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STATUTORY RULES OF NORTHERN IRELAND

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**1981 No. 225**

County Court Rules (Northern Ireland) 1981

ORDER 55

Costs

APPENDIX 2

**Counterclaim**

**10.**—(1) Where both claim and counterclaim are dismissed, as between party and party each decree shall carry costs on the scale of a defendant's costs of a dismiss on the amount claimed. Provided that the judge may direct that one decree only shall issue for the difference, if any, between the costs of the parties, or if such costs are of the same amount that no decree shall issue.

(2) Where both the claim and the counterclaim are established, then, subject to (3) hereof, as between party and party each decree shall carry costs on the scale appropriate to the amount decreed.

(3) Where both the claim and counterclaim are established and a balance is decreed in accordance with Rule 8(1) of Order 25 then, in the absence of any special order by the judge under paragraph (2) of such Rule, the costs as between the parties shall be in accordance with the scale appropriate to such balance as decreed.

(4) Where a plaintiff succeeds on his claim and a counterclaim against him is dismissed, or where a defendant succeeds on his counterclaim and the claim against him is dismissed, the judge shall upon application at the hearing decide what proportion (if any) of the scale costs appropriate to a dismiss on the amount claimed in the unsuccessful suit shall be payable to the successful party by way of additional costs occasioned by the defence of the other party's claim, and such costs (if any) shall be added to the scale costs on the amount decreed.

(5) As between solicitor and client, subject to Rule 5 of this Order, the solicitor shall be entitled to such additional costs as are appropriate to any additional work or responsibility occasioned by the prosecution or the defence of the counterclaim; but" he shall not be entitled to additional costs on the counterclaim in respect of any item common to both claim and counterclaim.

(6) In this Rule the expression "costs" includes any witnesses expenses allowed by the judge.