

1975 No. 345

COUNTY COURTS

County Court (Costs) Rules (Northern Ireland) 1975

Made 2nd December 1975

Coming into operation : 1st January 1976

To be laid before Parliament

The Secretary of State(a), in pursuance of section 146 of the County Courts Act (Northern Ireland) 1959(b) on the recommendation of the County Court Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following rules:

Citation and commencement

1. These rules may be cited as the County Court (Costs) Rules (Northern Ireland) 1975 and shall come into operation on 1st January 1976.

Amendment of Rules of 1965

2. The provisions of the County Court Rules (Northern Ireland) 1965(c) specified in the first column of the Schedule are hereby amended to the extent specified in the second column thereof.

Saving for previous application of pre-existing scales

3. Nothing in these rules shall affect any action, suit or matter commenced before 1st January 1976 and the costs payable to solicitors and in respect of counsel shall be those payable immediately before the commencement of these rules.

Northern Ireland Office
28th November 1975

Merlyn Rees
One of Her Majesty's Principal
Secretaries of State

We concur in so much of the Schedule as amends Appendix ZM to the County Court Rules (Northern Ireland) 1965 (prescribing court fees).

2nd December 1975

James A. Dunn
M. Cocks
Two of the Lords Commissioners
of Her Majesty's Treasury

(a) Formerly the Minister of Home Affairs for Northern Ireland: *see* S.I. 1973/2163

(b) 1959 c. 25 (N.I.)

(c) S.R. & O. (N.I.) 1965 No. 261 (p. 1097) as amended by S.R. & O. (N.I.) 1969 No. 195 (p. 791) and S.R. & O. (N.I.) 1972 No. 197 (p. 1078)

SCHEDULE

Amendment of the County Court Rules (Northern Ireland) 1965

Provision amended	Amendment
Order 44: Rule 2	In Order 44 in rule 2 for the words "15th August 1972" there shall be substituted the words "1st January 1976".
Order 44: Rule 4	In Order 44 in rule 4 for the expression "£300" there shall be substituted the expression "£1,000".
Order 44: Rule 5	In Order 44 in rule 5 the words from "so, however that" to the end shall be omitted.
Order 44: Rule 10	In Order 44 in rule 10 the words "that the amount decreed may be made payable by instalments or" shall be omitted.
Order 44: Rule 10 and Rule 13	In Order 44 in rule 10(2) and in rule 13 for the reference to Table 4 in Part I of Appendix ZL there shall be substituted a reference to Table 3 in that Part of that Appendix.
Order 44: Rule 11	In Order 44 in rule 11 for the words "shall not" to the end there shall be substituted the words "in accordance with section 1 of the Litigants in Person (Costs and Expenses) Act 1975 shall be such as may be determined by the judge".

Provision amended	Amendment																																																		
Appendix ZL	<p>For Appendix ZL there shall be substituted the following:</p> <p style="text-align: center;">“APPENDIX ZL</p> <p style="text-align: center;">PART I.</p> <p style="text-align: center;">Ordinary Civil Bills¹</p> <p style="text-align: center;">(other than those provided for in Table 3)</p> <p>TABLE 1: PLAINTIFF'S COSTS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">In actions where amounts decreed—</th> <th style="text-align: center;">Solicitor's costs</th> <th style="text-align: center;">Counsel's fee²</th> </tr> <tr> <th style="text-align: center;">(1)</th> <th style="text-align: center;">(2)</th> <th style="text-align: center;">(3)</th> </tr> </thead> <tbody> <tr> <td>(i) does not exceed £30</td> <td style="text-align: right;">£12.00</td> <td style="text-align: right;">£6.00</td> </tr> <tr> <td>(ii) exceeds £30 but does not exceed £100</td> <td style="text-align: right;">£30.00</td> <td style="text-align: right;">£12.00</td> </tr> <tr> <td>(iii) exceeds £100 but does not exceed £250</td> <td style="text-align: right;">£60.00</td> <td style="text-align: right;">£20.00</td> </tr> <tr> <td>(iv) exceeds £250 but does not exceed £500</td> <td style="text-align: right;">£100.00</td> <td style="text-align: right;">£28.00</td> </tr> <tr> <td>(v) exceeds £500 but does not exceed £750</td> <td style="text-align: right;">£140.00</td> <td style="text-align: right;">£36.00</td> </tr> <tr> <td>(vi) exceeds £750</td> <td style="text-align: right;">£180.00</td> <td style="text-align: right;">£44.00</td> </tr> </tbody> </table> <p>1. This Table does not apply to actions for defamation.</p> <p>2. Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional £4.00.</p> <p>3. For each copy civil bill required for service after first add 20p to costs. See Order 44: rule 12.</p> <p>4. Where service of civil bill effected by post under rule 3(2)(b) of Order 6 the solicitor is entitled to 60p inclusive of outlay in lieu of process server's fee as prescribed by Appendix E. See Order 44: rule 15A.</p> <p style="text-align: center;">Ordinary Civil Bills¹</p> <p>TABLE 2: DEFENDANT'S COSTS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">In actions where amounts claimed²—</th> <th style="text-align: center;">Solicitor's costs</th> <th style="text-align: center;">Counsel's fee³</th> </tr> <tr> <th style="text-align: center;">(1)</th> <th style="text-align: center;">(2)</th> <th style="text-align: center;">(3)</th> </tr> </thead> <tbody> <tr> <td>(i) does not exceed £30</td> <td style="text-align: right;">£11.00</td> <td style="text-align: right;">£6.00</td> </tr> <tr> <td>(ii) exceeds £30 but does not exceed £100</td> <td style="text-align: right;">£28.00</td> <td style="text-align: right;">£12.00</td> </tr> <tr> <td>(iii) exceeds £100 but does not exceed £250</td> <td style="text-align: right;">£58.00</td> <td style="text-align: right;">£20.00</td> </tr> <tr> <td>(iv) exceeds £250 but does not exceed £500</td> <td style="text-align: right;">£95.00</td> <td style="text-align: right;">£28.00</td> </tr> <tr> <td>(v) exceeds £500 but does not exceed £750</td> <td style="text-align: right;">£135.00</td> <td style="text-align: right;">£36.00</td> </tr> <tr> <td>(vi) exceeds £750</td> <td style="text-align: right;">£175.00</td> <td style="text-align: right;">£44.00</td> </tr> </tbody> </table> <p>1. This Table does not apply to actions for defamation.</p> <p>2. See Order 44: rule 9 for costs of counterclaim.</p> <p>3. Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional £4.00.</p>			In actions where amounts decreed—	Solicitor's costs	Counsel's fee ²	(1)	(2)	(3)	(i) does not exceed £30	£12.00	£6.00	(ii) exceeds £30 but does not exceed £100	£30.00	£12.00	(iii) exceeds £100 but does not exceed £250	£60.00	£20.00	(iv) exceeds £250 but does not exceed £500	£100.00	£28.00	(v) exceeds £500 but does not exceed £750	£140.00	£36.00	(vi) exceeds £750	£180.00	£44.00	In actions where amounts claimed ² —	Solicitor's costs	Counsel's fee ³	(1)	(2)	(3)	(i) does not exceed £30	£11.00	£6.00	(ii) exceeds £30 but does not exceed £100	£28.00	£12.00	(iii) exceeds £100 but does not exceed £250	£58.00	£20.00	(iv) exceeds £250 but does not exceed £500	£95.00	£28.00	(v) exceeds £500 but does not exceed £750	£135.00	£36.00	(vi) exceeds £750	£175.00	£44.00
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Provision amended	Amendment		
Appendix ZL (contd.)	Default and Summary Civil Bills¹²³ and Undefended Actions³⁴		
	TABLE 3: PLAINTIFF'S COSTS		
	In actions where amounts decreed— (1)	Where sum claimed and costs specified in civil bill not paid within 14 days of service (2)	
(i) does not exceed £30 (ii) exceeds £30 but does not exceed £100 (iii) exceeds £100 but does not exceed £250 (iv) exceeds £250 but does not exceed £500 (v) exceeds £500 but does not exceed £750 (vi) exceeds £750	£10.00 £15.00 £16.00 £17.00 £19.00 £23.00		
<ol style="list-style-type: none"> 1. Where a default or summary civil bill is defended, the costs of plaintiff and defendant respectively shall be in accordance with Tables 1 and 2 or, if the Judge so directs under rule 10 of Order 44, the costs of the plaintiff shall be in accordance with the above Table. 2. Where defendant in proceedings commenced by summary or default civil bill has served notice that he disputes liability for the claim or alleges a counterclaim and the action has been entered for hearing as an ordinary action in accordance with rule 7 or, as the case may be, rule 13 of Order 12 and the defendant fails to enter a defence and to defend it, the costs to be increased by 100%. 3. Where the sum claimed is paid within 14 days of service of civil bill the sum for costs specified in column 2 to be reduced by 50%. See rule 13A of Order 12 and rule 13 of Order 44. 4. See Order 44: rule 10(2) (inserted by S.R. & O. (N.I.) 1969 No. 195) for Judge's discretion re costs and counsel in undefended actions for damages. 5. For each copy civil bill required for service after first add 20p to costs. See Order 44: rule 12. 6. Where service of civil bill effected by post under rule 3(2)(b) of Order 6 the solicitor is entitled to 60p inclusive of outlay in lieu of process server's fee as prescribed by Appendix E. See Order 44: rule 15A. 7. See Part IX ("Miscellaneous Costs") of this Appendix for application of this Table to proceedings under Part VII of the Judgments (Enforcement) Act (N.I.) 1969 and under the Hire Purchase Acts. 			
Ordinary Civil Bills—Title Jurisdiction			
TABLE 4: PLAINTIFF'S COSTS			
Valuation ¹ (1)	Solicitor's costs (2)	Counsel's fee ² (3)	
(i) not exceeding £50 (ii) exceeding £50	£35.00 £56.00	£20.00 £25.00	

Provision amended	Amendment																								
<p>Appendix ZL (contd.)</p>	<ol style="list-style-type: none"> 1. To be calculated according to the valuation of the lands of the plaintiff or defendant, as the Judge may direct. 2. Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional £4.00. 3. For each copy civil bill required for service after first add 20p to costs. See Order 44: rule 12. 4. Where service of civil bill effected by post under rule 3(2)(b) of Order 6 the solicitor is entitled to 60p inclusive of outlay in lieu of process server's fee as prescribed by Appendix E. See Order 44: rule 15A. <p style="text-align: center;">Ordinary Civil Bills—Title Jurisdiction</p> <p>TABLE 5: DEFENDANT'S COSTS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Valuation¹</th> <th style="text-align: center;">Solicitor's costs</th> <th style="text-align: center;">Counsel's fee²</th> </tr> <tr> <th style="text-align: center;">(1)</th> <th style="text-align: center;">(2)</th> <th style="text-align: center;">(3)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">(i) not exceeding £50</td> <td style="text-align: center;">£33.00</td> <td style="text-align: center;">£20.00</td> </tr> <tr> <td style="text-align: center;">(ii) exceeding £50</td> <td style="text-align: center;">£51.00</td> <td style="text-align: center;">£25.00</td> </tr> </tbody> </table> <ol style="list-style-type: none"> 1. To be calculated according to the valuation of the lands of the plaintiff or defendant, as the Judge may direct. 2. Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional £4.00. <p style="text-align: center;">Libel and Slander</p> <p>TABLE 6: PLAINTIFF'S COSTS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">In actions where amount decreed—</th> <th style="text-align: center;">Solicitor's costs</th> <th style="text-align: center;">Counsel's fee¹</th> </tr> <tr> <th style="text-align: center;">(1)</th> <th style="text-align: center;">(2)</th> <th style="text-align: center;">(3)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">(i) does not exceed £100</td> <td style="text-align: center;">£50.00</td> <td style="text-align: center;">£25.00</td> </tr> <tr> <td style="text-align: center;">(ii) exceeds £100</td> <td style="text-align: center;">£75.00</td> <td style="text-align: center;">£40.00</td> </tr> </tbody> </table> <ol style="list-style-type: none"> 1. Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional sum of £4.00. 2. For each copy civil bill required for service after first add 20p to costs. See Order 44: rule 12. 3. Where service of civil bill effected by post under rule 3(2)(b) of Order 6 the solicitor is entitled to 60p inclusive of outlay in lieu of process server's fee as prescribed by Appendix E. See Order 44: rule 15A. 	Valuation ¹	Solicitor's costs	Counsel's fee ²	(1)	(2)	(3)	(i) not exceeding £50	£33.00	£20.00	(ii) exceeding £50	£51.00	£25.00	In actions where amount decreed—	Solicitor's costs	Counsel's fee ¹	(1)	(2)	(3)	(i) does not exceed £100	£50.00	£25.00	(ii) exceeds £100	£75.00	£40.00
Valuation ¹	Solicitor's costs	Counsel's fee ²																							
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(ii) exceeds £100	£75.00	£40.00																							

Provision amended	Amendment		
Appendix ZL (contd.)	Libel and Slander		
	TABLE 7: DEFENDANT'S COSTS		
	In actions where amount claimed— (1)	Solicitor's costs (2)	Counsel's fee ¹ (3)
	(i) up to £100 (ii) over £100	£48.00 £70.00	£25.00 £40.00
	1. Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional sum of £4.00.		
	PART II		
	Remitted Actions¹		
	TABLE 1: PLAINTIFF'S COSTS		
	In actions where amount decreed— (1)	Solicitor's costs (2)	Counsel's fee ² (3)
	(i) does not exceed £30 (ii) exceeds £30 but does not exceed £100 (iii) exceeds £100 but does not exceed £250 (iv) exceeds £250 but does not exceed £500 (v) exceeds £500 but does not exceed £750 (vi) exceeds £750	£12.00 £30.00 £60.00 £100.00 £140.00 £180.00	£6.00 £12.00 £20.00 £28.00 £36.00 £44.00
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 more than 25 miles from the Head Post Office, Belfast, is entitled to an additional £4.00. 3. Where the amount decreed exceeds £1,000, 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.			
Remitted Actions¹			
TABLE 2: DEFENDANT'S COSTS²			
Subject to the power of the Judge where no specific sum is claimed or a sum exceeding £1,000 is claimed to increase the following amounts, having regard to the amount involved or the importance or difficulty of the case: Solicitor's costs £175.00 Counsel's fee ³ £44.00			

Provision amended	Amendment		
Appendix ZL (contd.)	<ol style="list-style-type: none"> 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:— lodging in office, copy writ of summons verified by affidavit and certified copy of notice of remittal and entering action £4.50. 3. Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional £4.00. 		
	<p>PART III</p> <p>Ejectments</p> <p>TABLE 1: PLAINTIFF'S COSTS</p>		
	Solicitor's costs ¹	Counsel's fee ²	
(1)	(2)	(3)	
<p>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—</p> <p>In other cases—</p> <p>where the valuation</p> <p>(i) does not exceed £50</p> <p>(ii) exceeds £50</p>	<p>£23.00</p> <p>£35.00</p> <p>£56.00</p>	<p>£12.00</p> <p>£20.00</p> <p>£25.00</p>	
<ol style="list-style-type: none"> 1. See Order 44: rule 13. Only 50% payable where defendant delivers up possession within 14 days of service of civil bill. 2. Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional £4.00. 3. For each copy civil bill required for service after first add 20p to costs. See Order 44: rule 12. 4. Where service of civil bill effected by post under rule 3(2)(b) of Order 6 the solicitor is entitled to 60p inclusive of outlay in lieu of process server's fee as prescribed by Appendix E. See Order 44: rule 15A. 			

Provision amended	Amendment.		
Appendix ZL (contd.)	Ejectments		
	TABLE 2: DEFENDANT'S COSTS		
	(1)	Solicitor's costs (2)	Counsel's fees (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— In other cases— where the valuation (i) does not exceed £50 (ii) exceeds £50	£21.00 £33.00 £51.00	£12.00 £20.00 £25.00
1. Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional £4.00.			
<p>PART IV</p> <p>Proceedings to Annul Precept, Order or Conviction—Order 33</p> <p>Instructions, drawing notice and copy £4.00</p> <p>Entry, preparation for and attending hearing ... £13.00</p> <p>Drawing order £1.00</p> <p>PART V</p> <p>Restitution of Possession</p> <p>Where the application for restitution shall be opposed and shall be refused, Part III, Table 2, shall apply as if the respondent were a defendant.</p> <p>Where the application for restitution is granted no party and party costs shall be allowed.</p>			

Provision amended	Amendment		
Appendix ZL (contd.)	PART VI Grant and Revocation of Probate or Administration TABLE 1: PLAINTIFF'S COSTS		
	Where the estate— (1)	Solicitor's costs (2)	Counsel's Fee ¹ (3)
(i) either, in as much as it consists of personalty, consists of personalty sworn at a value not exceeding £1,000 or, in so far as it consists of land, consists of land not exceeding £50 in net annual value (ii) where the estate does not fall within (i) above	£60.00 £75.00	£25.00 £30.00	
<ol style="list-style-type: none"> 1. Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional £4.00. 2. For each copy civil bill required for service after first add 20p to costs. See Order 44: rule 12. 3. Where service of civil bill effected by post under rule 3(2)(b) of Order 6 the solicitor is entitled to 60p inclusive of outlay in lieu of process server's fee as prescribed by Appendix E. See Order 44: rule 15A. 			
Grant and Revocation of Probate or Administration			
TABLE 2: DEFENDANT'S COSTS			
Where the estate— (1)	Solicitor's costs (2)	Counsel's Fee ¹ (3)	
(i) either, in as much as it consists of personalty, consists of personalty sworn at a value not exceeding £1,000 or, in so far as it consists of land, consists of land not exceeding £50 in net annual value (ii) where the estate does not fall within (i) above	£55.00 £69.00	£25.00 £30.00	
<ol style="list-style-type: none"> 1. Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional £4.00. 			

Provision
amended

Amendment

Appendix ZL
(contd.)

PART VII

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

TABLE 1: APPLICANT'S COSTS

Where amount awarded— (1)	Solicitor's costs (2)	Counsel's fee (3)
(1) does not exceed £30	£10.00	£5.00
(2) exceeds £30 but does not exceed £75	£19.50	£10.00
(3) exceeds £75 but does not exceed £150	£34.50	£12.50
(4) exceeds £150 but does not exceed £300	£55.00	£16.00
(5) exceeds £300 but does not exceed £500	£60.00	£18.00
(6) exceeds £500 but does not exceed £1,000	£70.00	£20.00
(7) exceeds £1,000 but does not exceed £2,000	£80.00	£30.00
(8) exceeds £2,000 but does not exceed £3,500	£90.00	£35.00
(9) exceeds £3,500 but does not exceed £5,000	£100.00	£40.00
(10) exceeds £5,000 but does not exceed £5,500	£105.00	£42.00
(11) exceeds £5,500 but does not exceed £6,000	£110.00	£45.00
(12) exceeds £6,000 but does not exceed £6,500	£115.00	£47.00
(13) exceeds £6,500 but does not exceed £7,000	£120.00	£50.00
(14) exceeds £7,000 but does not exceed £7,500	£125.00	£52.00
(15) exceeds £7,500 but does not exceed £8,000	£130.00	£55.00
(16) exceeds £8,000 but does not exceed £8,500	£135.00	£57.00
(17) exceeds £8,500 but does not exceed £9,000	£140.00	£60.00
(18) exceeds £9,000 but does not exceed £9,500	£145.00	£62.00
(19) exceeds £9,500 but does not exceed £10,000	£150.00	£63.00

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) payable, unless the parties otherwise agree or the Judge orders.

Provision
amended

Amendment

Appendix ZL
(contd.)

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 case 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.

Provision amended	Amendment
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Appendix ZL
(contd.)

Criminal Injury Applications

TABLE 2: 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.

PART VIII

Equity Suits and Proceedings

1. Subject to the Judge's discretion, the following regulations shall be applicable to the costs of Equity suits and proceedings under sections 15 and 16 of the Act.

2. For the determination of costs in Equity matters there shall be three scales which may be known respectively as Scales 1, 2 and 3, and shall, subject to the succeeding regulations of this Part, be applied as follows, that is to say:—

Where the value of the personalty and lands—	The Scale applicable shall be—
does not exceed £500	Scale 1
exceeds £500 but not £1,000	Scale 2
exceeds £1,000	Scale 3

and the costs in the Schedule hereto shall apply accordingly.

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 forty times their valuation under the Valuation Acts.

4. 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.

5. Where any costs or expenses have been provided for in the said Schedule, or where, having regard to the work actually performed, the amounts so provided for 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.

6. 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.

Provision amended	Amendment
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Appendix ZL
(contd.)

7. 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.

8. 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 opinion that separate appearances were unnecessary.

9. Costs as between party and party shall in all cases be taxed by the clerk of the Crown and peace or Registrar when directed by the Judge, and as between solicitor and client on requisition. Every such taxation shall be subject to review by the Judge wholly or in part.

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. Where Equity proceedings involve merely a declaration of title or a claim for damages for trespass to lands, or an injunction in relation to lands, it shall be in the discretion of the Judge to direct that costs shall be in accordance with Tables 4 and 5 in Part I in lieu of any other Tables or scales.

SCHEDULE

Counsel's Fees

	Scale 1	Scale 2	Scale 3
For advising proceedings or defence, settling the equity civil bill or petition and advising proofs—	£ 6	£ 12	£ 16
On the hearing of every equity civil bill or petition—	12	17	22
In suits in which the primary relief sought is of course, and involves a reference for account or inquiry, and a second decree, no fee shall be allowed in respect of the first hearing unless the Judge, having regard to any question of difficulty which may arise in the course of the suit, otherwise directs.			
In every suit for equitable relief, where the right to such relief is not contested, the fees allowed on the hearing shall, unless the Judge otherwise directs, not exceed—	6	12	16

Provision amended	Amendment
Appendix ZL (<i>contd.</i>)	<p>The allowance of fees for Counsel which are not hereinbefore provided for shall be governed by the nature, circumstances and general requirements of each case; and, save as herein provided, no fee to Counsel shall be allowed on taxation unless by special direction in writing signed by the Judge, which direction must in all cases be applied for at the time of Counsel's appearance; and no costs of Counsel shall be allowed in any case which in the opinion of the Judge is not fit for such allowance.</p> <p>In all cases in which a fee to Counsel is allowed or directed by the Judge, there shall be produced to the officer on taxation—</p> <ul style="list-style-type: none"> (a) the brief or document in respect of which such fee is charged; (b) where requisite, a memorandum of the allowance or direction of the Judge; and (c) Counsel's receipt; <p>otherwise the items for the fee and all relevant instructions shall be disallowed, or the taxation shall be disallowed, or the taxation shall be adjourned without costs of attendance, at the discretion of the officer.</p> <p style="text-align: center;">Solicitor's Costs</p> <p style="text-align: center;">PERCENTAGE OR COMMISSION IN LIEU OF SOLICITOR'S COSTS IN SUITS BY CIVIL BILL OR PETITION</p> <p>If in any suit, having regard to its nature and circumstances, it appears to the Judge, on the application of the solicitor having carriage of the proceedings, or of the solicitor for any party interested in the suit, that it is expedient that a percentage or commission should be allowed as remuneration to the solicitor or solicitors for his or their services in each suit, in lieu of ordinary costs therein, he may make such allowance, subject to the following provisions, that is to say:—</p> <ul style="list-style-type: none"> (a) The percentage or commission in any such suit shall be calculated upon the value of the subject matter of the suit. (b) The application for such allowance may be made at any hearing of a suit or by interlocutory application. (c) In case of the death or change of the solicitor on whose application such allowance has been made, or for any other cause, the Judge may subsequently vary such direction and order that any costs properly and necessarily incurred in the suit are to be ascertained in the usual way. (d) The allowance of a percentage or commission in lieu of costs shall not prejudice or restrict the exercise by the Judge of the jurisdiction to allow or disallow costs to any party in any suit.

Provision amended	Amendment		
Appendix ZL (contd.)	Solicitor's Costs		
	WHERE THE PRINCIPAL OF ALLOWANCE BY PERCENTAGE OR COMMISSION DOES NOT APPLY		
	Scale 1	Scale 2	Scale 3
	£	£	£
1. For taking instructions for civil bill or defence, advising thereon, taking instructions for hearing, advising proofs, and instructing Counsel when employed.	5.00	10.00	15.00
2. For drawing civil bill or statement of defence and copy for service, and instructing Counsel when employed.	3.75	7.50	11.25
3. For entering civil bill or defence, and attending the hearing, with or without Counsel, and for all other costs up to the decree, and taking out same.	12.50	22.50	32.50
4. In cases of account or inquiry—on further hearing, in addition to the above, for entering the matter, attending further hearing with or without Counsel and taking out the order thereon.	12.50	22.50	32.50
5. For confirmation of certificate on account or inquiry where no application to vary a sum not exceeding—	5.00	8.75	12.50
6. Trustee Act: Order 26. For instructions and attendances, drawing, engrossing and filing an affidavit for the purpose of payment of money, transfer of stock, or deposit of security, obtaining the certificate, paying the money, transferring the stock, or depositing the security and all other costs.	8.75	17.50	26.25
7. For all work incident to obtaining an order to invest under Order 26 or Order 41 or for payment of income under Order 41—			
Where the application is ex parte	5.00	10.00	15.00
Where the application is on notice	6.25	12.00	17.75
8. For all work incident to obtaining an order for payment out or distribution of funds—			
Where the application is ex parte	5.00	10.00	15.00
Where the application is on notice or by petition	8.75	17.50	26.25
For the purposes of items 1, 2 and 3 the expression "civil bill" includes any summons or petition initiating proceedings but does not include a petition at item 8.			

Provision amended	Amendment			
Appendix ZL (contd.)		Scale 1	Scale 3	Scale 2
		£	£	£
	9. For all work in connection with an application to the clerk of the Crown and peace under Order 40: rule 2.	2.50	5.00	7.50
	Costs in the office of the clerk of the Crown and peace.			
	10. To the solicitor for the plaintiff, petitioner, or party having the carriage of the proceedings. In all cases of account or inquiry directed by any decree or order to be taken or made before any officer of the court, and in lieu of all other costs incurred between the primary decree and the termination of the taking of such account, or the making of such inquiry, there shall be allowed to the solicitor for the plaintiff, petitioner, or party having the carriage of the proceedings, as the case may be, such sum as having regard to rule 8 the taxing officer shall consider reasonable but not exceeding (save by direction of the Judge)	31.25	62.50	93.75
	11. To the solicitor for the defendant or respondent. In all cases of account or inquiry directed by any decree or order to be taken or made before the officer of the court, and in lieu of all other costs incurred between the date of the primary decree and the termination of the taking of such account or the making of such inquiry, there shall be allowed to each party (other than the party having carriage of the proceedings) on the taxation of the costs, regard being had to the work properly performed, such sum as the officer thinks reasonable or just, not exceeding the allowance to the plaintiff, petitioner or other party having carriage of the proceedings, hereinbefore provided.			
	OCCASIONAL COSTS			
	Receivers			
	12. For all work in connection with the appointment of a receiver and the completion of the security, a sum not exceeding—	10.00	17.50	25.00
	13. For instructions for the account of a receiver, drawing and preparing the same, and all attendances to lodge, vouch and pass the same, and the distribution or application of the balance, a sum not exceeding—	10.00	17.50	25.00

Provision amended	Amendment			
Appendix ZL (contd.)		Scale 1	Scale 2	Scale 3
		£	£	£
	Interlocutory Applications and Attendances. 14. For all work in connection with an interlocutory application and the order thereon, a sum not exceeding—	5.00	8.75	12.50
	Letters 15. For writing a letter a reasonable time before the institution of proceedings.	0.50	0.50	0.50
	Drafts and Copies 16. For drawing and engrossing any document not otherwise provided for, 12p per folio. 17. For copies of all necessary documents used in Court, or required by the Judge or briefed, per folio. For carbons or duplicates, per folio.	0.05 0.03	0.05 0.03	0.05 0.03
<p>PART IX Miscellaneous Costs</p> <p>CERTIFICATES OF SATISFACTION</p> <p>For all work in connection with obtaining certificates of satisfaction under Order 36, rule 26(6), £3.12.</p> <p>INTERPLEADER PROCEEDINGS</p> <p>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.</p> <p>INTERLOCUTORY APPLICATIONS (other than Equity)</p> <p>Instructions and drawing notice of motion, filing and serving copy £1.87 Attending before Judge or clerk of the Crown and peace on notice or ex parte £5.00</p> <p>Only to be allowed against the other party when verified by the Judge or clerk of the Crown and peace.</p> <p>JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969: Part VII</p> <p>Costs of an enforcement order under rule 21(2)(a) of Order shall be in accordance with Part I, Table 3, as if the total amount ordered to be paid by instalments were the amount decreed.</p>				

Provision amended	Amendment
Appendix ZL (contd.)	<p>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 cost appropriate to an enforcement order.</p> <p style="text-align: center;">INFERIOR COURTS JUDGMENTS EXTENSION ACT 1882</p> <p>Applicant's costs of obtaining a certificate of a decree or registering a certificate £2.50</p> <p>And in addition where an affidavit is required 50p together with the commissioner's fee (if any).</p> <p style="text-align: center;">HIRE PURCHASE</p> <p>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 hire purchase price of the goods less (a) any deposit paid, (b) any instalments of hire purchase price paid, (c) 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.</p> <p>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.</p> <p>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, Tables 1 or 2. The foregoing provisions shall apply to all hire purchase agreements whether under the provisions of the Hire Purchase Act (Northern Ireland) 1966 or not.</p> <p style="text-align: center;">STATUTORY APPEALS AND APPLICATIONS</p> <p>Notice of appeal or application, services and entry £3.75</p> <p>Preparation for and attending hearing, instructing counsel (if any) and taking out order £20.00</p> <p>Counsel's fees £12.50</p> <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 Act (Northern Ireland) 1955 or the Inheritance (Family Provision) Act (Northern Ireland) 1960 or any other statutory application not otherwise provided for, direct that the Equity scales shall apply in lieu of the above costs.</p>

Provision amended	Amendment
Appendix ZL (contd.)	<p style="text-align: center;">DETINUE PROCEEDINGS</p> <p>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.</p> <p>Where an action in detinue 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.</p> <p style="text-align: center;">COSTS OF THE DAY</p> <p>If ordered by the Judge on the application of any party, the costs of the day in any proceeding shall be in the sum of £6.25.</p> <p style="text-align: center;">PART X</p> <p style="text-align: center;">Occasional Costs</p> <ol style="list-style-type: none"> 1. For any affidavit of service not otherwise provided for £0.50 2. For any other necessary affidavit not otherwise provided for, per folio £0.12 3. For preparing recognizance £0.60 4. For drawing, issuing and having served a witness summons £0.50 5. For drawing costs and copies, per page £0.60 6. For attending taxation, per hour £1.00 7. On review by the Judge under Order 24: rules 25 and 28, such sum as the Judge may allow not exceeding £1.25."

Provision amended	Amendment		
Appendix ZM	<p>For Appendix ZM there shall be substituted the following Appendix:—</p> <p style="text-align: center;">“Court Fees</p> <p style="text-align: center;">Order 45, Rule 1</p> <p>PART I—Fees to apply in respect of proceedings not otherwise specifically provided for in any subsequent part of this Appendix.</p>		
	No.	Item	Fee
	1	On an affidavit of service	£0.15
	2	On any other affidavit not otherwise specifically provided for or exempted	£0.20
	3	On an attendance of an officer to produce records (in addition to the officer's expenses), for each day or part thereof	£1.00
	4	On a bond	£0.25
	5	On a case stated	£1.00
	6	On a certificate of taxation of costs— where the amount allowed does not exceed £100	£0.50
		exceeds £100 but does not exceed £250	£0.75
		exceeds £250	£1.00
	7	On a certificate by a court officer	£0.15
	8	On a certificate by a court officer (inclusive of search)	£0.25
	9	On an ordinary, default or summary civil bill, application or notice claiming (whether on foot of a contract or tort or by virtue of any enactment or otherwise) a sum of money or goods or chattels or any combination thereof of a value—	
		not exceeding £30	£0.25
		exceeding £30 but not exceeding £100	£0.75
		exceeding £100	£1.00
	10	On a civil bill in an ejectment action where the annual value of the property does not exceed £50	£0.50
	11	On any other civil bill	£0.75
	12	On a third party notice, the like fee as on the civil bill in the action	£0.75
	13	On a counterclaim or set-off—	
		not exceeding £30	£0.25
		exceeding £30 but not exceeding £100	£0.50
		exceeding £100	£0.75
	14	On a copy of any document filed or any record kept in the office (including comparison)—	
		not exceeding 5 folios	£0.15
		for each additional folio (72 words)	£0.05
	15	On a comparison of a document filed in the office—	
		not exceeding 5 folios	£0.15
		for each additional folio (not exceeding 3) or per 3 additional folios thereafter	£0.05
	16	On a decree, award, judgment, order or dismissal where the sum decreed, awarded, paid out of court or, in the case of a dismissal, claimed, or the value of any goods or chattels concerned—	

Provision amended	Amendment		
Appendix ZM (contd.)	No.	Item	Fee
		does not exceed £30	£0.25
		exceeds £30 but does not exceed £100	£0.50
		exceeds £100 but does not exceed £250	£0.75
		exceeds £250	£1.00
	17	On a decree or dismissal in an ejection action where the annual value of the property does not exceed £50	£0.40
		exceeds £50	£0.75
	18	On any other decree, award, judgment, order or dismissal	£0.50
	19	On the initial entry of any defence	£0.15
	20	On the initial entry of a remitted action	£0.25
	21	On a certificate of satisfaction under rule 26(6) of Order 36	£0.25
	22	On a notice of appeal to or from a county court (not otherwise provided for)	£0.50
	23	On a notice of application to the Judge or to the clerk of the Crown and peace for payment out of court of funds—	
		not exceeding £30	£0.05
		exceeding £30 but not exceeding £100	£0.15
		exceeding £100 but not exceeding £250	£0.25
		exceeding £250	£0.40
	24	On a petition under the Adoption Act (Northern Ireland) 1967	£0.75
	25	On a notice, petition, summons or other form of application (not otherwise provided for) initiating any proceedings	£0.75
	26	On a notice of application for a final adoption order under the Adoption Act (Northern Ireland) 1967	£0.25
	27	On a notice of application for a review by the Judge	£0.25
	28	On any other notice of application to the Judge or to the clerk of the Crown and peace	£0.25
	29	On a notice of lodgment of money in court	£0.25
	30	On a notice of acceptance of money lodged in court	£0.25
	31	On recording any order made on appeal	£0.25
	32	On a recognizance	£0.25
	33	On a search or inspection	£0.15
	34	On a witness summons	£0.25
		Note:	
		1. In the application of item 9 to proceedings under the Judgments (Enforcement) Act (N.I.) 1969 the fee on the Enforcement Civil Bill shall be the same as is payable on a civil bill for the amount claimed; and on a Committal Civil Bill shall be the same as for a civil bill for the amount of the instalment.	
		2. The fees prescribed above at items 9 to 13 inclusive and at items 24 to 26 inclusive cover all necessary copies for service, entries in the office and, where appropriate, notices of hearing of petitions; and the fees prescribed at item 9 in relation to default or summary civil bills cover all necessary Affidavits of Service and Proof of Debt filed in the office, as well as any annexed notices for use by the defendants.	

Provision amended	Amendment.		
Appendix ZM (contd.)			
		3. The fees prescribed at items 29 and 30 shall be payable by affixing the relevant fee stamps to the copy of the notice lodged in the office.	
PART II—Fees for specified proceedings within the Equity and Probate jurisdiction			
No.	Item	Fee	
1	<p>On a civil bill or petition and on a primary or final decree, order or dismiss, where the property or estate the subject matter of the proceedings—</p> <p>(a) in so far as it consists of lands or premises does not exceed £30 in annual value and in so far as it consists of personalty does not exceed £500 in amount or value</p> <p>(b) in so far as it consists of lands or premises exceeds £30 in annual value or in so far as it consists of personalty, exceeds £500 in amount or value</p> <p>Provided that in the case of a mortgage suit or creditor's administration suit where the amount claimed does not exceed £250 the fees on the civil bill and primary decree shall be in each case 50p.</p>	<p>£0.75</p> <p>£1.25</p>	
2	On a decree or order not otherwise provided for (including an interlocutory order)	£0.50	
3	On a summons to proceed	£0.15	
4	On the taking of an account or the holding of an inquiry by an officer pursuant to an order of the Judge, for each hour or part thereof	£0.50	
5	On the officer's certificate thereof	£0.25	
6	On an affidavit for the lodgment in court of a sum of money not exceeding £100 exceeding £100	£0.50 £1.00	
(These are inclusive fees covering all necessary notices and certificates by the clerk of the Crown and peace.)			
<p><i>Note:</i> The fees prescribed above at item 1 cover all necessary copies for service, entry or lodgment in the office, and, in the case of a Probate Suit, the Certificate of Decree to be transmitted to the Probate Registry.</p>			

Provision amended	Amendment		
Appendix ZM (contd.)	PART III—Fees for spirit licensing proceedings not otherwise provided for		
	No.	Item	Fee
	1	On a notice of application to the court in relation to a licence for a declaration under section 8 of the Licensing Act (Northern Ireland) 1971 or for an order under section 31 of that Act	£1.50
	2	Declaration by the court under section 8 of the Licensing Act (Northern Ireland) 1971	£2.00
	PART IV—Miscellaneous fees relating to civil proceedings and matters		
	No.	Item	Fee
	Under the Inferior Courts Judgment Extension Act 1882		
1	On a certificate issued or registered under the Act	£0.50	
2	On a copy of any such certificate	£0.25	
Under the Parliamentary Documents Deposit Act 1837			
3	On a search in papers deposited under Standing Orders of Parliament, for each hour or part thereof	£0.25	
4	On an extract from papers so deposited for every folio	£0.10"	

EXPLANATORY NOTE

(This note is not part of the rules but is intended to indicate their general purport.)

These rules amend the County Court Rules (Northern Ireland) 1965.

Amendments are made to Order 44 and to Appendix ZL (which relate to costs); the amendments will take effect at the same time as the increase in county court jurisdiction brought about by the coming into force on 1st January 1976 of Article 8 of the Administration of Justice (Northern Ireland) Order 1975. Appendix ZM (which relates to court fees) is also amended.

1975 No. 346

This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.