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SCHEDULE

APPENDIX 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

**TABLE 3:**

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	126	48
500	155	60
750	195	80
1,000	223	93
2,000	251	105
3,000	280	117
4,000	310	123
5,000	337	132
6,000	368	141
7,000	397	151
8,000	424	158
9,000	455	169
10,000	485	178
15,000	617	225
20,000	765	277
25,000	899	327
30,000	1,046	385
35,000	1,180	436
40,000	1,324	496
45,000	1,459	533
50,000	1,594	613
60,000	1,807	708
70,000	2,018	805

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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) £
80,000	2,223	907
90,000	2,435	1,015
100,000	2,637	1,120
125,000	2,773	1,193
150,000	2,918	1,273
175,000	3,063	1,374
200,000	3,200	1,437
250,000	3,478	1,600
300,000	3,548	1,647
350,000	3,616	1,688
400,000	3,681	1,730
450,000	3,750	1,770
500,000	3,818	1,818
600,000	3,959	1,909
700,000	4,095	1,999
800,000	4,235	2,090
900,000	4,377	2,189
1,000,000	4,512	2,284

**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 table or note shall derogate from the provisions of Rule 4 of Order 54 or Article 15(3) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977(1).
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 Criminal Damage (Compensation) (Northern Ireland) Order 1977 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

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

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- (b) the amount of any enhancement shall be in the discretion of the Judge, but shall not exceed 50% 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.