
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 412

**County Court (Amendment No. 2)
Rules (Northern Ireland) 2002**

Costs

2.—(1) Order 55 shall be amended as follows—

- (a) by revoking paragraph (1) in rule 9;
- (b) by the insertion of the following new rule—

“11.—(1) This rule only applies where the plaintiff’s cause of action (or if there is more than one cause of action the principal cause of action):

- (a) related to contracts for works of building or engineering construction, contracts of engagement of architects, engineers or quantity surveyors, the sale of goods, insurance, banking, the export or import of merchandise, shipping or other mercantile matters, agency, bailment, carriage of goods, professional or clinical negligence or title to land;
- (b) claimed assault, battery, wrongful arrest or false imprisonment and where a named defendant is the Ministry of Defence, Chief Constable of the Police Service of Northern Ireland or Head of the Northern Ireland Prison Service; or
- (c) was brought under:
 - (i) Part IV of the Sex Discrimination (Northern Ireland) Order 1976(1);
 - (ii) Part III of the Race Relations (Northern Ireland) Order 1997(2);
 - (iii) Part IV of the Fair Employment and Treatment (Northern Ireland) Order 1998(3);
 - (iv) Part III of the Disability Discrimination Act 1995(4); or
 - (v) section 76 of the Northern Ireland Act 1998(5);

(2) Subject to paragraph (4) where, at the conclusion of a cause of action to which this rule applies, the judge is satisfied that the issues in the case were of particular complexity, he may order that the parties receive an enhancement of their costs in addition to the scale costs set out in Appendix 2.

(3) The amount of any enhancement under this rule shall be one-third of the scale fee in Appendix 2 to which the parties are entitled.

(4) No enhancement shall be permitted under this rule unless:

(1) S.I.1976/1042 (N.I. 5)
(2) S.I. 1997/869 (N.I. 6)
(3) S.I. 1998/3162 (N.I. 21)
(4) 1995 c. 50
(5) 1998 c. 47

- (a) prior to service of the civil bill or counterclaim, the plaintiff or the defendant has endorsed upon the civil bill or counterclaim that a cause of action between the parties falls within the provisions of this rule; or
 - (b) where the proceedings were commenced in the High Court by writ of summons and remitted to the county court—
 - (i) the plaintiff within 14 days of the order for remittal serves a notice on the defendant that a cause of action falls within the provision of this rule; or
 - (ii) the defendant within 14 days of the service of the order for remittal upon the plaintiff serves a notice on the plaintiff that a cause of action in his counterclaim falls within the provision of this rule.
 - (5) Notice under paragraph (4) shall be copied to the chief clerk.”
 - (c) in rule 14 by substituting for paragraphs (3) and (4) the following new paragraphs—
 - “(3) Subject to paragraphs (4), (5) and (6) where judgment is entered on behalf of a plaintiff in accordance with Order 12, Rule 2 and damages are assessed under Order 12, Rule 13 or 16 the costs awarded to a solicitor or counsel shall be 50% of the scale fee payable under the relevant Table (as determined by the cause of action) in Appendix 2.
 - (4) Costs shall only be awarded to counsel in accordance with paragraph (3) if the judge has certified that it was necessary to instruct counsel in that case.
 - (5) Notwithstanding paragraph (3), the amount of 50% of the scale fee prescribed by paragraph (3) (being the costs payable to a solicitor and, if allowed, to counsel where judgment is entered on behalf of a plaintiff in accordance with Order 12, Rule 2 and damages are assessed under Order 12, Rules 13 or 16) may be increased at the discretion of the judge or district judge.
 - (6) Notwithstanding paragraphs (3) to (5), in any case whether commenced by civil bill or on petition, where the approval of the judge is required under Order 44, Rule 1(1) (a), the costs payable to a solicitor and counsel shall be the full scale fee allowable under Appendix 2, Part 1”; and
 - (d) in rule 17 by deleting the figure “£2·27” and substituting the figure “£2·37”.
- (2) For Appendix 2 there shall be substituted the new Appendix 2 set out in the Schedule.