

1988 No. 283

COUNTY COURTS

**County Court (Criminal Damage Compensation)
(Amendment No. 2) Rules (Northern Ireland) 1988**

Made 27th July 1988

Coming into operation 12th September 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 interpretation

1.—(1) These rules may be cited as the County Court (Criminal Damage Compensation) (Amendment No. 2) Rules (Northern Ireland) 1988.

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

Revocation

2. The County Court (Criminal Damage Compensation) (Amendment) Rules (Northern Ireland) 1988(d) are hereby revoked.

Amendment of the principal rules

3. 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
John J. Curran
S. D. Massey
Timothy T. Ferris
Barry Valentine
Kenneth G. Nixon*

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

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

(c) S.R. 1983 No. 434 as amended by S.R. 1988 No. 17

(d) S.R. 1988 No. 17

After consultation with the Lord Chief Justice I allow these rules which shall come into operation on 12th September 1988.

Dated 27th July 1988.

Mackay of Clashfern, C.

SCHEDULE

Rule 3

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

Where the amount awarded is greater than the Secretary of State's determination and does not exceed—

	Solicitor's Costs	Counsel's Fee
(1)	(2)	(3)
£	£	£
250	89	34
500	110	43
750	138	56
1,000	158	67
2,000	179	74
3,000	199	82
4,000	220	88
5,000	240	94
6,000	261	100
7,000	281	107
8,000	301	112
9,000	323	120
10,000	344	126
15,000	439	159
20,000	543	196
25,000	638	231
30,000	741	273
35,000	838	310
40,000	939	353
45,000	1,036	379
50,000	1,131	435
60,000	1,283	502
70,000	1,433	572
80,000	1,578	643
90,000	1,729	719
100,000	1,871	795
125,000	1,969	847
150,000	2,071	904

Where the amount awarded is greater than the Secretary of State's determination and does not exceed—

	<i>Solicitor's Costs</i>	<i>Counsel's Fee</i>
(1) £	(2) £	(3) £
175,000	2,174	976
200,000	2,270	1,020
250,000	2,469	1,136
300,000	2,518	1,168
350,000	2,565	1,198
400,000	2,613	1,228
450,000	2,661	1,256
500,000	2,709	1,290
600,000	2,813	1,355
700,000	2,908	1,419
800,000	3,005	1,484
900,000	3,106	1,554
1,000,000	3,203	1,621

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 and revoke the County Court (Criminal Damage Compensation) (Amendment) Rules (Northern Ireland) 1988 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.

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These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.