

1988 No. 17

COUNTY COURTS

**County Court (Criminal Damage Compensation) (Amendment)
Rules (Northern Ireland) 1988***Made* 18th January 1988*Coming into operation* 1st March 1988

We, the County Court Rules Committee, appointed by the Lord Chancellor under Article 46 of the County Courts (Northern Ireland) Order 1980(a), in exercise of the powers conferred on us by Article 47 of that Order and in accordance with Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977(b), hereby make the following rules:

Citation and commencement

1.—(1) These rules may be cited as the County Court (Criminal Damage Compensation) (Amendment) Rules (Northern Ireland) 1988.

(2) In these rules “the principal rules” means the County Court (Criminal Damage Compensation) Rules (Northern Ireland) 1983(c).

Amendment of the principal rules

2. For Schedule 2 to the principal rules there shall be substituted the new Schedule 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.

John K. Pringle
J. F. B. Russell
John J. Curran
C. Nelson M. Rountree
T. F. Glass
Barry Valentine
K. G. Nixon
S. D. Massey

Dated 9th December 1987.

After consultation with the Lord Chief Justice I allow these rules which shall come into operation on 1st March 1988.

Dated 18th January 1988

Mackey of Clashfern, C.

(a) S.I. 1980/397 (N.I. 3)
 (b) S.I. 1977/1247 (N.I. 4)
 (c) S.R. 1983 No. 434

AMENDMENT TO THE PRINCIPAL RULES

SCHEDULE 2

Rule 9(1)

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.

A. 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	85	33
500	105	41
750	131	54
1,000	151	64
2,000	171	71
3,000	190	78
4,000	210	84
5,000	230	90
6,000	250	96
7,000	269	102
8,000	289	107
9,000	309	115
10,000	329	121
15,000	420	152
20,000	519	188
25,000	610	221
30,000	709	261
35,000	801	297
40,000	899	338
45,000	991	363
50,000	1,083	416
60,000	1,228	480
70,000	1,371	547
80,000	1,510	615
90,000	1,654	688
100,000	1,791	761
125,000	1,884	811
150,000	1,983	865
175,000	2,080	934
200,000	2,173	976
250,000	2,363	1,087
300,000	2,409	1,118
350,000	2,455	1,146
400,000	2,500	1,175
450,000	2,546	1,202
500,000	2,593	1,234

<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)
£	£	£
600,000	2,690	1,297
700,000	2,783	1,358
800,000	2,875	1,420
900,000	2,973	1,487
1,000,000	3,065	1,551

NOTE:

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 Schedule shall derogate from the provisions of rule 5 or Article 15(3) of the Order.
7. The scale of solicitor's costs in column (2) above is inclusive of any costs (but not expenses) payable under Article 12(2) of the Order in respect of making out and verifying the claim to compensation up to the date of the Secretary of State's determination.

B. 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.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These rules amend the County Court (Criminal Damage Compensation) Rules (Northern Ireland) 1983 to introduce a new scale of costs payable to solicitors and counsel in appeals to the County Court under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977.