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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 464**

**COUNTY COURTS**

**County Court (Amendment No. 3) Rules  
(Northern Ireland) 1999**

*Made* . . . . . 22nd November 1999

*Coming into operation* . . . . . 6th December 1999

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 all other powers enabling us in that behalf, hereby make the following Rules:

*Citation and interpretation*

**1.**—(1) These Rules may be cited as the County Court (Amendment No. 3) Rules (Northern Ireland) 1999.

(2) In these Rules a reference to an Order, Rule or Appendix is a reference to that Order, Rule or Appendix as numbered in the County Court Rules (Northern Ireland) 1981(b).

*Costs*

**2.**—(1) Order 19 shall be amended at Rule 5 by deleting the figure “£25·54” and substituting the figure “£28·10”.

(2) Order 24 shall be amended, at paragraph (7)(a) of Rule 9, by deleting the figure “£10·00”, and substituting the figure “£11·00” and by deleting the figure “£14·12” and substituting the figure “£15·50”.

(3) Order 33 shall be amended, at paragraph (6) of Rule 10, by deleting the figure “£5·80” and substituting the figure “£6·38”.

(4) Order 55 shall be amended as follows:—

(a) by deleting, in Rule 13, the figure “90p” and substituting the figure “£1·00”.

(b) by deleting, in Rule 17, the figure “£2·06” and substituting the figure “£2·27”.

(5) For Appendix 2 there shall be substituted the new Appendix set out in the Schedule.

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(a) S.I. 1980/397 (N.I. 3)

(b) S.R. 1981 No. 225; to which the most recent relevant amendments were made by S.R. 1996 No. 19, S.R. 1993 No. 322 and S.R. 1992 No. 248

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.

*A. R. Hart*  
*J. J. Curran*  
*T. A. Burgess*  
*H. Keegan*  
*B. Kennedy*  
*Barry Valentine*  
*Brian F. Walker*  
*Brian J. Stewart*  
*Paddy Kelly*

Dated 20th October 1999

After consultation with the Lord Chief Justice, I allow these Rules which shall come into operation on 6th December 1999.

Dated 22nd November 1999

*Irvine of Lairg, C.*

## SCHEDULE

Rule 2(5)

## APPENDIX 2

## PART I

**Ordinary civil bills**

(other than those provided for in Table 3)

TABLE 1: PLAINTIFF'S COSTS

<i>In actions where amount decreed—</i>		<i>Solicitor's costs</i>
(1)		(2)
(i)	does not exceed £500	£172
(ii)	exceeds £500 but does not exceed £1,000	£422
(iii)	exceeds £1,000 but does not exceed £2,000	£674
(iv)	exceeds £2,000 but does not exceed £3,000	£925
(v)	exceeds £3,000 but does not exceed £4,000	£1,136
(vi)	exceeds £4,000 but does not exceed £5,000	£1,285
(vii)	exceeds £5,000 but does not exceed £6,000	£1,432
(viii)	exceeds £6,000 but does not exceed £7,000	£1,566
(ix)	exceeds £7,000 but does not exceed £8,000	£1,689
(x)	exceeds £8,000 but does not exceed £9,000	£1,799
(xi)	exceeds £9,000 but does not exceed £10,000	£1,896
(xii)	exceeds £10,000 but does not exceed £12,500	£2,057
(xiii)	exceeds £12,500 but does not exceed £15,000	£2,261

  

<i>In actions where amount decreed—</i>		<i>Counsel's fee</i>
(1)		(3)
(i)	does not exceed £500	£53
(ii)	exceeds £500 but does not exceed £1,000	£110
(iii)	exceeds £1,000 but does not exceed £2,000	£154
(iv)	exceeds £2,000 but does not exceed £3,000	£205
(v)	exceeds £3,000 but does not exceed £4,000	£240
(vi)	exceeds £4,000 but does not exceed £5,000	£272
(vii)	exceeds £5,000 but does not exceed £7,500	£378
(viii)	exceeds £7,500 but does not exceed £10,000	£441
(ix)	exceeds £10,000 but does not exceed £12,500	£504
(x)	exceeds £12,500 but does not exceed £15,000	£568

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 £18.26;
  - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £36.56.

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 £18·26;
- (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 £36·56.

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 copy civil bill required for service after first add £1·00 to costs. See Order 55, Rule 13.
- 4. Where service of civil bill effected by post under Rule 3(2)(b) of Order 6 the solicitor is entitled to £2·27 inclusive of outlay in lieu of process server's fee. See Order 55, Rule 17.
- 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 £21·42. This item is only to be allowed against the other party in actions where the amount claimed exceeds £2,000 and the allowance is recorded in the court minute book.
- 6. For each day or part of a day on which a trial or hearing is continued after the first day—
  - (a) counsel is entitled to an additional sum equivalent to one third of the scale fee;
  - (b) a solicitor in attendance is entitled to an additional sum equivalent to one third of counsel's scale fee.
- 7. Where in any action or application under the Consumer Credit Act 1974 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.

### Ordinary civil bills

TABLE 2: DEFENDANT'S COSTS

<i>In actions where amount claimed—</i>		<i>Solicitor's costs</i>
(1)		(2)
(i)	does not exceed £500	£163
(ii)	exceeds £500 but does not exceed £1,000	£403
(iii)	exceeds £1,000 but does not exceed £2,000	£642
(iv)	exceeds £2,000 but does not exceed £3,000	£879
(v)	exceeds £3,000 but does not exceed £4,000	£1,080
(vi)	exceeds £4,000 but does not exceed £5,000	£1,220
(vii)	exceeds £5,000 but does not exceed £6,000	£1,360
(viii)	exceeds £6,000 but does not exceed £7,000	£1,488
(ix)	exceeds £7,000 but does not exceed £8,000	£1,604
(x)	exceeds £8,000 but does not exceed £9,000	£1,708
(xi)	exceeds £9,000 but does not exceed £10,000	£1,802
(xii)	exceeds £10,000 but does not exceed £12,500	£1,988
(xiii)	exceeds £12,500 but does not exceed £15,000	£2,147

<i>In actions where amount claimed—</i> (1)	<i>Counsel's fee</i> (3)
(i) does not exceed £500	£53
(ii) exceeds £500 but does not exceed £1,000	£110
(iii) exceeds £1,000 but does not exceed £2,000	£154
(iv) exceeds £2,000 but does not exceed £3,000	£205
(v) exceeds £3,000 but does not exceed £4,000	£240
(vi) exceeds £4,000 but does not exceed £5,000	£272
(vii) exceeds £5,000 but does not exceed £7,500	£378
(viii) exceeds £7,500 but does not exceed £10,000	£441
(ix) exceeds £10,000 but does not exceed £12,500	£504
(x) exceeds £12,500 but does not exceed £15,000	£568

1. This Table does not apply to actions for defamation.
2. See Order 55, Rule 10 for costs of counterclaim.
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 £18.26;
  - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £36.56.
 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 £18.26;
  - (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 £36.56.

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. 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 £21.42. This item is only to be allowed against the other party in actions where the amount claimed exceeds £2,000 and the allowance is recorded in the court minute book.
5. For each day or part of a day on which a trial or hearing is continued after the first day—
  - (a) counsel is entitled to an additional sum equivalent to one third of the scale fee;
  - (b) a solicitor in attendance is entitled to an additional sum equivalent to one third of counsel's scale fee.
6. Where in any action or application under the Consumer Credit Act 1974 the amount claimed 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.

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

TABLE 3: 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	£63
(ii)	exceeds £500 but does not exceed £1,000	£99
(iii)	exceeds £1,000 but does not exceed £2,000	£124
(iv)	exceeds £2,000 but does not exceed £3,000	£142
(v)	exceeds £3,000 but does not exceed £4,000	£156
(vi)	exceeds £4,000 but does not exceed £5,000	£173
(vii)	exceeds £5,000 but does not exceed £6,000	£193
(viii)	exceeds £6,000 but does not exceed £7,000	£210
(ix)	exceeds £7,000 but does not exceed £8,000	£227
(x)	exceeds £8,000 but does not exceed £9,000	£241
(xi)	exceeds £9,000 but does not exceed £10,000	£254
(xii)	exceeds £10,000 but does not exceed £12,500	£276
(xiii)	exceeds £12,500 but does not exceed £15,000	£305

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 Rule 14(1) of Order 55.
2. For each copy civil bill required for service after first add £1.00 to costs. See Order 55, Rule 13.
3. Where service of civil bill effected by post under Rule 3(2)(b) of Order 6 the solicitor is entitled to £2.27 inclusive of outlay in lieu of process server's fee. See Order 55, Rule 17.
4. See Part IX ("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.
5. 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 £337.
6. 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 £18.26;
  - (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 £36.56.

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.

### Ordinary civil bills — title jurisdiction

TABLE 4: PLAINTIFF'S COSTS

	<i>Valuation</i> (1)	<i>Solicitor's costs</i> (2)	<i>Counsel's fee</i> (3)
(i)	not exceeding £500	£282.00	£146.00
(ii)	exceeding £500	£392.00	£220.00

1. To be calculated according to the valuation of the lands of the plaintiff or defendant, as the Judge may direct.
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 £18.26;
  - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £36.56.
 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 £18.26;
  - (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 £36.56.
 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 copy civil bill required for service after first add £1.00 to costs. See Order 55, Rule 13.
4. Where service of civil bill effected by post under Rule 3(2)(b) of Order 6 the solicitor is entitled to £2.27 inclusive of outlay in lieu of process server's fee. See Order 55, Rule 17.
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 £21.42. This item is only to be allowed against the other party in actions where the annual value of the land exceeds £300 and the allowance is recorded in the court minute book.
6. For each day or part of a day on which a trial or hearing is continued after the first day—
  - (a) counsel is entitled to an additional sum equivalent to one third of the scale fee;
  - (b) a solicitor in attendance is entitled to an additional sum equivalent to one third of counsel's scale fee.

## Ordinary civil bills — title jurisdiction

TABLE 5: DEFENDANT'S COSTS

	<i>Valuation</i> (1)	<i>Solicitor's costs</i> (2)	<i>Counsel's fee</i> (3)
(i)	not exceeding £500	£270.00	£146.00
(ii)	exceeding £500	£380.00	£220.00

1. To be calculated according to the valuation of the lands of the plaintiff or defendant, as the Judge may direct.
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 £18.26;
  - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £36.56.

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 £18.26;
  - (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 £36.56.

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 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 £21.42. This item is only to be allowed against the other party in actions where the annual value of the land exceeds £300 and the allowance is recorded in the court minute book.
4. For each day or part of a day on which a trial or hearing is continued after the first day—
  - (a) counsel is entitled to an additional sum equivalent to one third of the scale fee;
  - (b) a solicitor in attendance is entitled to an additional sum equivalent to one third of counsel's scale fee.



## Libel and slander

TABLE 6: PLAINTIFF'S COSTS

<i>In actions where amount decreed—</i>		<i>Solicitor's</i>	<i>Counsel's</i>
		<i>costs</i>	<i>fee</i>
(1)		(2)	(3)
(i)	does not exceed £500	£428.00	£184.00
(ii)	exceeds £500 but does not exceed £1,000	£502.00	£275.00
(iii)	exceeds £1,000 but does not exceed £1,500	£575.00	£342.00
(iv)	exceeds £1,500 but does not exceed £2,000	£685.00	£428.00
(v)	exceeds £2,000 but does not exceed £2,500	£776.00	£509.00
(vi)	exceeds £2,500 but does not exceed £3,000	£872.00	£584.00

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 £18.26;
  - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £36.56.

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 £18.26;
  - (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 £36.56.

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. For each copy civil bill required for service after first add £1.00 to costs. See Order 55, Rule 13.
3. Where service of civil bill effected by post under Rule 3(2)(b) of Order 6 the solicitor is entitled to £2.27 inclusive of outlay in lieu of process server's fee. See Order 55, Rule 17.
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 £21.42.
5. For each day or part of a day on which a trial or hearing is continued after the first day—
  - (a) counsel is entitled to an additional sum equivalent to one third of the scale fee;
  - (b) a solicitor in attendance is entitled to an additional sum equivalent to one third of counsel's scale fee.

## Libel and slander

TABLE 7: DEFENDANT'S COSTS

<i>In actions where amount claimed—</i>		<i>Solicitor's</i>	<i>Counsel's</i>
		<i>costs</i>	<i>fee</i>
(1)		(2)	(3)
(i)	does not exceed £500	£416.00	£184.00
(ii)	exceeds £500 but does not exceed £1,000	£490.00	£275.00
(iii)	exceeds £1,000 but does not exceed £1,500	£563.00	£342.00
(iv)	exceeds £1,500 but does not exceed £2,000	£673.00	£428.00
(v)	exceeds £2,000 but does not exceed £2,500	£763.00	£509.00
(vi)	exceeds £2,500 but does not exceed £3,000	£860.00	£584.00

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 £18.26;
  - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £36.56.

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 £18.26;
  - (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 £36.56.

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. 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 £21.42.
3. For each day or part of a day on which a trial or hearing is continued after the first day—
  - (a) counsel is entitled to an additional sum equivalent to one third of the scale fee;
  - (b) a solicitor in attendance is 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>
(1)		(2)
(i)	does not exceed £500	£172
(ii)	exceeds £500 but does not exceed £1,000	£422
(iii)	exceeds £1,000 but does not exceed £2,000	£674
(iv)	exceeds £2,000 but does not exceed £3,000	£925
(v)	exceeds £3,000 but does not exceed £4,000	£1,137
(vi)	exceeds £4,000 but does not exceed £5,000	£1,285
(vii)	exceeds £5,000 but does not exceed £6,000	£1,432
(viii)	exceeds £6,000 but does not exceed £7,000	£1,566
(ix)	exceeds £7,000 but does not exceed £8,000	£1,689
(x)	exceeds £8,000 but does not exceed £9,000	£1,799
(xi)	exceeds £9,000 but does not exceed £10,000	£1,896
(xii)	exceeds £10,000 but does not exceed £12,500	£2,057
(xiii)	exceeds £12,500 but does not exceed £15,000	£2,261

  

<i>In actions where amount decreed—</i>		<i>Counsel's fee</i>
(1)		(3)
(i)	does not exceed £500	£53
(ii)	exceeds £500 but does not exceed £1,000	£110
(iii)	exceeds £1,000 but does not exceed £2,000	£154
(iv)	exceeds £2,000 but does not exceed £3,000	£205
(v)	exceeds £3,000 but does not exceed £4,000	£240
(vi)	exceeds £4,000 but does not exceed £5,000	£272
(vii)	exceeds £5,000 but does not exceed £7,500	£378
(viii)	exceeds £7,500 but does not exceed £10,000	£441
(ix)	exceeds £10,000 but does not exceed £12,500	£504
(x)	exceeds £12,500 but does not exceed £15,000	£568

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 £18·26;
  - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £36·56.
 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 £18·26;

- (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 £36·56.

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. 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 £21·42.
5. For each day or part of a day on which a trial or hearing is continued after the first day—
  - (a) counsel is entitled to an additional sum equivalent to one third of the scale fee;
  - (b) a solicitor in attendance is entitled to an additional sum equivalent to one third of counsel's scale fee.

TABLE 2: DEFENDANT'S COSTS

Solicitor's costs	...	£2,209·00
Counsel's fee	...	£568·00

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 £19·28.
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 £18·26;
  - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £36·56.

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 £18·26;
  - (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 £36·56.

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. 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 £21·42.
5. For each day or part of a day on which a trial or hearing is continued after the first day—
  - (a) counsel is entitled to an additional sum equivalent to one third of the scale fee;
  - (b) a solicitor in attendance is entitled to an additional sum equivalent to one third of counsel's scale fee.

### PART III

#### Ejectments

TABLE 1: PLAINTIFF'S COSTS

	<i>Solicitor's costs</i>	<i>Counsel's fee</i>
(1)	(2)	(3)
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—	£105·00	£51·00
In other cases—		
where the valuation		
(i) does not exceed £500	£257·00	£97·00
(ii) exceeds £500	£367·00	£184·00

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 £18·26;
    - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £36·56.
- 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 £18·26;
  - (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 £36·56.

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 copy civil bill required for service after first add £1·00 to costs. See Order 55, Rule 13.
4. Where service of civil bill effected by post under Rule 3(2)(b) of Order 6 the solicitor is entitled to £2·27 inclusive of outlay in lieu of process server's fee. See Order 55, Rule 17.
5. For each day or part of a day on which a trial or hearing is continued after the first day—
  - (a) counsel is entitled to an additional sum equivalent to one third of the scale fee;
  - (b) a solicitor in attendance is entitled to an additional sum equivalent to one third of counsel's scale fee.

TABLE 2: DEFENDANT'S COSTS

(1)	<i>Solicitor's costs</i> (2)	<i>Counsel's fee</i> (3)
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—	£98·00	£51·00
In other cases—		
where the valuation		
(i) does not exceed £500	£245·00	£97·00
(ii) exceeds £500	£355·00	£184·00

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 £18·26;
  - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £36·56.
- 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 £18·26;
  - (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 £36·56.

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. For each day or part of a day on which a trial or hearing is continued after the first day—
  - (a) counsel is entitled to an additional sum equivalent to one third of the scale fee;
  - (b) a solicitor in attendance is 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	...	£16·17
Entry, preparation for and attending hearing	...	£53·43
Drawing order	...	£4·85

#### PART V

##### **Restitution of possession**

Where the application for restitution is opposed and is refused, Part III, 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> (1)	<i>Solicitor's costs</i> (2)	<i>Counsel's fee</i> (3)
(i) does not exceed £10,000	£294·00	£220·00
(ii) exceeds £10,000 but does not exceed £20,000	£404·00	£275·00
(iii) exceeds £20,000 but does not exceed £30,000	£539·00	£306·00
(iv) exceeds £30,000 but does not exceed £40,000	£664·00	£336·00
(v) exceeds £40,000 but does not exceed £45,000	£782·00	£362·00

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 £18·26;
  - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £36·56.
- 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 £18·26;

- (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 £36·56.

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. For each copy civil bill required for service after first add £1·00 to costs. See Order 55, Rule 13.
3. Where service of civil bill effected by post under Rule 3(2)(b) of Order 6 the solicitor is entitled to £2·27 inclusive of outlay in lieu of process server's fee. See Order 55, Rule 17.
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 £21·42.
5. For each day or part of a day on which a trial or hearing is continued after the first day—
  - (a) counsel is entitled to an additional sum equivalent to one third of the scale fee;
  - (b) a solicitor in attendance is entitled to an additional sum equivalent to one third of counsel's scale fee.

#### **Grant and revocation of probate or administration**

TABLE 2: DEFENDANT'S COSTS

<i>Where the net estate—</i>		<i>Solicitor's</i>	<i>Counsel's</i>
<i>(1)</i>		<i>costs</i>	<i>fee</i>
		<i>(2)</i>	<i>(3)</i>
(i)	does not exceed £10,000	£282·00	£220·00
(ii)	exceeds £10,000 but does not exceed £20,000	£392·00	£275·00
(iii)	exceeds £20,000 but does not exceed £30,000	£526·00	£306·00
(iv)	exceeds £30,000 but does not exceed £40,000	£652·00	£336·00
(v)	exceeds £40,000 but does not exceed £45,000	£770·00	£362·00

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 £18·26;
  - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £36·56.
- 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 £18·26;
  - (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 £36·56.



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. 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 £21.42.
3. For each day or part of a day on which a trial or hearing is continued after the first day—
  - (a) counsel is entitled to an additional sum equivalent to one third of the scale fee;
  - (b) a solicitor in attendance is 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	£20.00	£7.00
(ii) exceeds £30 but does not exceed £75	£36.00	£20.00
(iii) exceeds £75 but does not exceed £150	£64.00	£24.00
(iv) exceeds £150 but does not exceed £300	£99.00	£32.00
(v) exceeds £300 but does not exceed £500	£110.00	£35.00
(vi) exceeds £500 but does not exceed £1,000	£131.00	£37.00
(vii) exceeds £1,000 but does not exceed £2,000	£145.00	£53.00
(viii) exceeds £2,000 but does not exceed £3,500	£166.00	£64.00
(ix) exceeds £3,500 but does not exceed £5,000	£182.00	£75.00
(x) exceeds £5,000 but does not exceed £5,500	£191.00	£77.00
(xi) exceeds £5,500 but does not exceed £6,000	£200.00	£83.00
(xii) exceeds £6,000 but does not exceed £6,500	£211.00	£85.00
(xiii) exceeds £6,500 but does not exceed £7,000	£219.00	£91.00
(xiv) exceeds £7,000 but does not exceed £7,500	£228.00	£96.00
(xv) exceeds £7,500 but does not exceed £8,000	£238.00	£99.00
(xvi) exceeds £8,000 but does not exceed £8,500	£249.00	£102.00
(xvii) exceeds £8,500 but does not exceed £9,000	£256.00	£110.00
(xviii) exceeds £9,000 but does not exceed £9,500	£264.00	£113.00
(xix) exceeds £9,500 but does not exceed £10,000	£272.00	£117.00

1. If claim is settled and attendance of applicant's solicitor 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 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.

TABLE 2: 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 3: 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	139	53
500	171	66
750	215	88
1,000	245	102
2,000	276	116
3,000	308	129
4,000	341	135
5,000	371	145
6,000	405	155
7,000	437	166
8,000	466	174
9,000	501	186
10,000	534	196
15,000	679	248
20,000	842	305
25,000	989	360
30,000	1,151	424
35,000	1,298	480
40,000	1,456	546

TABLE 3: A. APPELLANT'S COSTS — *continued*

<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)
£	£	£
45,000	1,605	586
50,000	1,753	674
60,000	1,988	779
70,000	2,220	886
80,000	2,445	998
90,000	2,679	1,117
100,000	2,901	1,232
125,000	3,050	1,312
150,000	3,210	1,400
175,000	3,369	1,511
200,000	3,520	1,581
250,000	3,826	1,760
300,000	3,903	1,812
350,000	3,978	1,857
400,000	4,049	1,903
450,000	4,125	1,947
500,000	4,200	2,000
600,000	4,355	2,100
700,000	4,505	2,199
800,000	4,659	2,299
900,000	4,815	2,408
1,000,000	4,963	2,512

## NOTE:

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(a).
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  
  
(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.

**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.

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

TABLE 4: 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)
£	£	£
500	215	88
750	297	120
1,000	371	141
2,000	405	156
3,000	425	173
4,000	458	189
5,000	479	206
6,000	501	210
7,000	521	217
8,000	541	226
9,000	563	235
10,000	585	245
15,000	672	271
20,000	774	308

(a) S.I. 1977/1247 (N.I. 14)

TABLE 4: A. APPELLANT'S COSTS — *continued*

<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)
£	£	£
25,000	883	334
30,000	987	362
35,000	1,095	404
40,000	1,202	446
45,000	1,308	488
50,000	1,411	534
60,000	1,541	581
70,000	1,700	657
80,000	1,914	751
90,000	2,125	849
100,000	2,339	948
125,000	2,658	1,106
150,000	2,762	1,177
175,000	2,871	1,239
200,000	2,976	1,300
225,000	3,086	1,356
250,000	3,190	1,412

## 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 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(a).
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.

(a) 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 (2) of the above table; and
- (b) the amount of any such 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.

**B. 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 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 section 55(4) of the Northern Ireland (Emergency Provisions) Act 1996**

TABLE 5: A. 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>
(1)	(2)	(3)
£	£	£
250	139	53
500	171	66
750	215	88
1,000	245	103
2,000	276	116
3,000	308	129
4,000	341	135
5,000	371	145
6,000	405	155
7,000	437	166
8,000	466	174
9,000	501	186
10,000	534	196
15,000	679	248
20,000	842	305
25,000	989	360
30,000	1,151	424
35,000	1,298	480
40,000	1,456	546
45,000	1,604	586
50,000	1,753	674

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 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(a).
  8. Where an appeal under section 55(4) of the Northern Ireland (Emergency Provisions) Act 1996 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 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 in 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 the 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  
  
(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.
- B. 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 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.

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(a) 1996 c. 22

PART VIII

**Equity suits and proceedings**

1. Subject to the Judge's discretion, the following regulations shall be applicable to the costs of equity suits and proceedings under Articles 13 and 14 of the Order.
2. For the determination of costs in equity matters there shall be ten scales which may be known respectively as Scales 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 and shall, subject to the succeeding regulations of this Part, be applied as follows, that is to say—

<i>Where the value of the personalty and/or lands—</i>	<i>The scale applicable shall be—</i>
does not exceed £2,500	Scale 1
exceeds £2,500 but not £7,500	Scale 2
exceeds £7,500 but not £12,500	Scale 3
exceeds £12,500 but not £15,000	Scale 4
exceeds £15,000 but not £20,000	Scale 5
exceeds £20,000 but not £25,000	Scale 6
exceeds £25,000 but not £30,000	Scale 7
exceeds £30,000 but not £35,000	Scale 8
exceeds £35,000 but not £40,000	Scale 9
exceeds £40,000 but not £45,000	Scale 10

and the costs in the Schedule hereto shall apply accordingly.

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 any item of costs or expenses has not been provided for in the said Schedule, or where, having regard to the work actually performed, the amounts provided in the Schedule 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. Costs as between party and party shall in all cases be taxed by the district judge when directed by the Judge, and as between solicitor and client on requisition. Every such taxation shall be subject to review by the Judge wholly or in part.
11. 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.
12. Where equity proceedings involve a declaration of title or a claim for damages for trespass to lands, or an injunction in relation to lands, it shall be in the discretion of the Judge to direct that costs shall be in accordance with Tables 4 and 5 in Part I in lieu of any other Tables or scales.
13. Counsel travelling to attend a court—
  - (a) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £18·26;
  - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £36·56.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 £18·26;
  - (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 £36·56.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.
14. For each day or part of a day on which a trial or hearing is continued after the first day—
  - (a) counsel is entitled to an additional sum equivalent to one third of the scale fee;
  - (b) a solicitor in attendance is entitled to an additional sum equivalent to one third of counsel's fee.

# SCHEDULE

## Counsel's fees

	<i>Scale</i> 1	<i>Scale</i> 2	<i>Scale</i> 3	<i>Scale</i> 4	<i>Scale</i> 5	<i>Scale</i> 6	<i>Scale</i> 7	<i>Scale</i> 8	<i>Scale</i> 9	<i>Scale</i> 10
	£	£	£	£	£	£	£	£	£	£
For advising proceedings or defence, settling the equity civil bill or petition and advising proofs—	62	86	110	122	160	184	215	242	270	296
On the hearing of every equity civil bill or petition—	184	245	306	367	428	490	551	612	673	735
In suits in which the primary relief sought is of course, and involves a reference for account or inquiry, and a second decree, no fee shall be allowed in respect of the first hearing unless the Judge, having regard to any question of difficulty which may arise in the course of the suit, otherwise directs.										
In every suit for equitable relief, where the right to such relief is not contested, the fees allowed on the hearing shall, unless the Judge otherwise directs, not exceed—	62	86	110	122	160	184	215	242	270	296

The allowance of fees for counsel which are not hereinbefore provided for shall be governed by the nature, circumstances and general requirements of each case, and, save as herein provided, no fee to counsel shall be allowed on taxation unless by special direction in writing signed by the Judge, which direction must in all cases be applied for at the time of counsel's appearance; and no costs of counsel shall be allowed in any case which in the opinion of the Judge is not fit for such allowance. In all cases in which a fee to counsel is allowed or directed by the Judge, there shall be produced to the officer on taxation—

- (a) the brief or document in respect of which such fee is charged;
- (b) where requisite, a memorandum of the allowance or direction of the Judge; and
- (c) counsel's receipt;

otherwise the items for the fee and all relevant instructions shall be disallowed, or the taxation shall be disallowed, or the taxation shall be adjourned without costs of attendance, at the discretion of the Officer.

#### **Solicitor's costs**

##### **PERCENTAGE OR COMMISSION IN LIEU OF SOLICITOR'S COSTS IN SUITS BY CIVIL BILL OR PETITION**

If in any suit, having regard to its nature and circumstances, it appears to the Judge, on the application of the solicitor having carriage of the proceedings, or of the solicitor for any party interested in the suit, that it is expedient that a percentage or commission should be allowed as remuneration to the solicitor or solicitors for his or their services in each suit, in lieu of ordinary costs therein, he may make such allowance, subject to the following provisions, that is to say—

- (a) The percentage or commission in any such suit shall be calculated upon the value of the subject matter of the suit.
- (b) The application for such allowance may be made at any hearing of a suit or by interlocutory application.
- (c) In case of the death or change of the solicitor on whose application such allowance has been made, or for any other cause, the Judge may subsequently vary such direction, and order that any costs properly and necessarily incurred in the suit are to be ascertained in the usual way.
- (d) The allowance of a percentage or commission in lieu of costs shall not prejudice or restrict the exercise by the Judge of the jurisdiction to allow or disallow costs to any party in any suit.

### Solicitor's costs

WHERE THE PRINCIPLE OF ALLOWANCE BY PERCENTAGE OR COMMISSION DOES NOT APPLY

	<i>Scale</i> 1	<i>Scale</i> 2	<i>Scale</i> 3	<i>Scale</i> 4	<i>Scale</i> 5	<i>Scale</i> 6	<i>Scale</i> 7	<i>Scale</i> 8	<i>Scale</i> 9	<i>Scale</i> 10
	£	£	£	£	£	£	£	£	£	£
1. For taking instructions for civil bill or defence, advising thereon, taking instructions for hearing, advising proofs, and instructing counsel when employed.	89	107	120	151	182	207	223	238	252	265
2. For drawing civil bill or statement of defence and copy for service, and instructing counsel when employed.	58	72	98	105	124	147	167	187	206	224
3. For entering civil bill or defence, and attending the hearing, with or without counsel, and for all other costs up to the decree, and taking out same.	178	215	275	292	334	376	455	530	600	670
4. In cases of account or inquiry — on further hearing, in addition to the above, for entering the matter, attending further hearing with or without counsel and taking out the order thereon.	178	215	275	292	334	376	455	530	600	670
5. For confirmation of certificate on account or inquiry where no application to vary a sum not exceeding—	58	72	98	105	124	147	174	199	224	246

	<i>Scale</i> 1	<i>Scale</i> 2	<i>Scale</i> 3	<i>Scale</i> 4	<i>Scale</i> 5	<i>Scale</i> 6	<i>Scale</i> 7	<i>Scale</i> 8	<i>Scale</i> 9	<i>Scale</i> 10
	£	£	£	£	£	£	£	£	£	£
6. Trustee Act (Northern Ireland) 1958: Order 28. For instructions and attendances, drawing, engrossing and filing an affidavit for the purpose of payment of money, transfer of stock, or deposit of security, obtaining the certificate, paying the money, transferring the stock, or depositing the security and all other costs.	119	160	208	264	317	362	391	417	442	466
7. For all work incident to obtaining an order to invest under Order 28 or Order 45 or for payment of income under Order 45—										
29 Where the application is ex parte	89	107	138	145	166	187	222	238	252	265
Where the application is on notice	89	110	140	153	178	199	261	318	372	316
For the purposes of items 1, 2 and 3 the expression “civil bill” includes any summons or petition initiating proceedings but does not include a petition at item 8.										
8. For all work incident to obtaining an order for payment out or distribution of funds—										
Where the application is ex parte	89	107	138	145	166	187	222	238	252	265
Where the application is on notice or by petition	119	160	208	264	317	362	391	417	442	466

[illegible]

	<i>Scale</i> 1	<i>Scale</i> 2	<i>Scale</i> 3	<i>Scale</i> 4	<i>Scale</i> 5	<i>Scale</i> 6	<i>Scale</i> 7	<i>Scale</i> 8	<i>Scale</i> 9	<i>Scale</i> 10
	£	£	£	£	£	£	£	£	£	£
the taking of such account or the making of such inquiry, there shall be allowed to each party (other than the party having carriage of the proceedings) on the taxation of the costs, regard being had to the work properly performed, such sum as the officer thinks reasonable or just, not exceeding the allowance to the plaintiff, petitioner or other party having carriage of the proceedings, hereinbefore provided.										

OCCASIONAL COSTS

31 Receivers										
12. For all work in connection with the appointment of a receiver and the completion of the security, a sum not exceeding—	119	160	208	270	294	318	348	376	402	427
13. For instructions for the account of a receiver, drawing and preparing the same, and all attendances to lodge, vouch and pass the same, and the distribution or application of the balance, a sum not exceeding—	119	160	208	270	294	318	348	376	402	427
Interlocutory Applications and Attendances										
14. For all work in connection with an interlocutory application and the order thereon, a sum not exceeding—	58	72	98	105	124	147	167	187	206	224

	<i>Scale</i> 1	<i>Scale</i> 2	<i>Scale</i> 3	<i>Scale</i> 4	<i>Scale</i> 5	<i>Scale</i> 6	<i>Scale</i> 7	<i>Scale</i> 8	<i>Scale</i> 9	<i>Scale</i> 10
	£	£	£	£	£	£	£	£	£	£
Letters										
15. For writing a letter a reasonable time before the institution of proceedings.	4.29	4.29	4.29	4.29	4.29	4.29	4.29	4.29	4.29	4.29
Drafts and Copies										
16. For drawing and engrossing any document not otherwise provided for, 42p per folio.										
17. For copies of all necessary documents used in court, or required by the Judge or briefed, per folio.	0.22	0.22	0.22	0.22	0.22	0.22	0.22	0.22	0.22	0.22
For carbons or duplicates, per folio.	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12



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 (other than Equity)

**Solicitor's Costs**

Instructions and drawing notice of motion or certificate of application for discovery, filing and serving copy	£21.42
Attending before Judge or District Judge on notice or ex parte	£36.72
Drawing up list of documents under Order 15	£33.73 (or such other amount as the Judge or District Judge may allow).

These items are not to be allowed against the other party unless certified by the Judge, District Judge or Chief Clerk.

**Counsel's fees**

Attending before Judge on notice or ex parte	£36.72
(This item is only to be allowed against the other party when the Judge certifies that counsel was necessary).	
Drawing up list of documents under Order 15	£33.73 (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 . . . . .	£21.42
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And in addition £2.18 in respect of the affidavit together with the commissioner's fee (if any).

## 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 .....	£15.95
Preparation for and attending hearing, instructing counsel (if any) and taking out order .....	£84.70
Counsel's fees .....	£52.80

The above fees may be increased at the discretion of the Judge, who may, in the case of an application under the Administration of Estates Acts (Northern Ireland) 1955 or the Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979 or the Administration of Estates (Northern Ireland) Order 1979 or any other statutory application not otherwise provided for, direct that the Equity scales shall apply in lieu of the above costs.

## 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 . . . . .	£2·18
2. For any other necessary affidavit not otherwise provided for, per folio . . . . .	£0·90
3. For preparing recognizance . . . . .	£2·50
4. For drawing, issuing and having served a witness summons . . . . .	£7·29
5. For drawing costs and copies, per page . . . . .	£5·41
6. For attending taxation, per hour . . . . .	£9·13

## EXPLANATORY NOTE

*(This note is not part of the Rules.)*

These Rules amend the County Court Rules (Northern Ireland) 1981 so as to increase county court costs by 10% (rounded where appropriate) and update certain statutory references.

Published and printed in the UK by The  
Stationery Office Limited  
under the authority and  
superintendence of Carol  
Tullo, Controller of  
Her Majesty's Stationery  
Office being the Government  
Printer for Northern Ireland and  
the Officer appointed to print the  
Measures of the Northern Ireland Assembly

Dd. 601471. C2. 11/99. Gp. 130. 14567.

£6.00