

1989 No. 297

COUNTY COURTS

**County Court (Criminal Injuries to the Person)
(Compensation) (Amendment) Rules (Northern Ireland) 1989***Made* 26th July 1989*Coming into operation* 1st September 1989

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 Articles 16 and 21 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988(b), hereby make the following rules:

Citation and interpretation

1.—(1) These rules may be cited as the County Court (Criminal Injuries to the Person) (Compensation) (Amendment) Rules (Northern Ireland) 1989.

(2) In these rules “the principal rules” means the County Court (Criminal Injuries to the Person) (Compensation) Rules (Northern Ireland) 1988(c).

Amendment to 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
Raymond Kerr
K. Nixon
Brian F. Walker
S. D. Massey
Peter J. Cush*

Dated 27th June 1989.

After consultation with the Lord Chief Justice I allow these rules which shall come into operation on 1st September 1989.

Dated 26th July 1989

Mackay of Clashfern, C.

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

(b) S.I. 1988/793 (N.I. 4)

(c) S.R. 1988 No. 282

AMENDMENT TO THE PRINCIPAL RULES

SCHEDULE 2

Rule 10(1)

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

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)
£	£	£
500	148	60
750	206	83
1,000	256	98
2,000	279	108
3,000	293	119
4,000	315	130
5,000	330	141
6,000	345	145
7,000	360	150
8,000	374	155
9,000	389	162
10,000	404	168
15,000	463	187
20,000	535	213
25,000	609	231
30,000	681	249
35,000	755	278
40,000	829	307
45,000	903	337
50,000	974	367
60,000	1,063	401
70,000	1,174	453
80,000	1,320	518
90,000	1,466	586
100,000	1,613	654
125,000	1,834	763
150,000	1,905	812
175,000	1,980	855
200,000	2,053	897
225,000	2,128	936
250,000	2,200	974

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 Schedule shall derogate from the provisions of rule 6 or Article 16(3) of the Order.
 6. The scale of solicitor's costs in column (2) above is inclusive of any costs (but not expenses) payable under Article 13(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 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.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These rules amend the County Court (Criminal Injuries to the Person) (Compensation) Rules (Northern Ireland) 1988 to introduce a new scale of costs and fees payable to solicitors and counsel in appeals to the county court under Article 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.