
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 521

COUNTY COURTS

The County Court (Amendment) Rules (Northern Ireland) 2006

Made - - - - 14th December 2006

Coming into operation 8th January 2007

The County Court Rules Committee makes the following Rules in exercise of the powers conferred by Article 47 of the County Courts (Northern Ireland) Order 1980(1).

Citation

1. These Rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 2006.

Amendment to the County Court Rules (Northern Ireland) 1981(2)

2. In Order 14 (Interlocutory applications), after rule 10A (*Application under Article 42A(1) or 42B(3) of the Order*), insert—

“The European Intellectual Property Directive

10B.—(1) When an application is made to which Directive 2004/48/EC(3) applies, the Judge may grant an interim order making the continuation of an alleged infringement subject to guarantees.

(2) Where the Judge grants an order *ex parte* to which Directive 2004/48/EC applies, such order shall be granted only on terms providing for the issue of the civil bill and such other terms, if any, as the Judge thinks fit.”

3. In Order 19 (Assessors), rule 5 (*Remuneration*) for “£28.10” substitute “£31.04”.
4. In Order 24 (Evidence), rule 9 (*Witness summons*) in paragraph (7)(a)—
 - (a) for “£11.00” substitute “£12.15”; and
 - (b) for “£15.50” substitute “£17.12”.
5. In Order 33 (Decrees), rule 10 (*Stay of execution and removal thereof*) in paragraph (6) for “£6.38” substitute “£7.05”.

(1) S.I. 1980/397 (N.I.3) to which the most recent relevant amendments were made by the Constitutional Reform Act 2005 (c. 4)
(2) S.R. 1981 No.225 to which the most recent relevant amendments were made by S.R. 1999 No. 464, S.R. 2002 No.412 and S.R. 2003 No. 272
(3) Directive on the Enforcement of Intellectual Property Rights (2004/48/EC)(OJ L157, 30.4.2004)

6. In Order 45 (Funds in Court) for rules 2 (*Investment*) and 3 (*Interpretation*), substitute the new rules set out in Schedule 1 to these Rules.

7. In Order 52 (Miscellaneous Enactments), in rule 13 (*Application for forfeiture orders under the Copyright, Designs and Patents Act 1988*)—

- (a) for paragraph 1, substitute “An application under section 114, 204, or 231 of the Copyright, Designs and Patents Act 1988 (c. 48) or an application under section 97 of the Trade Marks Act 1994 (c. 26) shall be made by Notice in Form 323.”;
- (b) in paragraph 2, for “under section 58C of the Trade Marks Act 1938,” substitute “under section 97 of the Trade Marks Act 1994,”; and
- (c) after paragraph 3, insert—

“(4) Where the Judge makes an order for delivery up, forfeiture or destruction of infringing goods or articles designed or adapted to make such goods the defendant shall pay the costs of complying with the order unless the Judge orders otherwise.

(5) Without prejudice to any other provisions of these Rules, the Judge may, where he finds that an intellectual property right has been infringed, order appropriate measures for the dissemination and publication of the judgment to be made at the expense of the defendant.”.

8. In Order 55 (Costs)—

- (a) in rule 14 (*Costs in undefended cases*) in paragraphs (1) and (2) for “Table 3” substitute “Table 2”; and
- (b) in rule 17 (*Services fee for postal service*) for “£2.37” substitute “£2.62”.

9. In Order 56 (County Court seal and authentication of documents)—

- (a) in rule 1 (*County Court seal*), omit “which shall incorporate the name of the division”; and
- (b) after rule 4 (*Documents to be sealed*) insert—

“Interpretation

5. The county court seal may be affixed by placing the seal on the relevant document—

- (a) by hand; or
- (b) by printing a facsimile of the seal on the document whether electronically or otherwise.”.

10. In Appendix 1 (*Forms*) in Form 323 for “Application for order under section 114, 204 or 231 of the Copyright, Designs and Patents Act 1988 or under section 58C of the Trade Marks Act 1938” substitute “Application for order under section 114, 204 or 231 of the Copyright, Designs and Patents Act 1988 or under section 97 of the Trade Marks Act 1994”.

11. For Appendix 2 substitute the new Appendix 2 set out in Schedule 2 to these Rules.

The undersigned members of the County Court Rules Committee certify these Rules and submit them to the Lord Chancellor.

*T. A. Burgess
Philip Babington
Hilary Keegan
Barry Valentine
Brian F. Walker
Brian J. Stewart
Adrian Colton*

Dated 15th November 2006

In exercise of the powers conferred by Article 47(4) of the County Courts (Northern Ireland) Order 19 80 and after consultation with the Lord Chief Justice I allow these Rules which shall come into operation on 8th January 2007
Signed by the authority of the Lord Chancellor

Bridget Prentice
Parliamentary Under Secretary of State
Department for Constitutional Affairs

Dated 14th December 2006

SCHEDULE 1

Rule 6

“Investment of money recovered by person under disability

2.—(1) Moneys paid into court may be invested in the following securities—

- (a) securities issued by Her Majesty’s Government in the United Kingdom, the Government of Northern Ireland or the Government of the Isle of Man, being fixed-interest securities registered in the United Kingdom or the Isle of Man, Treasury Bills or Tax Reserve Certificates or any variable interest securities issued by Her Majesty’s Government in the United Kingdom and registered in the United Kingdom;
- (b) any securities the payment of interest on which is guaranteed by Her Majesty’s Government in the United Kingdom or the Government of Northern Ireland;
- (c) fixed-interest or variable interest securities issued in the United Kingdom by any public authority or by any nationalised industry or nationalised undertaking in the United Kingdom;
- (d) debentures issued in the United Kingdom by a company incorporated in the United Kingdom, being debentures registered in the United Kingdom;
- (e) equity shares in a public limited liability company whose shares are listed in the Official List of the Stock Exchange;
- (f) equity shares in an investment trust company;
- (g) any units of a gilt unit trust scheme;
- (h) any units of an authorised unit trust scheme;
- (i) any shares in an open-ended investment company within the meaning of the Open-Ended Investment Companies Regulations (Northern Ireland) 2004⁽⁴⁾ or the Open-Ended Investment Companies Regulations 2001⁽⁵⁾.

(2) Pending or in lieu of such investment, moneys so paid in may be lodged on deposit receipt in accounts held with the National Debt Commissioners or in accounts held with such bank as the Lord Chancellor may, with the concurrence of the Treasury, designate under section 79 of the Judicature (Northern Ireland) Act 1978⁽⁶⁾.

Interpretation

3.—(1) In this Part, the expression—

“authorised unit trust scheme” has the meaning assigned by section 237(3) of the Financial Services and Markets Act 2000⁽⁷⁾;

“debenture” includes debenture stock and bonds, whether constituting a charge on assets or not, and loan stock or notes;

“fixed-interest securities” means securities which under the terms of issue bear a fixed rate of interest;

“gilt unit trust scheme” means an authorised unit trust scheme, or a recognised scheme, the objective of which is—

- (a) to invest at least 90% of the property of the scheme in loan stock, bonds or other instruments creating indebtedness which—
 - (i) are transferable; and

⁽⁴⁾ S.R. 2004 No. 335

⁽⁵⁾ S.I. 2001 No. 1228

⁽⁶⁾ 1978 c. 23

⁽⁷⁾ 2000 c. 8

- (ii) are issued or guaranteed by the Government of the United Kingdom or of any other country or territory, by a local authority in the United Kingdom or in a relevant state, or by an international organisation the members of which include the United Kingdom or a relevant state;
- (b) to invest the remainder of the property of the scheme in shares, debentures or other instruments creating or acknowledging indebtedness, certificates representing securities or units in a collective investment scheme.

Sub-paragraphs (a) and (b) must be read with—

- (i) section 22 of the Financial Services and Markets Act 2000;
- (ii) any relevant Order under that section; and
- (iii) Schedule 2 to that Act;

“investment trust company” has the meaning assigned by section 842 of the Income and Corporation Taxes Act 1988(8);

“securities” includes shares, debentures, Treasury Bills and Tax Reserve Certificates;

“share” includes stock;

“Treasury Bills” includes bills issued by Her Majesty’s Government in the United Kingdom and Northern Ireland Treasury Bills;

“variable-interest securities” means securities which under the terms of issue bear a variable rate of interest.

(2) In this rule, the expression “relevant state” means Austria, Finland, Iceland, Liechtenstein, Norway, Sweden or a state other than the United Kingdom State which is a contracting party to the agreement on the European Economic Area signed at Oporto on 2 May 1992 as it has effect for the time being.”

SCHEDULE 2

Rule 11

“APPENDIX 2

PART I

Ordinary civil bills

(other than those provided for in Table 3)

Table 1: Plaintiff’s and Defendant’s Costs

<i>In actions where amount decreed (in the case of the plaintiff) and where amount claimed (in the case of the defendant)</i>	<i>Solicitor’s costs</i>
<i>(1)</i>	<i>(2)</i>
(i) does not exceed £1,000	£497

(8) 1988 c. 1

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>In actions where amount decreed (in the case of the plaintiff) and where amount claimed (in the case of the defendant)</i>		<i>Solicitor's costs</i>
<i>(1)</i>		<i>(2)</i>
(ii)	exceeds £1,000 but does not exceed £2,500	£1,049
(iii)	exceeds £2,500 but does not exceed £5,000	£1,491
(iv)	exceeds £5,000 but does not exceed £7,500	£1,933
(v)	exceeds £7,500 but does not exceed £10,000	£2,209
(vi)	exceeds £10,000 but does not exceed £12,500	£2,430
(vii)	exceeds £12,500 but does not exceed £15,000	£2,651

<i>In actions where amount decreed (in the case of the plaintiff) and where amount claimed (in the case of the defendant)</i>		<i>Counsel's fee</i>
<i>(1)</i>		<i>(3)</i>
(i)	does not exceed £1,000	£166
(ii)	exceeds £1,000 but does not exceed £2,500	£243
(iii)	exceeds £2,500 but does not exceed £5,000	£354
(iv)	exceeds £5,000 but does not exceed £7,500	£442
(v)	exceeds £7,500 but does not exceed £10,000	£519
(vi)	exceeds £10,000 but does not exceed £12,500	£591
(vii)	exceeds £12,500 but does not exceed £15,000	£663

1. This Table does not apply to actions for defamation.
2. Counsel travelling to attend a court—
 - (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £22.00;
 - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £44.00.

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 £22.00;
- (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 £44.00.

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.

3. Where the Judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum of £39.00 for drafting a notice for further particulars.

4. For drafting a reply to a notice for further particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum of £39.00.

5. For each day or part of a day on which a trial or hearing is continued after the first day both counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel’s scale fee.

6. Where in any action or application under:

- (i) the Consumer Credit Act 1974;
- (ii) Part IV of the Sex Discrimination (Northern Ireland) Order 1976;
- (iii) Part III of the Race Relations (Northern Ireland) Order 1997;
- (iv) Part IV of the Fair Employment and Treatment (Northern Ireland) Order 1998; or
- (v) Part III of the Disability Discrimination Act 1995,

the amount decreed exceeds £15,000, the costs may be increased by such amounts as the Judge thinks proper having regard to the amount involved or the importance or difficulty of the case.

7. Where in any action or application under any of the statutory provisions listed in paragraph 6, the amount claimed exceeds £15,000 and the action or application is dismissed, the costs may be increased by such amounts as the Judge thinks proper having regard to the amount involved or the importance or difficulty of the case.

Costs where no notice of intention to defend is served and judgment is marked under Order 12

Table 2: Plaintiff’s Costs

<i>In actions where amount decreed—</i>	<i>Where sum claimed and costs specified in civil bill not paid within 21 days of service</i>
(1)	(2)
(i) does not exceed £500	£73
(ii) exceeds £500 but does not exceed £1,000	£115

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<i>In actions where amount decreed—</i>	<i>Where sum claimed and costs specified in civil bill not paid within 21 days of service</i>
(iii) exceeds £1,000 but does not exceed £2,000	£144
(iv) exceeds £2,000 but does not exceed £3,000	£165
(v) exceeds £3,000 but does not exceed £4,000	£180
(vi) exceeds £4,000 but does not exceed £5,000	£200
(vii) exceeds £5,000 but does not exceed £6,000	£223
(viii) exceeds £6,000 but does not exceed £7,000	£243
(ix) exceeds £7,000 but does not exceed £8,000	£262
(x) exceeds £8,000 but does not exceed £9,000	£278
(xi) exceeds £9,000 but does not exceed £10,000	£293
(xii) exceeds £10,000 but does not exceed £12,500	£318
(xiii) exceeds £12,500 but does not exceed £15,000	£352

1. Where the sum claimed is paid within 21 days of service of civil bill the sum for costs specified in column 2 to be reduced by 50%. See Order 55, Rule 14(1).

2. See Part 9 (“Miscellaneous Costs”) of this Appendix for application of this Table to proceedings under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981 and under the Hire Purchase Acts.

3. Where in any undefended action under the Consumer Credit Act 1974 the amount decreed exceeds £15,000, the costs may be increased by such amounts as the District Judge thinks proper having regard to the amount involved or the importance or difficulty of the case, provided that the total amount allowed for costs shall not exceed £389.

4. 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 £22.00;
- (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 £44.00.

Where a solicitor 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.

Libel and slander

Table 3: Plaintiff's Costs

<i>In actions where amount decreed—</i>	<i>Solicitor's Costs</i>	<i>Counsel's Fee</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
(i) does not exceed £500	£494	£212
(ii) exceeds £500 but does not exceed £1,000	£579	£317
(iii) exceeds £1,000 but does not exceed £1,500	£663	£394
(iv) exceeds £1,500 but does not exceed £2,000	£790	£494
(v) exceeds £2,000 but does not exceed £2,500	£895	£587
(vi) exceeds £2,500 but does not exceed £3,000	£1005	£674

1. Counsel travelling to attend a court—

- (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £22.00;
- (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £44.00.

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 £22.00;
- (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 £44.00.

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.

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2. Where the Judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum of £39.00 for drafting a notice for further particulars.

3. For drafting a reply to a notice for further particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum of £39.00.

4. For each day or part of a day on which a trial or hearing is continued after the first day counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel's scale fee.

Libel and slander

Table 4: Defendant's Costs

<i>In actions where amount claimed—</i> <i>(1)</i>	<i>Solicitor's Costs</i> <i>(2)</i>	<i>Counsel's Fee</i> <i>(3)</i>
(i) does not exceed £500	£479	£212
(ii) exceeds £500 but does not exceed £1,000	£566	£317
(iii) exceeds £1,000 but does not exceed £1,500	£650	£394
(iv) exceeds £1,500 but does not exceed £2,000	£775	£494
(v) exceeds £2,000 but does not exceed £2,500	£879	£587
(vi) exceeds £2,500 but does not exceed £3,000	£991	£674

1. Counsel travelling to attend a court—

- (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £22.00;
- (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £44.00.

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 £22.00;
- (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 £44.00.

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.

2. Where the Judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum of £39.00 for drafting a notice for further particulars.

3. For drafting a reply to a notice for further particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum of £39.00.

4. For each day or part of a day on which a trial or hearing is continued after the first day counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel's scale fee.

PART II

Remitted actions

Table 1: Plaintiff's Costs

<i>In actions where amount decreed—</i>		<i>Solicitor's costs</i>
<i>(1)</i>		<i>(2)</i>
(i)	does not exceed £1,000	£497
(ii)	exceeds £1,000 but does not exceed £2,500	£1,049
(iii)	exceeds £2,500 but does not exceed £5,000	£1,491
(iv)	exceeds £5,000 but does not exceed £7,500	£1,933
(v)	exceeds £7,500 but does not exceed £10,000	£2,209
(vi)	exceeds £10,000 but does not exceed £12,500	£2,430
(vii)	exceeds £12,500 but does not exceed £15,000	£2,651

<i>In actions where amount decreed—</i>		<i>Counsel's fee</i>
<i>(1)</i>		<i>(3)</i>
(i)	does not exceed £1,000	£166
(ii)	exceeds £1,000 but does not exceed £2,500	£243
(iii)	exceeds £2,500 but does not exceed £5,000	£354

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>In actions where amount decreed—</i>		<i>Counsel's fee</i>
<i>(1)</i>		<i>(3)</i>
(iv)	exceeds £5,000 but does not exceed £7,500	£442
(v)	exceeds £7,500 but does not exceed £10,000	£519
(vi)	exceeds £10,000 but does not exceed £12,500	£591
(vii)	exceeds £12,500 but does not exceed £15,000	£663

1. Where a Chancery action is remitted the Judge shall direct which costs tables shall apply having regard to the subject matter of the suit.

2. Counsel travelling to attend a court—

- (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £22.00;
- (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £44.00.

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 £22.00;
- (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 £44.00.

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.

3. Where the amount decreed exceeds £15,000, the costs may be increased by such amounts as the Judge thinks proper having regard to the amount involved or the importance or difficulty of the case.

4. Where the Judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum of £39.00 for drafting a notice for further particulars.

5. For drafting a reply to a notice for further particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum of £39.00.

6. For each day or part of a day on which a trial or hearing is continued after the first day both counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel's scale fee.

Table 2: Defendant's Costs

Solicitor's costs	£2,651
Counsel's fee	£663

provided, however, that, where no specific sum or a sum exceeding £15,000 is claimed, the Judge, having regard to the importance or difficulty of the case or to the amount involved, may increase the above amount.

1. Where a Chancery action is remitted the Judge shall direct which costs tables shall apply having regard to the subject matter of the suit.
2. Where the defendant complies with Order 8, Rule 6, he shall be entitled to claim £22.22.
3. Counsel travelling to attend a court—
 - (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £22.00;
 - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £44.00.

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 £22.00;
- (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 £44.00.

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.

4. Where the Judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum of £39.00 for drafting a notice for further particulars.
5. For drafting a reply to a notice for further particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum of £39.00.
6. For each day or part of a day on which a trial or hearing is continued after the first day counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel's fee.

PART III

Ejectments

Table 1: Plaintiff's Costs

	<i>Solicitor's costs</i>	<i>Counsel's fee</i>
(1)	(2)	(3)

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	<i>Solicitor's costs</i>	<i>Counsel's fee</i>
Where the proceedings are for the recovery of possession of premises by a statutory body under statutory powers or which are not otherwise subject to the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland) 1920 to 1956 and the Rent (Northern Ireland) Order 1978(9)	£122	£60
In other cases—		
where the valuation		
(i) does not exceed £500	£297	£113
(ii) exceeds £500	£423	£212

1. See Order 55, Rule 14(1). Only 50% payable where defendant delivers up possession within 21 days of service of civil bill.

2. Counsel travelling to attend a court—

- (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £22.00;
- (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £44.00.

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 £22.00;
- (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 £44.00.

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.

3. For each day or part of a day on which a trial or hearing is continued after the first day counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel's scale fee.

(9) [S.I. 1978/1050 \(N.I.20\)](#).

Table 2: Defendant's Costs

	<i>Solicitor's costs</i>	<i>Counsel's fee</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
Where the proceedings are for the recovery of possession of premises by a statutory body under statutory powers or which are not otherwise subject to the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland) 1920 to 1956 and the Rent (Northern Ireland) Order 1978 ⁽¹⁰⁾	£122	£60
In other cases—		
where the valuation		
(i) does not exceed £500	£297	£113
(ii) exceeds £500	£423	£212

1. Counsel travelling to attend a court—

- (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £22.00;
- (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £44.00.

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 £22.00;
- (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 £44.00.

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.

⁽¹⁰⁾ S.I. 1978/1050 (N.I.20).

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2. For each day or part of a day on which a trial or hearing is continued after the first day counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel's scale fee.

PART IV

Proceedings to annul precept, order or conviction – Order 37

Instructions, drawing notice and copy	£18.64
Entry, preparation for and attending hearing	£61.56
Drawing order	£5.59

PART V

Restitution of possession

Where the application for restitution is opposed and is refused, Part 3, Table 2, shall apply as if the respondent were a defendant.

Where the application for restitution is granted no party and party costs shall be allowed.

PART VI

Grant and revocation of probate or administration

Table 1: Plaintiff's Costs

<i>Where the net estate—</i> <i>(1)</i>	<i>Solicitor's costs</i> <i>(2)</i>	<i>Counsel's fee</i> <i>(3)</i>
(i) does not exceed £10,000	£339	£254
(ii) exceeds £10,000 but not £20,000	£466	£317
(iii) exceeds £20,000 but not £30,000	£622	£354
(iv) exceeds £30,000 but not £40,000	£766	£388
(v) exceeds £40,000 but not £45,000	£901	£418

1. Counsel travelling to attend a court—

(a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £22.00;

- (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £44.00.

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 £22.00;
- (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 £44.00.

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.

2. Where the Judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum of £39.00 for drafting a notice for further particulars.

3. For drafting a reply to a notice for further particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum of £39.00.

4. For each day or part of a day on which a trial or hearing is continued after the first day counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel's scale fee.

Table 2: Defendant's Costs

	<i>Where the net estate</i>	<i>Solicitor's costs</i>	<i>Counsel's fee</i>
	<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
(i)	does not exceed £10,000	£326	£254
(ii)	exceeds £10,000 but not £20,000	£452	£317
(iii)	exceeds £20,000 but not £30,000	£606	£354
(iv)	exceeds £30,000 but not £40,000	£752	£388
(v)	exceeds £40,000 but not £45,000	£888	£418

1. Counsel travelling to attend a court—

- (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £22.00;
- (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £44.00.

Solicitor travelling to attend a court—

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- (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 £22.00;
- (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 £44.00.

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.

2. Where the Judge is satisfied that the issues in the case were of particular complexity he may certify that the solicitor or counsel, as the case may be, is entitled to an additional sum of £39.00 for drafting a notice for further particulars.

3. For drafting a reply to a notice for further particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum of £39.00.

4. For each day or part of a day on which a trial or hearing is continued after the first day counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel's scale fee.

PART VII

Application under Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968

Table 1: Applicant's Costs

<i>Where amount awarded—</i> (1)	<i>Solicitor's costs</i> (2)	<i>Counsel's fee</i> (3)
(i) does not exceed £30	£23	£9
(ii) exceeds £30 but does not exceed £75	£42	£23
(iii) exceeds £75 but does not exceed £150	£74	£29
(iv) exceeds £150 but does not exceed £300	£115	£38
(v) exceeds £300 but does not exceed £500	£127	£41
(vi) exceeds £500 but does not exceed £1,000	£151	£43
(vii) exceeds £1,000 but does not exceed £2,000	£168	£62

<i>Where amount awarded—</i> <i>(1)</i>	<i>Solicitor's costs</i> <i>(2)</i>	<i>Counsel's fee</i> <i>(3)</i>
(viii) exceeds £2,000 but does not exceed £3,500	£192	£74
(ix) exceeds £3,500 but does not exceed £5,000	£210	£87
(x) exceeds £5,000 but does not exceed £5,500	£221	£89
(xi) exceeds £5,500 but does not exceed £6,000	£231	£96
(xii) exceeds £6,000 but does not exceed £6,500	£244	£98
(xiii) exceeds £6,500 but does not exceed £7,000	£253	£105
(xiv) exceeds £7,000 but does not exceed £7,500	£263	£112
(xv) exceeds £7,500 but does not exceed £8,000	£275	£115
(xvi) exceeds £8,000 but does not exceed £8,500	£287	£118
(xvii) exceeds £8,500 but does not exceed £9,000	£296	£127
(xviii) exceeds £9,000 but does not exceed £9,500	£305	£130
(xix) exceeds £9,500 but does not exceed £10,000	£314	£136

1. If claim is settled and attendance of applicant's solicitor is not required at court for purpose of obtaining a decree, 85% only of costs in columns (2) and (3) are payable, unless the parties otherwise agree or the Judge orders.

2. Where the respondent has before the hearing of an application in court made an unconditional offer in writing to pay a specified amount for compensation and the compensation awarded by the

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Judge does not exceed such amount, only 50% of the costs in columns (2) and (3) are payable. Such written offer must be served on the applicant in accordance with section 24 of the Interpretation Act (Northern Ireland) 1954 not less than fourteen days before the commencement of the actual hearing by the Judge. The amount specified in the offer shall not be communicated to the Judge until after he has determined the amount awarded.

3. Where the case is of exceptional complexity or difficulty, and in any event, taking into account the role of counsel and the nature and content of the proceedings, the Judge may certify an amount exceeding scale figure.

4. Where the Judge considers that it was proper for the applicant to instruct senior as well as junior counsel, he may certify counsel's fees and solicitor's costs in such sum as he considers appropriate.

5. Where the amount awarded exceeds £10,000, the Judge shall, unless the parties otherwise agree, certify the amount for solicitor's costs and the amount allowed for counsel's fees.

RESPONDENT'S COSTS

Where an application for compensation is dismissed the amount recoverable by the respondent for solicitor's costs or counsel's fees shall, in default of agreement, be such amount, if any, as the Judge may settle.

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>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
£250	£160	£62
£500	£198	£76
£750	£249	£102
£1,000	£283	£119
£2,000	£318	£134
£3,000	£356	£149
£4,000	£393	£156
£5,000	£428	£168
£6,000	£467	£179
£7,000	£504	£192
£8,000	£538	£201
£9,000	£578	£214
£10,000	£615	£226
£15,000	£783	£286
£20,000	£971	£352

<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>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
£25,000	£1,140	£415
£30,000	£1,327	£489
£35,000	£1,496	£553
£40,000	£1,678	£630
£45,000	£1,850	£676
£50,000	£2,020	£777
£60,000	£2,291	£898
£70,000	£2,558	£1,022
£80,000	£2,818	£1,150
£90,000	£3,088	£1,288
£100,000	£3,343	£1,420
£125,000	£3,515	£1,512
£150,000	£3,700	£1,614
£175,000	£3,882	£1,741
£200,000	£4,056	£1,822
£250,000	£4,409	£2,028
£300,000	£4,497	£2,088
£350,000	£4,585	£2,140
£400,000	£4,666	£2,193
£450,000	£4,754	£2,244
£500,000	£4,840	£2,304
£600,000	£5,019	£2,420
£700,000	£5,191	£2,534
£800,000	£5,369	£2,649
£900,000	£5,549	£2,775
£1,000,000	£5,719	£2,895

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(11).

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 of the above table; and

(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.

Party and party costs in appeals under Article 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

Table 3: 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>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
£500	£249	£102
£750	£342	£139
£1,000	£428	£163
£2,000	£467	£180
£3,000	£490	£200
£4,000	£528	£219
£5,000	£552	£238
£6,000	£578	£243
£7,000	£601	£251
£8,000	£624	£261
£9,000	£650	£272
£10,000	£675	£283
£15,000	£774	£313
£20,000	£893	£356
£25,000	£1,017	£386
£30,000	£1,138	£418
£35,000	£1,263	£466
£40,000	£1,385	£515
£45,000	£1,508	£562
£50,000	£1,626	£615
£60,000	£1,776	£669
£70,000	£1,960	£758
£80,000	£2,206	£866
£90,000	£2,449	£979
£100,000	£2,695	£1,093
£125,000	£3,063	£1,275
£150,000	£3,183	£1,357

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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>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
£175,000	£3,309	£1,428
£200,000	£3,429	£1,498
£225,000	£3,556	£1,563
£250,000	£3,676	£1,627

1. 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 fee.

2. 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.

3. Where the amount awarded is in excess of £250,000 the Judge shall, unless the parties otherwise agree, certify the amount of solicitor's costs and the amount allowed for counsel's fees.

4. 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.

5. Nothing in this table or note shall derogate from the provisions of Rule 4 of Order 54 or Article 16(3) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988(12)

6. The scale of solicitor's costs in column (2) of the above table is inclusive of any costs (but not expenses) payable under Article 13(2) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 in respect of making out and verifying the claim to compensation up to the date of the Secretary of State's determination.

(12) S.I. 1988/793 (N.I.4).

7. (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 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.

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 fee.

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.

Party and party costs in appeals under section 55(4) of the Northern Ireland (Emergency Provisions) Act 1996 and under paragraph (5) of Schedule 12 to the Terrorism Act 2000

Table 4: Appellant's Costs

<i>Where the amount awarded is greater than the Secretary of State's decision and does not exceed</i>	<i>Solicitor's costs</i>	<i>Counsel's fee</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
£		
250	£160	£62
500	£198	£76

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<i>Where the amount awarded is greater than the Secretary of State's decision and does not exceed</i>	<i>Solicitor's costs</i>	<i>Counsel's fee</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
750	£249	£102
1,000	£283	£119
2,000	£318	£134
3,000	£356	£149
4,000	£393	£156
5,000	£428	£168
6,000	£467	£179
7,000	£504	£192
8,000	£538	£201
9,000	£578	£214
10,000	£615	£226
15,000	£783	£286
20,000	£971	£352
25,000	£1,140	£415
30,000	£1,327	£489
35,000	£1,496	£553
40,000	£1,678	£630
45,000	£1,848	£676
50,000	£2,020	£777

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 55(4) of the Northern Ireland (Emergency Provisions) Act 1996⁽¹³⁾ or under paragraph 4 of Schedule 12 to the Terrorism Act 2000⁽¹⁴⁾.

8. Where an appeal under section 55(4) of the Northern Ireland (Emergency Provisions) Act 1996 or under paragraph 5 of Schedule 12 to the Terrorism Act 2000 is in respect of an act authorised by or on behalf of the Secretary of State under section 26(2) of the Northern Ireland (Emergency Provisions) Act 1996 or under section 91 of the Terrorism Act 2000 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 at 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 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 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.

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 fee.

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.

(13) 1996 c. 22.

(14) 2000 c. 11.

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PART VIII

Equity and Title suits

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

2. In equity and title matters solicitor's costs and counsel's fees shall be determined in accordance with Tables 1 and 2 respectively.

Table 1

<i>Where the value of the personalty and/or lands</i>	<i>Solicitor's Costs</i>
does not exceed £5,000	£497
exceeds £5,000 but not £10,000	£1,049
exceeds £10,000 but not £15,000	£1,491
exceeds £15,000 but not £20,000	£1,933
exceeds £20,000 but not £25,000	£2,209
exceeds £25,000 but not £35,000	£2,430
exceeds £35,000 but not £45,000	£2,651

Table 2

<i>Where the value of the personalty and/or lands—</i>	<i>Counsel's fee for advising proceedings defence settling the equity civil bill and advising proofs</i>	<i>Counsel's fee on the hearing of every equity civil bill or petition</i>
does not exceed £5,000	£85	£247
exceeds £5,000 but not £10,000	£114	£316
exceeds £10,000 but not £15,000	£140	£423
exceeds £15,000 but not £20,000	£184	£493
exceeds £20,000 but not £25,000	£212	£565
exceeds £25,000 but not £35,000	£278	£705
exceeds £35,000 but not £45,000	£341	£847

<i>Where the value of the personalty and/or lands—</i>	<i>Counsel's fee for advising proceedings defence settling the equity civil bill and advising proofs</i>	<i>Counsel's fee on the hearing of every equity civil bill or petition</i>
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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, having regard to the work actually performed, the amounts provided under the relevant scale 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.

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. 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.

11. Counsel travelling to attend court—

- (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £22.00;
- (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £44.00.

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 £22.00;
- (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 £44.00.

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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.

12. For each day or part of a day on which a trial or hearing is continued after the first day counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel's scale fee.

PART IX

Miscellaneous Costs

INTERPLEADER PROCEEDINGS

The costs under Order 10 shall be in accordance with the foregoing Rules and Tables so far as appropriate and subject to any direction by the Judge.

INTERLOCUTORY APPLICATIONS

Instructions and drawing notice of motion or certificate of application for discovery, filing and serving copy	£110.00
Attending before Judge or District Judge on notice or ex parte	£55.00
Drawing up list of documents under Order 15	£38.86 (or such other amount as the Judge or District Judge may allow).

JUDGMENTS ENFORCEMENT (NORTHERN IRELAND) ORDER 1981: Part VIII

Costs of an enforcement order under Rule 4(2) (a) of Order 40 shall be in accordance with Part 1, Table 3 as if the total amount ordered to be paid by instalments were the amount decreed.

Costs of a committal order or an attachment of earnings order made by the Court under the said Act shall be one-half the amount of the costs appropriate to an enforcement order.

ENFORCEMENT OF COUNTY COURT DECREES IN OTHER PARTS OF THE UNITED KINGDOM

Applicant's costs of obtaining a certificate in respect of a money provision contained in a decree	£24.68
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HIRE-PURCHASE

Where an order is made for recovery of possession of goods let under a hire-purchase agreement, the prima facie value of the goods for the purpose of costs shall be the total price less (a) the amount paid, and (b) the amount of arrears (if any) awarded by the decree or order, but this value may be varied by the Judge in his discretion and the costs shall be of the same amount as in proceedings for the recovery of a sum of money equal to the said value of the goods.

Where a decree for arrears of instalments and/or damages is coupled with an order for recovery of possession of goods the amount thereof shall be added to the value of the goods as ascertained as above for the purpose of fixing the amount of the costs.

In any proceedings on foot of a hire-purchase agreement for recovery of possession of goods or for arrears of instalments or for damages for breach of the said agreement where such proceedings are undefended the costs shall be in accordance with Part I, Table 3 and in other cases Part I, Table 1 or 2.

STATUTORY APPEALS AND APPLICATIONS

Notice of appeal or application, services and entry	£18.38
Preparation for and attending hearing, instructing counsel (if any) and taking out order	£97.59
Counsel's fees	£60.84

PROCEEDINGS FOR WRONGFUL INTERFERENCE WITH GOODS

Where an order is made for delivery of goods with or without an order for damages the value of the goods as assessed by the court shall be added to the damages, if any, for the purpose of ascertaining the appropriate costs scales.

Where an action for wrongful interference with goods is dismissed the defendant's costs shall be based upon the value of the goods claimed as assessed by the court or shall be such sum as the Judge may award.

COSTS OF THE DAY

If ordered by the Judge on the application of any party, the costs of the day in any proceeding shall be in the discretion of the Judge.

PART X

Occasional Costs

1.	For any affidavit of service not otherwise provided for	£2.51
2.	For any other necessary affidavit not otherwise provided for, per folio	£1.04
3.	For preparing recognizance	£2.88

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4.	For drawing, issuing and having served a witness summons	£8.41
5.	For drawing costs and copies, per page	£6.23
6.	For attending taxation, per hour	£10.52”

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the County Court Rules (Northern Ireland) 1981 (“the principal Rules”) to:

implement the European Directive on the Enforcement of Intellectual Property Rights (Directive [2004/48/EC](#)) by making provision for the court to make an interim order making the continuation of an alleged infringement of an intellectual property right subject to guarantees, by providing that where the court grants a remedy before the issue of proceedings, the remedy shall only be granted on terms providing for the issue of a civil bill and by amending the procedure relating to applications under the Copyright Design and Patents Act 1988 and the Trade Marks Act 1994;

remove references to the Trade Marks Act 1938, which has now been repealed;

designate a list of securities in which the Accountant General may invest money paid into the county court by order of the court, in accordance with his powers under the Judicature (Northern Ireland) Act 1978;

facilitate the use of a generic, electronic seal in the county court;

uplift by 10.47% (rounded where appropriate) certain costs prescribed in the body of the principal Rules and the scale costs for solicitor and counsel prescribed in Appendix 2 of the principal Rules; and

provide for judicial discretion to increase costs in discrimination cases under specified statutory provisions, where the amount decreed or, in the case of a dismiss, claimed exceeds £15,000.