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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 2: 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	145	56
500	179	69
750	225	92
1,000	256	107
2,000	288	121
3,000	322	135
4,000	356	141
5,000	387	152
6,000	423	162
7,000	456	174
8,000	487	182
9,000	523	194
10,000	557	205
15,000	709	259
20,000	879	319
25,000	1,032	376
30,000	1,201	443
35,000	1,354	501
40,000	1,519	570
45,000	1,675	612
50,000	1,829	703
60,000	2,074	813
70,000	2,316	925
80,000	2,551	1,041

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<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)
£	£	£
90,000	2,795	1,166
100,000	3,026	1,285
125,000	3,182	1,369
150,000	3,349	1,461
175,000	3,514	1,576
200,000	3,672	1,649
250,000	3,991	1,836
300,000	4,071	1,890
350,000	4,150	1,937
400,000	4,224	1,985
450,000	4,303	2,031
500,000	4,381	2,086
600,000	4,543	2,191
700,000	4,699	2,294
800,000	4,860	2,398
900,000	5,023	2,512
1,000,000	5,177	2,621

## 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 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

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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.

*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.