

SCHEDULE

APPENDIX 2

Part VIII

Equity suits and proceedings

1. Subject to the Judge’s discretion, the following regulations shall be applicable to the costs of equity suits and proceedings under Articles 13 and 14 of the Order.

2. For the determination of costs in equity matters there shall be ten scales which may be known respectively as Scales 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 and shall, subject to the succeeding regulations of this Part, be applied as follows, that is to say—

Where the value of the personalty and/or lands—	The scale applicable shall be—
does not exceed £2,500	Scale 1
exceeds £2,500 but not £7,500	Scale 2
exceeds £7,500 but not £12,500	Scale 3
exceeds £12,500 but not £15,000	Scale 4
exceeds £15,000 but not £20,000	Scale 5
exceeds £20,000 but not £25,000	Scale 6
exceeds £25,000 but not £30,000	Scale 7
exceeds £30,000 but not £35,000	Scale 8
exceeds £35,000 but not £40,000	Scale 9
exceeds £40,000 but not £45,000	Scale 10

and the costs in the Schedule hereto shall apply accordingly.

3. For the purpose of ascertaining the appropriate scale the value of any lands not valued by a court valuer or sold in the course of the proceedings shall, subject to any direction of the Judge, be taken to be ten times their net annual value.

4. Where the subject of the proceedings is under the Rates (Northern Ireland) Order 1972 property which is not treated as a hereditament, its value shall, where the property is not valued by a court valuer or sold in the course of the proceedings be taken, subject to any direction of the Judge, to be an amount which is equal to forty times the amount which the Commissioner of Valuation certifies would be entered in the valuation list as its net annual value if it were so treated and if it had been valued under the enactments repealed by that Order.

5. Notwithstanding the foregoing provisions of this Part, the Judge may in any case direct that any of the scales prescribed in this Part be wholly or partly applicable for the determination of the costs of any party thereto.

6. Where any item of costs or expenses has not been provided for in the said Schedule, or where, having regard to the work actually performed, the amounts provided in the Schedule are in the opinion of the Judge inadequate, he may for any particular case make a special order allowing such costs and expenses as he may think just.

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7. The value of the subject matter of any suit for the purpose of stamp duties and for the allowance of costs and expenses shall in case of dispute be assessed by the Judge.

8. Where a suit is terminated by settlement or other arrangement at any time before the final decree, the Judge may order such allowance in respect of costs and expenses of either or any of the parties as in his opinion, having regard to the nature and circumstances of the case, may seem just.

9. The costs of separate appearances by counsel or solicitor for parties whose interests are not antagonistic shall not be allowed, nor shall more than one set of costs be allowed for any parties for whom the Judge is of the opinion that separate appearances were unnecessary.

10. Costs as between party and party shall in all cases be taxed by the district judge when directed by the Judge, and as between solicitor and client on requisition. Every such taxation shall be subject to review by the Judge wholly or in part.

11. Where in a mortgage suit the defendant, either before the hearing or within the time fixed by the primary decree, pays the amount due for principal and interest together with all costs due up to the date of payment, such costs shall be ascertained by reference to the amount due at the commencement of the proceedings and not by reference to the value of the lands.

12. Where equity proceedings involve a declaration of title or a claim for damages for trespass to lands, or an injunction in relation to lands, it shall be in the discretion of the Judge to direct that costs shall be in accordance with Tables 4 and 5 in Part I in lieu of any other Tables or scales.

13. Counsel travelling to attend a court—

- (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £16·60;
- (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £33·24.

Solicitor travelling to attend a court—

- (a) 20 to 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £16·60;
- (b) more than 50 miles from the solicitor's office or, where the solicitor's firm practises from more than one office, from the office which dealt with the proceedings is entitled to an additional sum of £33·24.

Where a solicitor or counsel has conducted more than one case on the same day at the same venue, this fee may be claimed once only and the fee shall be divided proportionately over the number of cases conducted by the solicitor or counsel.

14. For each day or part of a day on which a trial or hearing is continued after the first day—

- (a) counsel is entitled to an additional sum equivalent to one third of the scale fee;
- (b) a solicitor in attendance is entitled to an additional sum equivalent to one third of counsel's fee.