

1988 No. 18

COUNTY COURTS

County Court (Criminal Injuries to the Person) (Compensation) (Amendment) Rules (Northern Ireland) 1988

Made 18th January 1988

Coming into operation 1st March 1988

We, the County Court Rules Committee, appointed by the Lord Chancellor under Article 46 of the County Courts (Northern Ireland) Order 1980(a), in exercise of the powers conferred on us by Article 47 of that Order and in accordance with Articles 13, 14 and 20 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977(b), make the following rules:

Citation and commencement

1.—(1) These rules may be cited as the County Court (Criminal Injuries to the Person) (Compensation) (Amendment) Rules (Northern Ireland) 1988.

(2) In these rules “the principal rules” means the County Court (Criminal Injuries to the Person) (Compensation) Rules (Northern Ireland) 1983(c).

Amendment to the principal rules

2. For Schedule 2 to the principal rules there shall be substituted the new Schedule 2 set out in the Schedule.

We, the undersigned members of the County Court Rules Committee, having by virtue of the powers vested in us in this behalf made the foregoing rules, do hereby certify the same under our hand and submit them to the Lord Chancellor accordingly.

John K. Pringle
J. F. B. Russell
John J. Curran
C. Nelson M. Rountree
T. F. Glass
Barry Valentine
K. G. Nixon
S. D. Massey

Dated 9th December 1987.

After consultation with the Lord Chief Justice I allow these rules which shall come into operation on 1st March 1988.

Dated 18th January 1988

Mackay of Clashfern, C.

(a) S.I. 1980/397 (N.I. 3)
 (b) S.I. 1977/1248 (N.I. 15)
 (c) S.R. 1983 No. 433

AMENDMENT TO THE PRINCIPAL RULES

SCHEDULE 2

Rule 9(1)

**Party and party costs in appeals under Article 14 of the Criminal Injuries
(Compensation) (Northern Ireland) Order 1977.**

A. 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	99	32
500	131	54
750	184	75
1,000	230	88
2,000	250	97
3,000	263	106
4,000	283	117
5,000	295	126
6,000	309	130
7,000	321	134
8,000	335	139
9,000	348	145
10,000	361	150
15,000	414	167
20,000	479	190
25,000	545	207
30,000	610	223
35,000	676	249
40,000	741	275
45,000	808	301
50,000	873	328
60,000	951	359
70,000	1,050	406
80,000	1,181	464
90,000	1,313	524
100,000	1,444	586
125,000	1,641	683
150,000	1,706	727
175,000	1,773	766
200,000	1,838	803
225,000	1,904	838
250,000	1,969	872

NOTE:

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 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 Schedule shall derogate from the provisions of rule 5 or Article 14(4) of the Order.
 6. The scale of solicitor's costs in column (2) above is inclusive of any costs (but not expenses) payable under Article 11(2) of the Order in respect of making out and verifying the claim to compensation up to the date of the Secretary of State's determination.
- B. 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.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These rules amend the County Court (Criminal Injuries to the Person) (Compensation) Rules (Northern Ireland) 1983 to introduce a new scale of costs and fees payable to solicitors and counsel in appeals to the County Court under Article 14 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977.