

SCHEDULE

APPENDIX 2

Party and party costs in appeals under section 28(5) of the Northern Ireland (Emergency Provisions) Act 1978 and under section 63(4) of the Northern Ireland (Emergency Provisions) Act 1991

TABLE 5:

A. APPELLANT'S COSTS

Where the amount awarded is greater than the Secretary of State's decision 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	94
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	1,458	533
50,000	1,594	613

NOTES:

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 the subject of the appeal 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 appellant 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 £50,000 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.
7. The scale of solicitor's costs in column (2) above is inclusive of any costs (but not expenses) payable by the Secretary of State in respect of making out and verifying the claim to compensation up to the date of service of notice of the Secretary of State's decision under section 28(5) of the Northern Ireland (Emergency Provisions) Act 1978⁽¹⁾ or under section 63(4) of the Northern Ireland (Emergency Provisions) Act 1991⁽²⁾.
8. Where an appeal under section 28(5) of the Northern Ireland (Emergency Provisions) Act 1978 or under section 63(4) of the Northern Ireland (Emergency Provisions) Act 1991 is in respect of an act authorised by or on behalf of the Secretary of State under section 19(2) of the Northern Ireland (Emergency Provisions) Act 1978 or under section 24(2) of the Northern Ireland (Emergency Provisions) Act 1991 and the Judge considers that the scale of costs in this Schedule is inappropriate, the amount of solicitor's costs or of counsel's fees shall be in the discretion of the Judge and, unless the parties otherwise agree, he shall certify the amount he allows for such costs and fees.
9.
 - (a) Where the 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% 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.

(1) 1978 c. 5
 (2) 1991 c. 24