000	565	236
9,000	588	246
10,000	611	256
15,000	701	283
20,000	808	322
25,000	921	349
30,000	1,030	378
35,000	1,143	422
40,000	1,254	466
45,000	1,365	509
50,000	1,472	557
60,000	1,608	606
70,000	1,774	686

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<i>Where the amount awarded is greater than the Secretary of State's determination and does not exceed –</i>	<i>Solicitor's costs</i>	<i>Counsel's fee</i>
(1)	(2)	(3)
£	£	£
80,000	1,997	784
90,000	2,217	886
100,000	2,440	989
125,000	2,773	1,154
150,000	2,881	1,228
175,000	2,995	1,293
200,000	3,104	1,356
225,000	3,219	1,415
250,000	3,328	1,473

NOTE:

1. Where a case is settled more than 2 days prior to the court hearing, 85% of the appropriate amount in column (3) of the above table is payable as counsel's fee.
2. Where the Judge considers it was proper for an applicant to instruct senior as well as junior counsel, the senior counsel's fee will be one and a half times the appropriate figure in column (3) of the above table.
3. Where the amount awarded is in excess of £250,000 the Judge shall, unless the parties otherwise agree, certify the amount of solicitor's costs and the amount allowed for counsel's fees.
4. Where the case is one of exceptional complexity or difficulty the Judge may certify an amount exceeding the scale figures in columns (2) or (3) of the above table.
5. Nothing in this table or note shall derogate from the provisions of Rule 4 of Order 54 or Article 16(3) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988(10).
6. The scale of solicitor's costs in column (2) of the above table is inclusive of any costs (but not expenses) payable under Article 13(2) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 in respect of making out and verifying the claim to compensation up to the date of the Secretary of State's determination.
7. (a) Where a solicitor conducts an appeal without counsel he shall, if the Judge so allows, be entitled to an enhancement of his costs in addition to the scale costs in column (2) of the above table; and
(b) the amount of any such enhancement so allowed shall be in the discretion of the Judge, but shall not exceed 50% of the scale fee in column (3) of the above table to which counsel, if conducting the appeal, would have been entitled.

RESPONDENT'S COSTS

1. Where an appeal is dismissed, the Judge may order the appellant to pay to the Secretary of State an amount for his solicitor's costs or counsel's fee.

2. Where he does so, that amount shall, in default of agreement, be such as the Judge may determine, whether equal to or less than the costs actually incurred or the fees paid by the Secretary of State in resisting the appeal.

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Party and party costs in appeals under section 55(4) of the Northern Ireland (Emergency Provisions) Act 1996 and under paragraph (5) of Schedule 12 to the Terrorism Act 2000

TABLE 4: APPELLANT'S COSTS

<i>Where the amount awarded is greater than the Secretary of State's decision and does not exceed</i>	<i>Solicitor's costs</i>	<i>Counsel's fee</i>
(1)	(2)	(3)
£	£	£
250	145	56
500	179	69
750	225	92
1,000	256	108
2,000	288	121
3,000	322	135
4,000	356	141
5,000	387	152
6,000	423	162
7,000	456	174
8,000	487	182
9,000	523	194
10,000	557	205
15,000	709	259
20,000	879	319
25,000	1,032	376
30,000	1,201	443
35,000	1,354	501
40,000	1,519	570
45,000	1,673	612
50,000	1,829	703

NOTES:

1. Subject to the discretion of the Judge to certify otherwise, the scale of counsel's fees in column (3) above relates only to the item or items the subject of the appeal and not to the value of the claim as a whole.
2. Where a case is settled more than 2 days prior to the court hearing, 85% of the appropriate amount in column (3) of the above table is payable as counsel's fees.
3. Where the Judge considers it was proper for an appellant to instruct senior as well as junior counsel, the senior counsel's fee will be one and a half times the appropriate figure in column (3) of the above table.

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4. Where the amount awarded is in excess of £50,000 the Judge shall, unless the parties otherwise agree, certify the amount of solicitor's costs and the amount allowed for counsel's fees.
5. Where the case is one of exceptional complexity or difficulty the Judge may certify an amount exceeding the scale figures in columns (2) or (3) of the above table.
6. Nothing in this table or note shall derogate from the provisions of Rule 4 of Order 54.
7. The scale of solicitor's costs in column (2) above is inclusive of any costs (but not expenses) payable by the Secretary of State in respect of making out and verifying the claim to compensation up to the date of service of notice of the Secretary of State's decision under section 55(4) of the Northern Ireland (Emergency Provisions) Act 1996⁽¹¹⁾ or under paragraph 4 of Schedule 12 to the Terrorism Act 2000⁽¹²⁾.
8. Where an appeal under section 55(4) of the Northern Ireland (Emergency Provisions) Act 1996 or under paragraph 5 of Schedule 12 to the Terrorism Act 2000 is in respect of an act authorised by or on behalf of the Secretary of State under section 26(2) of the Northern Ireland (Emergency Provisions) Act 1996 or under section 91 of the Terrorism Act 2000 and the Judge considers that the scale of costs in this Schedule is inappropriate, the amount of solicitor's costs or of counsel's fees shall be at the discretion of the Judge and, unless the parties otherwise agree, he shall certify the amount he allows for such costs and fees.
9. (a) Where the solicitor conducts an appeal without counsel he shall, if the Judge so allows, be entitled to an enhancement of his costs in addition to the scale costs in column (2) of the above table; and
(b) The amount of any enhancement so allowed shall be in the discretion of the Judge but shall not exceed 50% of the scale fee in column (3) of the above table to which counsel, if conducting the appeal, would have been entitled.

RESPONDENT'S COSTS

1. Where an appeal is dismissed, the Judge may order the appellant to pay to the Secretary of State an amount for his solicitor's costs or counsel's fees.
2. Where he does so, that amount shall, in default of agreement, be such as the Judge may determine, whether equal to or less than the costs actually incurred or the fees paid by the Secretary of State in resisting the appeal.

PART VIII

Equity and Title suits

1. Subject to the Judge's discretion, the following rules shall be applicable to the costs of equity and title suits and proceedings under Articles 13 and 14 of the Order.
2. For the determination of costs in equity and title matters there shall be seven scales which correspond in respect of solicitor's costs and counsel's fee, to the amounts prescribed in Table 1 of Part I and which shall be applied as follows, that is to say—

<i>Where the value of the personalty and/or lands –</i>	<i>The scale applicable shall be –</i>
does not exceed £5,000	Scale (i)
exceeds £5,000 but not £10,000	Scale (ii)
exceeds £10,000 but not £15,000	Scale (iii)
exceeds £15,000 but not £20,000	Scale (iv)
exceeds £20,000 but not £25,000	Scale (v)
exceeds £25,000 but not £35,000	Scale (vi)

⁽¹¹⁾ 1996 c. 22

⁽¹²⁾ 2000 c. 11

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<i>Where the value of the personalty and/or lands –</i>	<i>The scale applicable shall be –</i>
exceeds £35,000 but not £45,000	Scale (vii)

3. For the purpose of ascertaining the appropriate scale the value of any lands not valued by a court valuer or sold in the course of the proceedings shall, subject to any direction of the Judge, be taken to be ten times their net annual value.

4. Where the subject of the proceedings is under the Rates (Northern Ireland) Order 1972 property which is not treated as a hereditament, its value shall, where the property is not valued by a court valuer or sold in the course of the proceedings be taken, subject to any direction of the Judge, to be an amount which is equal to forty times the amount which the Commissioner of Valuation certifies would be entered in the valuation list as its net annual value if it were so treated and if it had been valued under the enactments repealed by that Order.

5. Notwithstanding the foregoing provisions of this Part, the Judge may in any case direct that any of the scales prescribed in this Part be wholly or partly applicable for the determination of the costs of any party thereto.

6. Where, having regard to the work actually performed, the amounts provided under the relevant scale are in the opinion of the Judge inadequate, he may for any particular case make a special order allowing such costs and expenses as he may think just.

7. The value of the subject matter of any suit for the purpose of stamp duties and for the allowance of costs and expenses shall in case of dispute be assessed by the Judge.

8. Where a suit is terminated by settlement or other arrangement at any time before the final decree, the Judge may order such allowance in respect of costs and expenses of either or any of the parties as in his opinion, having regard to the nature and circumstances of the case, may seem just.

9. The costs of separate appearances by counsel or solicitor for parties whose interests are not antagonistic shall not be allowed, nor shall more than one set of costs be allowed for any parties for whom the Judge is of the opinion that separate appearances were unnecessary.

10. Where in a mortgage suit the defendant, either before the hearing or within the time fixed by the primary decree, pays the amount due for principal and interest together with all costs due up to the date of payment, such costs shall be ascertained by reference to the amount due at the commencement of the proceedings and not by reference to the value of the lands.

11. Counsel travelling to attend court–

- (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £20·00;
- (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £40·00.

Solicitor travelling to attend a court–

- (a) 20 to 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £20·00;
- (b) more than 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £40·00.

Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.

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12. For each day or part of a day on which a trial or hearing is continued after the first day counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel's scale fee.

PART IX

Miscellaneous Costs

INTERPLEADER PROCEEDINGS

The costs under Order 10 shall be in accordance with the foregoing Rules and Tables so far as appropriate and subject to any direction by the Judge.

INTERLOCUTORY APPLICATIONS

Instructions and drawing notice of motion or certificate of application for discovery, filing and serving copy	£100·00
Attending before Judge or District Judge on notice or ex parte	£50·00
Drawing up list of documents under Order 15	£35·18 (or such other amount as the Judge or District Judge may allow).

JUDGMENTS ENFORCEMENT (NORTHERN IRELAND) ORDER 1981: Part VIII

Costs of an enforcement order under Rule 4(2)(a) of Order 40 shall be in accordance with Part I, Table 3 as if the total amount ordered to be paid by instalments were the amount decreed.

Costs of a committal order or an attachment of earnings order made by the Court under the said Act shall be one-half the amount of the costs appropriate to an enforcement order.

ENFORCEMENT OF COUNTY COURT DECREES IN OTHER PARTS OF THE UNITED KINGDOM

Applicant's costs of obtaining a certificate in respect of a money provision contained in a decree	£22·34
And in addition £2·27 in respect of the affidavit together with the commissioner's fee (if any).	

HIRE-PURCHASE

Where an order is made for recovery of possession of goods let under a hire-purchase agreement, the prima facie value of the goods for the purpose of costs shall be the total price less (a) the amount paid, and (b) the amount of arrears (if any) awarded by the decree or order, but this value may be varied by the Judge in his discretion and the costs shall be of the same amount as in proceedings for the recovery of a sum of money equal to the said value of the goods.

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Where a decree for arrears of instalments and/or damages is coupled with an order for recovery of possession of goods the amount thereof shall be added to the value of the goods as ascertained as above for the purpose of fixing the amount of the costs.

In any proceedings on foot of a hire-purchase agreement for recovery of possession of goods or for arrears of instalments or for damages for breach of the said agreement where such proceedings are undefended the costs shall be in accordance with Part I, Table 3 and in other cases Part I, Table 1 or 2.

STATUTORY APPEALS AND APPLICATIONS

Notice of appeal or application, services and entry	£16·64
Preparation for and attending hearing, instructing counsel (if any) and taking out order	£88·34
Counsel's fees	£55·07
<p>The above fees may be increased at the discretion of the Judge, who may, in the case of an application under the Administration of Estates Acts (Northern Ireland) 1955 or the Inheritance (Provision for Family and Dependents) (Northern Ireland) Order 1979 or the Administration of Estates (Northern Ireland) Order 1979 or any other statutory application not otherwise provided for, direct that the Equity scales shall apply in lieu of the above costs.</p>	

PROCEEDINGS FOR WRONGFUL INTERFERENCE WITH GOODS

Where an order is made for delivery of goods with or without an order for damages the value of the goods as assessed by the court shall be added to the damages, if any, for the purpose of ascertaining the appropriate costs scales.

Where an action for wrongful interference with goods is dismissed the defendant's costs shall be based upon the value of the goods claimed as assessed by the court or shall be such sum as the Judge may award.

COSTS OF THE DAY

If ordered by the Judge on the application of any party, the costs of the day in any proceeding shall be in the discretion of the Judge.

PART X

Occasional costs

1.	For any affidavit of service not otherwise provided for	£2·27
2.	For any other necessary affidavit not otherwise provided for, per folio	£0·94
3.	For preparing recognizance	£2·61
4.	For drawing, issuing and having served a witness summons	£7·61

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5.	For drawing costs and copies, per page	£5·64
6.	For attending taxation, per hour	£9·52

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the County Court Rules (Northern Ireland) 1981 to make a number of changes to the scale costs for solicitor and counsel prescribed in Appendix 2 including:

- a reduction in the number of bands of costs for proceedings commenced by ordinary civil bill and an increase in the amount of costs payable;
- an increase in costs payable in respect of travelling and for drafting a reply to notice for further particulars;
- to otherwise increase costs by 4.3%;
- the introduction of discretionary costs for drafting a notice for particulars;
- combining in one Part the costs for title and equity suits reducing the number of bands of costs;
- provision for enhancing costs by one third in certain complex cases; and
- other minor or consequential changes.