

1991 No. 247

COUNTY COURTS

**County Court (Criminal Damage 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 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) Rules (Northern Ireland) 1991.

(2) In these rules “the principal rules” means the County Court (Criminal Damage Compensation) Rules (Northern Ireland) 1983(c), and a reference to a Form by number is a reference to the Form so numbered in Schedule 1 to the principal rules.

Revocation

2. Rule 4 of and Schedule 2 to the County Court (Criminal Damage Compensation) (Amendment) Rules (Northern Ireland) 1990(d) are hereby revoked.

Increase in party and party costs

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. 1977/1247 (N.I. 14)

(c) S.R. 1983 No. 434; to which the most recent relevant amendment was made by S.R. 1990 No. 279

(d) S.R. 1990 No. 279

*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.

SCHEDULE

AMENDMENT TO THE PRINCIPAL RULES

SCHEDULE 2

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	110	42
500	135	52
750	170	70
1,000	194	82
2,000	219	91
3,000	245	102
4,000	271	108
5,000	294	116
6,000	321	123
7,000	347	132
8,000	370	138
9,000	397	148
10,000	423	155
15,000	539	196
20,000	668	242
25,000	784	285
30,000	913	336
35,000	1,030	381
40,000	1,155	433
45,000	1,273	465
50,000	1,391	535
60,000	1,577	617
70,000	1,761	703
80,000	1,940	791
90,000	2,125	885
100,000	2,301	978
125,000	2,420	1,041
150,000	2,547	1,111
175,000	2,673	1,199
200,000	2,792	1,254
250,000	3,035	1,396
300,000	3,096	1,437
350,000	3,155	1,473
400,000	3,213	1,510
450,000	3,273	1,545

<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)
£	£	£
500,000	3,332	1,586
600,000	3,455	1,666
700,000	3,574	1,745
800,000	3,696	1,824
900,000	3,819	1,911
1,000,000	3,938	1,993

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) of the above table 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.
8. (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 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 so as 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.

1991 No. 248

**Road Races (Ulster Rally) Order
(Northern Ireland) 1991**

This Order, being of a temporary character, is not printed at length in this volume.