

1991 No. 246**COUNTY COURTS****County Court (Criminal Injuries to the Person)
(Compensation) (Amendment) Rules (Northern Ireland) 1991**

Made 11th June 1991

Coming into operation 1st July 1991

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) 1991.

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

Revocation

2. The County Court (Criminal Injuries to the Person) (Compensation) (Amendment) Rules (Northern Ireland) 1990(d) are hereby revoked.

Amendment to the principal rules

3. For Schedule 2 to the principal rules there shall be substituted the new Schedule set out in the Schedule to these rules.

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.

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

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

(c) S.R. 1988 No. 282; to which the most recent amendment was made by S.R. 1990 No. 280

(d) S.R. 1990 No. 280

*John Pringle
Stewart Massey
Barry Valentine
John Curran
Raymond T. Kerr
Patrick J. Kelly
K. G. Nixon*

Dated 16th May, 1991.

After consultation with the Lord Chief Justice I allow these rules which shall come into operation on 1st July 1991.

Dated 11th June, 1991

Mackay of Clashfern, C.

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	170	70
750	236	95
1,000	294	112
2,000	321	124
3,000	337	137
4,000	363	150
5,000	380	163
6,000	397	167
7,000	414	172
8,000	429	179
9,000	447	186
10,000	464	194
15,000	533	215
20,000	615	245
25,000	701	265
30,000	783	287
35,000	868	320
40,000	953	353
45,000	1,038	387
50,000	1,119	423
60,000	1,222	461
70,000	1,349	521
80,000	1,518	596
90,000	1,686	674
100,000	1,855	752
125,000	2,109	877
150,000	2,191	934
175,000	2,278	983
200,000	2,360	1,031
225,000	2,448	1,076
250,000	2,531	1,120

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) of the above table 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.
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 enhancement so allowed shall be in the discretion of the judge, but shall not exceed 50 per cent. of the scale fee in column (3) of the above table to which counsel, if conducting the appeal, would have been entitled.

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 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 Injuries to the Person) (Compensation) Rules (Northern Ireland) 1988 so as 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.