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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 19**

**COUNTY COURTS**

**The County Court (Amendment) Rules (Northern Ireland) 2013**

*Made* - - - - - *31st January 2013*  
*Coming into operation* *25th February 2013*

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, commencement and interpretation**

1. These Rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 2013 and shall come into operation on 25th February 2013.

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

**Amendments to the County Court Rules (Northern Ireland) 1981**

3. In every place it occurs for “the Judge” substitute “the judge”.

4. In the following Orders or rules as the case may be, after “the judge”, or “the Judge” in each place it occurs insert “or district judge as the case may be”—

- (a) Order 2,
- (b) Order 3,
- (c) Order 4,
- (d) Order 5,
- (e) Order 6,
- (f) Order 7, rule 6, 7(4) and 8,
- (g) Order 8, rule 3(2), 6 and 7,
- (h) Order 9,
- (i) Order 10,
- (j) Order 11, rule 2 and 3,

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(1) [S.I. 1980/397 \(N.I.3\)](#) to which the most recent relevant amendment was made by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010 No.976)  
(2) [S.R. 1981 No. 225](#) to which the most recent amendments were made by [S.R. 2011 No.421](#)

- (k) Order 13,
  - (l) Order 14, rule 5(5), 7(1), 8, 10, and rule 11(1),
  - (m) Order 15,
  - (n) Order 16,
  - (o) Order 21, rule 1, 2(4), 3(1), 3(4), 3(5), 3A, 4 and 5,
  - (p) Order 22, Part I and rule 9,
  - (q) Order 24,
  - (r) Order 25, Part I and Part III,
  - (s) Order 30,
  - (t) Order 35,
  - (u) Order 39,
  - (v) Order 41,
  - (w) Order 42, rule 2(d) and rule 3(5),
  - (x) Order 43, rule 1, 2, 7, 9, 10, 14, 15, 16, 19, 20, 24 and 25,
  - (y) Order 44,
  - (z) Order 45,
  - (aa) Order 47,
  - (bb) Order 49,
  - (cc) Order 55, rule 3, 6, 7, 10, 11, 12, 14(4), 14(6), 18, and 20, and
  - (dd) Order 57 rule 1(1)(a).
5. In Order 5, rule 2(6) for “£15,000” substitute “£30,000”.
6. In Order 5 for rule 3 substitute—

**“Notice for further particulars**

3.—(1) In any case to which Rule 2(4) does not apply, the defendant may require the plaintiff, by notice in writing served within 14 days after service of the notice of intention to defend, to furnish further particulars of claim within 14 days of service of the notice for particulars.

(2) In any case to which Rule 2(4) does not apply, the plaintiff may require the defendant by notice in writing served within 14 days after service of the particulars of claim or where no notice for further particulars of claim has been served, within 14 days of service of the notice of intention to defend, to furnish particulars of any defence, set off or counterclaim within 14 days of service of the notice for particulars.

(3) Where under paragraphs (1) and (2) particulars have been duly required and—

- (a) have not been furnished within the time specified in the notice; or
- (b) if furnished, are in the opinion of the judge or district judge insufficient;

the judge or district judge may make such order as he thinks just including, in particular, an order that the proceedings be dismissed or, as the case may be, an order that the notice of intention to defend be struck out and judgment be entered accordingly.

(4) Any costs occasioned by service of a notice under paragraph (1) or (2) shall be at the discretion of the judge or district judge as the case may be.

(5) Where a defendant has served a third party notice this Rule shall, with any necessary modifications, apply as if the third party were a defendant and a plaintiff.

(6) In this Rule the words “plaintiff” and “defendant” respectively shall include a plaintiff and defendant to a counterclaim.”.

7. In Order 6A, rule 5(1) for “£5,000” substitute “£10,000”.

8. In Order 8, rule 3—

(a) in paragraph (1A) before “A certificate” insert “Subject to paragraph (1B),”;

(b) after paragraph (1A) insert—

“(1B) The plaintiff must notify the defendant in writing of his intention to lodge the certificate of readiness no later than 14 days prior to lodging the certificate.”.

9. For Order 14 rule 1 substitute—

#### **“General procedure**

1.—(1) Where by any enactment or by direction of the court any application in the course of an action or matter is expressly or by implication authorised to be made to the court or to the judge or to the district judge or chief clerk, the following provisions shall apply—

(a) the application shall be made either in or out of court and either ex parte or on notice in accordance with the terms of the relevant enactment or direction;

(b) in the absence of any express provision to the contrary the application shall be determined by the judge (or district judge as the case may be) without a hearing, unless—

(i) either party requests a hearing; or

(ii) the judge (or district judge as the case may be) otherwise directs;

(c) where either party requests that the application be dealt with by way of hearing, the party shall specify the reasons;

(d) a party may within 14 days of service of the application, object to the application being determined without a hearing, by filing in court, a notice in writing specifying the reasons;

(e) an objection made under sub-paragraph (d) shall be served on the other party;

(f) unless an objection to the application being dealt with without a hearing is received within 14 days of service of the application on the other party, it will be assumed that the other party consents to the application being determined without a hearing (unless the judge or district judge otherwise directs);

(g) where a request for a hearing under sub-paragraph (b) or an objection under sub-paragraph (d) is received, the application or objection shall be placed before the judge or district judge for consideration who may—

(i) determine the application without a hearing and make such order as he considers just; or

(ii) direct that the matter be listed for a hearing;

(h) where an application is made on notice—

(i) the notice shall be in writing and shall be served on the other party and filed in the Office before the beginning of a period of two days ending on the day of hearing of the application unless the judge or district judge or chief clerk dispenses with notice or gives leave for shorter notice; and

- (ii) the party serving the notice shall be responsible for ascertaining that the judge or district judge or, as the case may be, the chief clerk will be available to hear the application on the day, at the time and in the place for which notice is served;
- (i) where a district judge or chief clerk has made an order to which this order applies, any party may make an application to the judge on notice to vary or rescind the order and on determination of the application the judge may—
  - (i) confirm;
  - (ii) vary;
  - (iii) rescind the order; or
  - (iv) make any other order as he thinks fit.
- (2) The jurisdiction of the court to determine any application in the course of an action or matter—
  - (a) may, by direction or with the consent of the judge, be exercised by the district judge unless there is a provision to the contrary in any enactment;
  - (b) shall, in an action which is within the jurisdiction of the district judge, be exercised by the district judge.”.

**10.** In Order 14 for rule 6 substitute—

**“Application for interim injunction, etc**

**6.—**(1) Where any party or intending party desires, before the hearing, an immediate order—

- (a) in the nature of an injunction; or
- (b) for the appointment of a receiver; or
- (c) for taking any accounts; or
- (d) for making any inquiries;

he may apply to the judge or district judge on affidavit setting forth the facts rendering the order immediately necessary and the judge or district judge may make such order as he thinks fit.

(2) Where a district judge makes an interim order under paragraph (1) above, the application must be brought before a judge within 7 days of that interim order being made.”.

**11.** In Order 15—

- (a) in rule 1—
  - (i) for paragraphs (1), (2) and (3) substitute—

**“1.—**(1) Within 14 days of further particulars being furnished in accordance with Order 5 rule 3(2) there shall, subject to and in accordance with the provisions of this Order, be discovery by any party to any proceedings of the documents which are or have been in their possession, custody or power relating to any matter in question in the proceedings.

(2) Nothing in this Order shall be taken as preventing the parties agreeing to dispense with or limit the discovery of documents which they would otherwise be required to make to each other.

(2A) Subject to the provisions of this rule, the parties to proceedings must make discovery by exchanging lists of documents in Form 68 which are or have been in his possession, custody or power relating to any matter in question between them in the proceedings.

(2B) Without prejudice to any directions given by the district judge under Order 11 rule 2B, paragraph (2A) shall not apply in third party proceedings, including proceedings under that Order involving fourth or subsequent parties.

(2C) Unless the chief clerk, judge or district judge otherwise orders, in any proceedings where liability is admitted or where the proceedings arise out of an accident on land due to a collision or apprehended collision involving a vehicle, discovery shall be limited to disclosure of any documents in relation to special damage.

(2D) Paragraph (2A) shall not be taken as requiring a defendant in proceedings for the recovery of any penalty recoverable by virtue of any enactment to make discovery of any documents.

(2E) Paragraphs (2C) and (2D) shall apply in relation to a counterclaim as they apply in relation to any proceedings.

(2F) On the application to the chief clerk of any party required by this rule to make discovery of documents, the chief clerk, or where the application has been referred to the judge or district judge in chambers, the judge or district judge may—

- (a) order that the parties to the action or any of them shall make discovery under paragraph (2A) of such documents or classes of documents only, or as to such only of the matters in question, as may be specified in the order; or
- (b) if satisfied that discovery by all or any of the parties is not necessary, or not necessary at that stage of the action, order that there shall be no discovery of documents by any or all of the parties either at all or at that stage;

and the chief clerk, judge or district judge shall make such an order and so far as he is of the opinion that discovery is not necessary either for disposing fairly of the proceedings or for saving costs.

(2G) An application for an order under paragraph (2F) may be made to the chief clerk ex parte without notice and before the expiration of the period within which, by virtue of this rule, discovery of documents in the action is required to be made.

(3) If any party fails to comply with paragraphs (1) and (2A) the other party may apply to the chief clerk ex parte without notice for an order directing the other party to make discovery.”;

- (ii) omit paragraph (4);
  - (iii) in paragraph (5) for “in Form 68B” substitute “under paragraph (3)”;
  - (iv) omit paragraph (10);
- (b) for rule 12 substitute—

**“Discovery by interrogatories**

**12.—(1)** Any party to any proceedings may in accordance with the following provisions of this Part serve on any other party interrogatories relating to any

matter in question between the applicant and that other party in the proceedings which are necessary either—

- (a) for disposing fairly of the proceedings; or
- (b) for saving costs.

(2) Without prejudice to the provisions of paragraph (1), a party may apply to the judge or district judge as the case may be on notice for an order giving him leave to serve on any other party interrogatories relating to any matter in question between the applicant and that other party in the proceedings.

(3) A proposed interrogatory which does not relate to such a matter as is mentioned in paragraph (1) shall be disallowed notwithstanding that it might be admissible in oral cross-examination of a witness.

(4) Interrogatories shall be answered on affidavit (unless the judge or district judge directs otherwise) and the affidavit shall be delivered to the applicant within the time specified in the—

- (a) interrogatories (not being less than 21 days from the date of service); or
- (b) order.

(5) In this Part—

“interrogatories without order” means interrogatories served under paragraph (1);

“ordered interrogatories” means interrogatories served under paragraph (2) or interrogatories which are required to be answered pursuant to an order made on an application under rule 12A(2) and, where such an order is made, the interrogatories shall not, unless the judge or district judge orders otherwise, be treated as interrogatories without order for the purposes of rule 12A(1).

**12.—(6)** Unless the context otherwise requires, the provisions of this Part apply to both interrogatories without order and ordered interrogatories.”;

(c) after rule 12 insert—

**“Interrogatories without order**

**12A.—(1)** Interrogatories without order may be served on a party not more than twice.

(2) A party on whom interrogatories without order are served may, within 14 days of service of the interrogatories, apply to the judge or district judge for the interrogatories to be varied or withdrawn and, on any such application, the judge or district judge may make such order as he thinks fit (including an order that the party who served the interrogatories shall not serve further interrogatories without order).

(3) Interrogatories without order shall not be served on the Crown.

**Ordered interrogatories**

**12B.—(1)** Where an application is made for leave to serve interrogatories, a copy of the proposed interrogatories shall be served with the notice of application and filed in the Office before the beginning of a period of two days ending on the day of hearing of the application.

(2) In deciding whether to give leave to serve interrogatories the judge or district judge shall take into account any offer made by the party to be interrogated to give particulars or to make admissions or to produce documents relating to any matter in question and whether or not interrogatories without order have been administered.

(3) If an order is made granting leave to serve interrogatories it shall be drawn up by the applicant in Form 69A and shall be signed and sealed by the chief clerk who shall file the order and issue a certificate copy to the applicant or his solicitor for service.”.

12. In Order 19 (Assessors) for rule 5 (Remuneration) substitute—

**“Remuneration**

5. Every assessor shall receive for each half day’s attendance a fee of—

- (a) £32.96 as from 25 February 2013; or
- (b) £33.60 as from 25 February 2014

together with such sum for his expenses as the Judge or district judge may order.”.

13. In Order 21, in rule 2(2)(b) for “Rule 36” substitute “Rule 39”.

14. In Order 24—

- (a) in rule 2B(1) for “any medical report or other accompanying or supplemental document served or disclosed pursuant to the provisions of this Order” substitute “any report or other accompanying or supplemental document served or disclosed pursuant to the provisions of Part III or rule 2D of this Order”;
- (b) in rule 2B(2) omit the word “medical”;
- (c) after rule 2C insert—

**“Disclosure of evidence in clinical negligence actions**

2D.—(1) For the purposes of this rule—

- (a) “clinical negligence” means negligence in connection with the diagnosis of any illness, or the care or treatment of any patient, in consequence of any act or omission to act by a person employed or engaged for such purposes; and
- (b) “medical evidence” means—
  - (i) the evidence contained in any medical report or other accompanying or supplemental document emanating from the maker of the report which is intended by him to accompany or supplement such report and includes surgical and radiological evidence and any ancillary expert or technical evidence; and
  - (ii) any other evidence of a medical, surgical or radiological nature which a party proposes to adduce at the trial by means of oral testimony.

(2) In actions grounded on an allegation of clinical negligence—

- (a) where the plaintiff proposes to adduce at the hearing evidence (other than medical evidence) obtained from any expert for the purpose of assisting the judge or district judge as the case may be in assessing damages, he shall—

- (i) insofar as he then has in his possession or power that evidence, disclose it to the other party or parties within 14 days after service upon him of the defendant’s notice of intention to defend; and
    - (ii) insofar as he thereafter obtains any such evidence before the date of hearing, disclose it to the defendant and any other party or parties within 21 days of receiving it and in any case before the hearing.”;
  - (d) in rule 9(7)(a)—
    - (i) for “£12.65” substitute “the fee set out in paragraph (7A)”; and
    - (ii) omit “£17.82”;
  - (e) after rule 9(7) insert—
    - “(7A) The sum to be paid or tendered under paragraph (7)(a) to –
      - (a) a police officer is—
        - (i) £12.90 as from 25 February 2013; or
        - (ii) £13.16 as from 25 February 2014; and
      - (b) any other person is—
        - (i) £18.18 as from 25 February 2013; or
        - (ii) £18.53 as from 25 February 2014.”;
  - (f) for Part III substitute the Part set out in Schedule 1.
- 15.** In Order 33 (Decrees), in rule 10 for paragraph (6) substitute—
  - “(6) Where the decree is such as is referred to in paragraph (4), the statement shall specify the total amount of the instalments (if any) paid to the date of the affidavit lodged under paragraph (3) and the decree shall issue for the whole amount remaining due on foot of the decree after deducting such instalments (if any) as have been paid thereunder as shown in the said affidavit but with the addition to the costs therein stated of a sum of—
    - (a) £7.49 as from 25 February 2013; or
    - (b) £7.63 as from 25 February 2014as the costs and outlay of the said affidavit.”.
- 16.** In Order 55, rule 11(1)—
  - (a) in sub-paragraph (b) omit “or”;
  - (b) after sub-paragraph (b) insert—
    - “(ba) claimed diffuse mesothelioma or any asbestosis related disease; or”;
  - (c) in sub-paragraph (c)(vi) omit “or”;
  - (d) after sub-paragraph (c)(vii) insert—
    - “(viii) the Consumer Credit Act 1974; or
    - (ix) the Special Educational Needs and Disability (Northern Ireland) Order 2005.”.
- 17.** In Order 55, rule 11 omit paragraphs (4) and (5).
- 18.** In Order 55 for rule 17 substitute—



**“Services fee for postal service**

17. Where service of a civil bill or other document has been effected by post under Rule 3(2)(a) of Order 6, the solicitor shall be entitled to a fee inclusive of outlay in lieu of the fees payable to process servers as follows-

- (a) £2.78 as from 25 February 2013; or
- (b) £2.84 as from 25 February 2014.”.

- 19. In Order 55, rule 19(1)(a) for “£5,000” substitute “£10,000”.
- 20. In Form 2, for “Judge” substitute “judge or district judge”.
- 21. In Form 19, for “£15,000” substitute “£30,000”.
- 22. In Form 45, after “RECORDER” insert “/DISTRICT JUDGE”.
- 23. In Form 47, after “RECORDER” insert “/DISTRICT JUDGE”.
- 24. In Form 48, after “RECORDER” insert “/DISTRICT JUDGE”.
- 25. In Form 68, in the heading for “ORDER 15, RULE 1(1)” substitute “ORDER 15, RULE 1(2A)”.
- 26. Omit Form 68A.
- 27. In Form 69A—
  - (a) in the heading for “ORDER 15, RULE 12(5)” substitute “ORDER 15, RULE 12B(3)”;
  - (b) for “Judge” substitute “judge or district judge”.
- 28. For Appendix 2 substitute the new Appendix 2 set out in Schedule 2.

**Savings**

29. The amendments made by rules 5, 7, and 19 shall not affect any proceedings which are pending immediately before these Rules come into operation and the Rules in operation before that date shall continue to apply to those proceedings.

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

*David K. McFarland  
Corinne E. Philpott  
Barry Valentine  
Brian J. Stewart  
Dorcas Crawford  
A. E. Wells*

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Dated 18th January 2013

In exercise of the powers conferred by Article 47(4) of the County Courts (Northern Ireland) Order 1980 and after consultation with the Lord Chief Justice, I allow these Rules which shall come into operation on 25th February 2013.

Sealed with the Official Seal of the Department of Justice on 31st January 2013



*David Ford*  
Minister of Justice

SCHEDULE 1

Rule 14(f)

“PART III  
MEDICAL EVIDENCE

*I. PRELIMINARY*

***Application and interpretation***

35.—(1) This Part of this Order applies to all actions in respect of personal injury or death.

(2) For the purposes of this Order—

“medical evidence” means—

- (a) the evidence contained in any medical report or other accompanying or supplemental document as specified in rule 44 and includes surgical and radiological evidence and any ancillary expert or technical evidence; and
- (b) any other evidence of a medical, surgical or radiological nature which a party proposes to adduce at the hearing by means of oral testimony;

and the expressions “medical expert” and “medical examination” shall be construed accordingly; and

“clinical negligence” means negligence in connection with the diagnosis of any illness, or the care or treatment of any patient, in consequence of any act or omission to act by a person employed or engaged for such purposes.

***Restrictions on medical evidence***

36. No party shall, except with the leave of the judge or district judge as the case may be or on consent, adduce medical evidence at the hearing the contents of which he has not disclosed to the other parties in accordance with rules.

***Failure to comply with rules***

37. Where any party fails to comply with any of the provisions of this order, the judge or district judge may stay the action or strike out that party’s defence, as the case may be, or make such order as the judge or district judge considers appropriate.

PART IV  
GENERAL RULES

***Application***

38. This Part of this Order applies to all proceedings for damages in respect of personal injury or death except actions grounded on an allegation of clinical negligence.

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***Medical report to be served on the defendant***

39. The plaintiff shall serve on the defendant medical evidence substantiating the personal injuries alleged in the civil bill within 14 days after service upon him of the defendant's notice of intention to defend.

***Medical examination of another party; disclosure of report***

40. Any party who has been afforded medical examination of another party shall disclose to that other party any medical evidence resulting from such examination within 21 days of receiving it and in any case before the first day of the hearing.

***Disclosure of medical evidence***

41. Subject to rule 39, where a party proposes to adduce at the hearing medical evidence obtained from any medical expert, he shall disclose all relevant medical evidence obtained at any time from that medical expert to the relevant party or parties in accordance with rule 36 or within 21 days of receiving it and in any case before the first day of the hearing.

***Evidence received during the hearing***

42. Where a party obtains on or after the first day of the hearing any report of evidence of the kind mentioned in rule 39 or 40, he shall disclose that report or evidence to the relevant party or parties immediately.

***Party to furnish name and address of doctor, etc.***

43. Any party to an action shall furnish to any other party on demand the name and address of any medical practitioner or the name of any hospital from whom or at which he received any medical or surgical treatment material to the action.

***Mode of disclosure***

44.—(1) A party serving or disclosing medical evidence under this Part of the Order shall do so by furnishing copies of any relevant medical report or reports, together with any documents emanating from the maker of the report which are intended by him to accompany or supplement any such report, or a document containing a sufficient record of any such evidence as is referred to in the definition of medical evidence in rule 35(2). All such reports or other documents shall be signed and dated by the relevant medical expert and shall specify his professional qualifications.

(2) On the ex parte application of any party bound to serve or disclose any medical report under this Order, the judge or district judge as the case may be may give him leave—

- (i) to adduce at the hearing the evidence contained in any report without serving or disclosing the report; or
- (ii) to omit or amend any part of any report when serving or disclosing the report.

***Variation between evidence disclosed and evidence at hearing***

45. Where a party's medical evidence at the hearing varies from the evidence which that party has disclosed to another party, the judge or district judge may on the application of any party adjourn the hearing or make any such order, on such terms as to costs and otherwise, as to the judge or district judge may seem appropriate.

## PART V

### CLINICAL NEGLIGENCE ACTIONS

#### ***Application***

46. This Part of this Order applies to proceedings for damages in respect of personal injury which are grounded on an allegation of clinical negligence.

#### ***Disclosure of medical evidence on the issue of liability***

47.—(1) Where more than one party to such an action proposes to adduce at the hearing medical evidence obtained from any medical expert on the issue of liability, each party shall—

- (i) insofar as they then have in their possession or power that evidence, disclose it to the other party or parties simultaneously within 28 days after service of the notice of intention to defend; and
- (ii) insofar as any party thereafter obtains any such evidence before the date of the hearing, disclose it to the other party or parties within 21 days of receiving it and in any case before the hearing.

(2) Nothing in paragraph (1) shall be interpreted as imposing an obligation on any party to disclose evidence obtained from any medical expert on liability except where the party or parties to whom disclosure is to be made is also relying on such evidence and simultaneous exchange is to take place.

#### ***Disclosure of medical evidence on the issue of damages***

48.—(1) Where the plaintiff proposes to adduce at the hearing medical evidence obtained from any medical expert for the purpose of assisting the judge or district judge in assessing damages, he shall—

- (i) insofar as he then has in his possession or power that evidence, disclose it to the other party or parties within 14 days after service upon him of the defendant's notice of intention to defend; and
- (ii) insofar as he thereafter obtains any such evidence before the date of the hearing, disclose it to the other party or parties within 21 days of receiving it and in any case before the hearing.

(2) Where the defendant or any other party proposes to adduce at the hearing medical evidence obtained from any medical expert for the purpose of assisting the judge or district judge in assessing damages, he shall—

- (i) insofar as he then has in his possession or power that evidence, disclose it to the plaintiff and any other party or parties within 28 days after service of the notice of intention to defend; and
- (ii) insofar as he thereafter obtains any such evidence before the date of hearing, disclose it to the plaintiff and any other party or parties within 21 days of receiving it and in any case before the hearing.”

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## SCHEDULE 2

Rule 28

## “APPENDIX 2

## PART 1

**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>	
		As from	As from
		25/02/13	25/02/14
(i)	does not exceed £1,000	£527	£538
(ii)	exceeds £1,000 but does not exceed £2,500	£1,114	£1,136
(iii)	exceeds £2,500 but does not exceed £5,000	£1,583	£1,614
(iv)	exceeds £5,000 but does not exceed £7,500	£2,052	£2,092
(v)	exceeds £7,500 but does not exceed £10,000	£2,345	£2,391
(vi)	exceeds £10,000 but does not exceed £12,500	£2,580	£2,630
(vii)	exceeds £12,500 but does not exceed £15,000	£2,814	£2,869
(viii)	exceeds £15,000 but does not exceed £20,000	£3,800	£3,876
(ix)	exceeds £20,000 but does not exceed £25,000	£4,170	£4,253
(x)	exceeds £25,000 but does not exceed £30,000	£4,600	£4,692

  

<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>	
		As from	As from
		25/02/13	25/02/14
(i)	does not exceed £1,000	£176	£180
(ii)	exceeds £1,000 but does not exceed £2,500	£258	£263
(iii)	exceeds £2,500 but does not exceed £5,000	£375	£383
(iv)	exceeds £5,000 but does not exceed £7,500	£469	£478
(v)	exceeds £7,500 but does not exceed £10,000	£551	£562
(vi)	exceeds £10,000 but does not exceed £12,500	£627	£640
(vii)	exceeds £12,500 but does not exceed £15,000	£704	£718

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<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>	
(viii)	exceeds £15,000 but does not exceed £20,000	£825	£842
(ix)	exceeds £20,000 but does not exceed £25,000	£934	£953
(x)	exceeds £25,000 but does not exceed £30,000	£1,039	£1,060

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 £23.00;
  - (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.

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 £23.00;
- (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 £46.00.

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.

3A. Where the judge or district 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 for drafting a notice for particulars as follows-

- (a) £42.00 as from 25 February 2013; or
- (b) £43.00 as from 25 February 2014.

3B. For drafting a reply to a notice for particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows-

- (a) £42.00 as from 25 February 2013; or
- (b) £43.00 as from 25 February 2014.

4A. Where the judge or district 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 for drafting interrogatories as follows-

- (a) £68.00 as from 25 February 2013; or
- (b) £70.00 as from 25 February 2014.

4B. For drafting answers to interrogatories, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows-

- (a) £68.00 as from 25 February 2013; or
- (b) £70.00 as from 25 February 2014.

5. For each day or part of a day on which a trial or hearing is continued after the first day a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor's scale fee on the

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amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsels scale fee on the amount claimed/decreed (as appropriate).

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;
- (v) Part III of the Disability Discrimination Act 1995; or
- (vi) regulations 5 to 17 of the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006,
- (vii) the Special Educational Needs and Disability (Northern Ireland) Order 2005,

the amount decreed exceeds £30,000, the costs may be increased by such amounts as the judge or district 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 £30,000 and the action or application is dismissed, the costs may be increased by such amounts as the judge or district 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>			
<i>(1)</i>		<i>(2)</i>			
		As 25/02/13	from	As 25/02/14	from
(i)	does not exceed £1000	£102		£104	
(ii)	exceeds £1000 but does not exceed £5,000	£187		£191	
(iii)	exceeds £5,000 but does not exceed £10,000	£283		£289	
(iv)	exceeds £10,000 but does not exceed £15,000	£365		£372	
(v)	exceeds £15,000 but does not exceed £20,000	£431		£440	
(vi)	exceeds £20,000 but does not exceed £25,000	£488		£498	
(vii)	exceeds £25,000 but does not exceed £30,000	£555		£566	

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.



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3. Where in any undefended action under the Consumer Credit Act 1974 the amount decreed exceeds £30,000, 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 as follows –

- (a) £413 as from 25 February 2013; or
- (b) £421 as from 25 February 2014.

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 £23.00;
- (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 £46.00.

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>	
		(1)	(2)	(3)	(3)
		As from 25/02/13	As from 25/02/14	As from 25/02/13	As from 25/02/14
(i)	does not exceed £500	£524	£535	£225	£230
(ii)	exceeds £500 but does not exceed £1,000	£615	£627	£337	£343
(iii)	exceeds £1,000 but does not exceed £1,500	£704	£718	£418	£426
(iv)	exceeds £1,500 but does not exceed £2,000	£838	£855	£524	£535
(v)	exceeds £2,000 but does not exceed £2,500	£951	£969	£623	£635
(vi)	exceeds £2,500 but does not exceed £3,000	£1,067	£1,088	£715	£729

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 £23.00;
- (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.

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 £23.00;
- (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 £46.00.

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.

2A. Where the judge or district 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 for drafting a notice for particulars as follows-

- (a) £42.00 as from 25 February 2013; or
- (b) £43.00 as from 25 February 2014.

2B. For drafting a reply to a notice for particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows-

- (a) £42.00 as from 25 February 2013; or
- (b) £43.00 as from 25 February 2014.

3A. Where the judge or district 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 for drafting interrogatories as follows-

- (a) £68.00 as from 25 February 2013; or
- (b) £70.00 as from 25 February 2014.

3B. For drafting answers to interrogatories, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows-

- (a) £68.00 as from 25 February 2013; or
- (b) £70.00 as from 25 February 2014.

4. For each day or part of a day on which a trial or hearing is continued after the first day a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor’s scale fee on the amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsel’s scale fee on the amount claimed/decreed (as appropriate).

***Libel and slander***

**Table 4: Defendant’s Costs**

<i>In actions where amount claimed—</i>	<i>Solicitor’s</i>		<i>Counsel’s</i>	
	<i>costs</i>		<i>fee</i>	
<i>(1)</i>	<i>(2)</i>		<i>(3)</i>	
	As 25/02/13	from 25/02/14	As 25/02/13	from 25/02/14
(i) does not exceed £500	£509	£519	£225	£230

<i>In actions where amount claimed—</i>		<i>Solicitor's</i>		<i>Counsel's</i>	
		<i>costs</i>		<i>fee</i>	
	<i>(1)</i>		<i>(2)</i>		<i>(3)</i>
(ii)	exceeds £500 but does not exceed £1,000	£601	£613	£337	£343
(iii)	exceeds £1,000 but does not exceed £1,500	£691	£704	£418	£426
(iv)	exceeds £1,500 but does not exceed £2,000	£823	£839	£524	£535
(v)	exceeds £2,000 but does not exceed £2,500	£933	£952	£623	£635
(vi)	exceeds £2,500 but does not exceed £3,000	£1,052	£1,072	£715	£729

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 £23.00;
- (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.

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 £23.00;
- (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 £46.00.

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.

2A. Where the judge or district 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 for drafting a notice for particulars as follows-

- (a) £42.00 as from 25 February 2013; or
- (b) £43.00 as from 25 February 2014.

2B. For drafting a reply to a notice for particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows-

- (a) £42.00 as from 25 February 2013; or
- (b) £43.00 as from 25 February 2014.

3A. Where the judge or district 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 for drafting interrogatories as follows-

- (a) £68.00 as from 25 February 2013; or
- (b) £70.00 as from 25 February 2014.

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3B. For drafting answers to interrogatories, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows-

- (a) £68.00 as from 25 February 2013; or
- (b) £70.00 as from 25 February 2014.

4. For each day or part of a day on which a trial or hearing is continued after the first day a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor's scale fee on the amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsel's scale fee on the amount claimed/decreed (as appropriate).

## 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>			
		As 25/02/13	from	As 25/02/14	from
(i)	does not exceed £1,000	£527		£538	
(ii)	exceeds £1,000 but does not exceed £2,500	£1,114		£1,136	
(iii)	exceeds £2,500 but does not exceed £5,000	£1,583		£1,614	
(iv)	exceeds £5,000 but does not exceed £7,500	£2,052		£2,092	
(v)	exceeds £7,500 but does not exceed £10,000	£2,345		£2,391	
(vi)	exceeds £10,000 but does not exceed £12,500	£2,580		£2,630	
(vii)	exceeds £12,500 but does not exceed £15,000	£2,814		£2,869	
(viii)	exceeds £15,000 but does not exceed £20,000	£3,800		£3,876	
(ix)	exceeds £20,000 but does not exceed £25,000	£4,170		£4,253	
(x)	Exceeds £25,00 but does not exceed £30,000	£4,600		£4,692	

  

<i>In actions where amount decreed—</i>		<i>Counsel's fee</i>			
<i>(1)</i>		<i>(3)</i>			
		As 25/02/13	from	As 25/02/14	from
(i)	does not exceed £1,000	£176		£180	
(ii)	exceeds £1,000 but does not exceed £2,500	£258		£263	
(iii)	exceeds £2,500 but does not exceed £5,000	£375		£383	
(iv)	exceeds £5,000 but does not exceed £7,500	£469		£478	
(v)	exceeds £7,500 but does not exceed £10,000	£551		£562	
(vi)	exceeds £10,000 but does not exceed £12,500	£627		£640	

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	<i>In actions where amount decreed—</i> (1)	<i>Counsel's fee</i> (3)	
(vii)	exceeds £12,500 but does not exceed £15,000	£704	£718
(viii)	exceeds £15,000 but does not exceed £20,000	£825	£842
(ix)	exceeds £20,000 but does not exceed £25,000	£934	£953
(x)	exceeds £25,000 but does not exceed £30,000	£1,039	£1,060

1. Where a Chancery action is remitted the judge or district 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 £23.00;
- (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.

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 £23.00;
- (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 £46.00.

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 £30,000, the costs may be increased by such amounts as the judge or district judge thinks proper having regard to the amount involved or the importance or difficulty of the case.

4A. Where the judge or district 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 for drafting a notice for particulars as follows-

- (a) £42.00 as from 25 February 2013; or
- (b) £43.00 as from 25 February 2014.

4B. For drafting a reply to a notice for particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows-

- (a) £42.00 as from 25 February 2013; or
- (b) £43.00 as from 25 February 2014.

5A. Where the judge or district 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 for drafting interrogatories as follows-

- (a) £68.00 as from 25 February 2013; or
- (b) £70.00 as from 25 February 2014.

5B. For drafting answers to interrogatories, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows-

- (a) £68.00 as from 25 February 2013; or

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(b) £70.00 as from 25 February 2014.

6. For each day or part of a day on which a trial or hearing is continued after the first day a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor's scale fee on the amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsel's scale fee on the amount claimed/decreed (as appropriate).

**Table 2: Defendant's Costs**

	As 25/02/13	from 25/02/14	As 25/02/13	from 25/02/14
Solicitor's costs	£2,814		£2,869	
Counsel's fee	£704		£718	

provided, however, that where no specific sum or a sum exceeding £30,000 is claimed, the judge or district 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 or district 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 an amount as follows-

- (a) £23.59 as from 25 February 2013; or
- (b) £24.05 as from 25 February 2014.

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 £23.00;
- (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.

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 £23.00;
- (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 £46.00.

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.

4A. Where the judge or district 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 for drafting a notice for particulars as follows-

- (a) £42.00 as from 25 February 2013; or
- (b) £43.00 as from 25 February 2014.

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4B. For drafting a reply to a notice for particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows-

- (a) £42.00 as from 25 February 2013; or
- (b) £43.00 as from 25 February 2014.

5A. Where the judge or district 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 for drafting interrogatories as follows-

- (a) £68.00 as from 25 February 2013; or
- (b) £70.00 as from 25 February 2014.

5B. For drafting answers to interrogatories, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows-

- (a) £68.00 as from 25 February 2013; or
- (b) £70.00 as from 25 February 2014.

6. For each day or part of a day on which a trial or hearing is continued after the first day a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor’s scale fee on the amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsel’s scale fee on the amount claimed/decreed (as appropriate).

## PART III

### Ejectments

**Table 1: Plaintiff’s Costs**

(1)	<i>Solicitor’s costs</i>				<i>Counsel’s fee</i>			
	(2)				(3)			
	As 25/02/13	from 25/02/14	As 25/02/13	from 25/02/14	As 25/02/13	from 25/02/14	As 25/02/13	from 25/02/14

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(3)

	£130	£132	£63	£64
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In other cases—

where the valuation

(3) S.I. 1978/1050 (N.I.20)

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(1)	<i>Solicitor's costs</i>		<i>Counsel's fee</i>	
	(2)		(3)	
(a) does not exceed—				
(i) in the case where the lands have a net annual value, £4,060;	£315	£321	£120	£123
(ii) in the case where the lands have a capital value, £400,000;				
and where the lands have a net annual value and a capital value, both conditions in paragraph (i) and (ii) are satisfied;				
(b) exceeds—				
(i) in the case where the lands have a net annual value, £4,060;	£449	£458	£225	£230
(ii) in the case where the lands have a capital value, £400,000;				
and where the lands have a net annual value and a capital value, both conditions in paragraph (i) and (ii) are satisfied.				

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 £23.00;
- (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.

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 £23.00;
- (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 £46.00.

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 a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor's scale fee on the amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsel's scale fee on the amount claimed/decreed (as appropriate).



**Table 2: Defendant's Costs**

(1)	<i>Solicitor's costs</i>				<i>Counsel's fee</i>			
	(2)				(3)			
	As 25/02/13	from As 25/02/14	As 25/02/13	from As 25/02/14	As 25/02/13	from As 25/02/14	As 25/02/13	from As 25/02/14
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(4)	£130	£132	£63	£64				
In other cases—								
where the valuation								
(a) does not exceed—								
(i) in the case where the lands have a net annual value, £4,060;	£315	£321	£120	£123				
(ii) in the case where the lands have a capital value, £400,000;								
and where the lands have a net annual value and a capital value, both conditions in paragraph (i) and (ii) are satisfied;								
(b) exceeds—								
(i) in the case where the lands have a net annual value, £4,060;	£449	£458	£225	£230				
(ii) in the case where the lands have a capital value, £400,000;								
and where the lands have a net annual value and a capital value, both conditions in paragraph (i) and (ii) are satisfied.								
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 £23.00;								
(b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.								

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

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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 £23.00;
- (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 £46.00.

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. For each day or part of a day on which a trial or hearing is continued after the first day a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor's scale fee on the amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsel's scale fee on the amount claimed/decreed (as appropriate).

## PART IV

### Proceedings to annul precept, order or conviction – Order 37

	As 25/02/13	from 25/02/14	As 25/02/13	from 25/02/14
Instructions, drawing notice and copy	£19.79		£20.18	
Entry, preparation for and attending hearing	£65.36		£66.64	
Drawing order	£5.94		£6.05	

## 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> (1)	<i>Solicitor's costs</i> (2)		<i>Counsel's fee</i> (3)			
		As 25/02/13	from 25/02/14	As 25/02/13	from 25/02/13	As 25/02/13	from 25/02/14
(i)	does not exceed £10,000	£360	£367	£269		£275	

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	<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>	
(ii)	exceeds £10,000 but not £20,000	£495	£504	£337	£343
(iii)	exceeds £20,000 but not £30,000	£660	£673	£375	£383
(iv)	exceeds £30,000 but not £40,000	£813	£829	£412	£420
(v)	exceeds £40,000 but not £45,000	£957	£976	£444	£452

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 £23.00;
- (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.

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 £23.00;
- (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 £46.00.

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.

2A. 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 for drafting a notice for particulars as follows-

- (a) £42.00 as from 25 February 2013;
- (b) £43.00 as from 25 February 2014.

2B. For drafting a reply to a notice for particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows-

- (a) £42.00 as from 25 February 2013; or
- (b) £43.00 as from 25 February 2014.

3A. Where the judge or district 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 for drafting interrogatories as follows-

- (a) £68.00 as from 25 February 2013; or
- (b) £70.00 as from 25 February 2014.

3B. For drafting answers to interrogatories, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows-

- (a) £68.00 as from 25 February 2013; or
- (b) £70.00 as from 25 February 2014.

4. For each day or part of a day on which a trial or hearing is continued after the first day a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor's scale fee on the

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amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsel's scale fee on the amount claimed/decreed (as appropriate).

**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>	
		As 25/02/13	from 25/02/14	As 25/02/13	from 25/02/14	As 25/02/13	from 25/02/14
(i)	does not exceed £10,000	£346	£353	£269	£275		
(ii)	exceeds £10,000 but not £20,000	£479	£489	£337	£343		
(iii)	exceeds £20,000 but not £30,000	£644	£656	£375	£383		
(iv)	exceeds £30,000 but not £40,000	£799	£814	£412	£420		
(v)	exceeds £40,000 but not £45,000	£942	£961	£444	£452		

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 £23.00;
- (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.

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 £23.00;
- (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 £46.00.

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.

2A. 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 for drafting a notice for particulars as follows-

- (a) £42.00 as from 25 February 2013; or
- (b) £43.00 as from 25 February 2014.

2B. For drafting a reply to a notice for particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows-

- (a) £42.00 as from 25 February 2013; or
- (b) £43.00 as from 25 February 2014.

3A. Where the judge or district 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 for drafting interrogatories as follows-

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- (a) £68.00 as from 25 February 2013; or
- (b) £70.00 as from 25 February 2014.

3B. For drafting answers to interrogatories, the solicitor or counsel, as the case may be, is entitled to an additional sum as follows-

- (a) £68.00 as from 25 February 2013; or
- (b) £70.00 as from 25 February 2014.

4. For each day or part of a day on which a trial or hearing is continued after the first day a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor's scale fee on the amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsel's scale fee on the amount claimed/decreed (as appropriate).

## PART VII

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

**Table 1: Applicant's Costs**

<i>Where amount awarded—</i>		<i>Solicitor's costs</i>		<i>Counsel's fee</i>	
<i>(1)</i>		<i>(2)</i>		<i>(3)</i>	
		<i>As from</i>	<i>As from</i>	<i>As from</i>	<i>As from</i>
		<i>25/02/13</i>	<i>25/02/14</i>	<i>25/02/13</i>	<i>25/02/14</i>
(i)	does not exceed £30	£24	£25	£9	£9
(ii)	exceeds £30 but does not exceed £75	£45	£46	£24	£25
(iii)	exceeds £75 but does not exceed £150	£79	£80	£31	£31
(iv)	exceeds £150 but does not exceed £300	£122	£125	£41	£42
(v)	exceeds £300 but does not exceed £500	£135	£137	£44	£45
(vi)	exceeds £500 but does not exceed £1,000	£160	£163	£46	£47
(vii)	exceeds £1,000 but does not exceed £2,000	£179	£182	£66	£68
(viii)	exceeds £2,000 but does not exceed £3,500	£204	£208	£79	£80
(ix)	exceeds £3,500 but does not exceed £5,000	£223	£228	£93	£95
(x)	exceeds £5,000 but does not exceed £5,500	£235	£239	£95	£97

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(xi)	exceeds £5,500 but does not exceed £6,000	£245	£250	£102	£104
(xii)	exceeds £6,000 but does not exceed £6,500	£259	£264	£104	£106
(xiii)	exceeds £6,500 but does not exceed £7,000	£268	£274	£111	£113
(xiv)	exceeds £7,000 but does not exceed £7,500	£279	£285	£119	£122
(xv)	exceeds £7,500 but does not exceed £8,000	£292	£297	£122	£125
(xvi)	exceeds £8,000 but does not exceed £8,500	£305	£311	£125	£128
(xvii)	exceeds £8,500 but does not exceed £9,000	£314	£320	£135	£137
(xviii)	exceeds £9,000 but does not exceed £9,500	£323	£330	£138	£140
(xix)	exceeds £9,500 but does not exceed £10,000	£334	£340	£145	£148

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 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.

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**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>		
	As	from	As	from	As	from
	25/02/13	25/02/14	25/02/13	25/02/14	25/02/13	25/02/14
£250	£170	£174	£66	£68		
£500	£210	£214	£81	£82		
£750	£264	£269	£108	£110		
£1,000	£301	£307	£126	£129		
£2,000	£338	£344	£142	£145		
£3,000	£378	£386	£158	£161		
£4,000	£417	£425	£165	£168		
£5,000	£454	£463	£179	£182		
£6,000	£496	£505	£190	£193		
£7,000	£536	£546	£204	£208		
£8,000	£571	£582	£213	£217		
£9,000	£614	£626	£227	£232		
£10,000	£653	£666	£240	£244		
£15,000	£831	£848	£304	£310		
£20,000	£1,031	£1,051	£373	£381		
£25,000	£1,211	£1,234	£441	£449		
£30,000	£1,409	£1,436	£519	£529		
£35,000	£1,588	£1,619	£588	£599		
£40,000	£1,781	£1,816	£669	£682		
£45,000	£1,964	£2,002	£718	£732		
£50,000	£2,144	£2,186	£825	£841		
£60,000	£2,432	£2,479	£954	£972		
£70,000	£2,715	£2,768	£1,085	£1,107		
£80,000	£2,992	£3,050	£1,221	£1,245		
£90,000	£3,278	£3,343	£1,368	£1,395		
£100,000	£3,549	£3,618	£1,508	£1,537		
£125,000	£3,731	£3,804	£1,605	£1,637		

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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>	
£150,000	£3,928	£4,005	£1,714	£1,747
£175,000	£4,121	£4,202	£1,848	£1,884
£200,000	£4,305	£4,390	£1,934	£1,972
£250,000	£4,681	£4,773	£2,153	£2,195
£300,000	£4,774	£4,867	£2,216	£2,260
£350,000	£4,867	£4,963	£2,272	£2,316
£400,000	£4,953	£5,050	£2,328	£2,373
£450,000	£5,047	£5,146	£2,383	£2,429
£500,000	£5,138	£5,238	£2,446	£2,494
£600,000	£5,328	£5,433	£2,569	£2,620
£700,000	£5,511	£5,619	£2,690	£2,742
£800,000	£5,700	£5,812	£2,812	£2,867
£900,000	£5,891	£6,006	£2,946	£3,004
£1,000,000	£6,071	£6,190	£3,073	£3,134

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(5).
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.

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



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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.

#### *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>	
	As 25/02/13	from 25/02/14	As 25/02/13	from 25/02/14
£500	£264	£269	£108	£110
£750	£363	£370	£148	£151
£1,000	£454	£463	£173	£177
£2,000	£496	£505	£191	£194
£3,000	£520	£530	£212	£216
£4,000	£561	£572	£233	£237
£5,000	£587	£598	£253	£258
£6,000	£614	£626	£258	£263
£7,000	£639	£651	£266	£271
£8,000	£662	£675	£277	£283
£9,000	£691	£704	£289	£294
£10,000	£717	£731	£301	£307
£15,000	£822	£838	£333	£339
£20,000	£948	£966	£378	£386
£25,000	£1,079	£1,100	£410	£418
£30,000	£1,208	£1,231	£444	£452

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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>	
£35,000	£1,341	£1,368	£495	£504
£40,000	£1,471	£1,500	£547	£557
£45,000	£1,601	£1,633	£597	£608
£50,000	£1,726	£1,760	£653	£666
£60,000	£1,885	£1,922	£710	£724
£70,000	£2,081	£2,122	£805	£821
£80,000	£2,342	£2,388	£919	£937
£90,000	£2,600	£2,651	£1,039	£1,060
£100,000	£2,861	£2,917	£1,161	£1,184
£125,000	£3,252	£3,316	£1,354	£1,380
£150,000	£3,379	£3,446	£1,440	£1,468
£175,000	£3,513	£3,582	£1,516	£1,545
£200,000	£3,640	£3,712	£1,590	£1,621
£225,000	£3,775	£3,849	£1,660	£1,692
£250,000	£3,903	£3,979	£1,727	£1,761

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(6).
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.

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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 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>			
	As 25/02/13	from 25/02/14	As 25/02/13	from 25/02/14	As 25/02/13	from 25/02/14	As 25/02/13	from 25/02/14
£250		£170		£174		£66		£68
£500		£210		£214		£81		£82
£750		£264		£269		£108		£110
£1,000		£301		£307		£126		£129
£2,000		£338		£344		£142		£145
£3,000		£378		£386		£158		£161
£4,000		£417		£425		£165		£168
£5,000		£454		£463		£179		£182
£6,000		£496		£505		£190		£193
£7,000		£536		£546		£204		£208
£8,000		£571		£582		£213		£217
£9,000		£614		£626		£227		£232
£10,000		£653		£666		£240		£244
£15,000		£831		£848		£304		£310
£20,000		£1,031		£1,051		£373		£381
£25,000		£1,211		£1,234		£441		£449

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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>	
£30,000	£1,409	£1,436	£519	£529
£35,000	£1,588	£1,619	£588	£599
£40,000	£1,781	£1,816	£669	£682
£45,000	£1,961	£2,000	£718	£732
£50,000	£2,144	£2,186	£825	£841

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<sup>(7)</sup> or under paragraph 4 of Schedule 12 to the Terrorism Act 2000<sup>(8)</sup>.

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 (2) of the above table; and

<sup>(7)</sup> 1996 c.22

<sup>(8)</sup> 2000 c.11

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- (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.

### PART VIII

#### Equity and Title suits

1. Subject to the judge or district 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>	
	<i>As from 25/02/13</i>	<i>As from 25/02/14</i>
does not exceed £5,000	£527	£538
exceeds £5,000 but not £10,000	£1,114	£1,136
exceeds £10,000 but not £15,000	£1,583	£1,614
exceeds £15,000 but not £20,000	£2,052	£2,092
exceeds £20,000 but not £25,000	£2,345	£2,391
exceeds £25,000 but not £35,000	£2,580	£2,630
exceeds £35,000 but not £45,000	£2,814	£2,869

**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>			
	<i>As from 25/02/13</i>	<i>As from 25/02/14</i>	<i>As from 25/02/13</i>	<i>As from 25/02/14</i>	<i>As from 25/02/13</i>	<i>As from 25/02/14</i>	<i>As from 25/02/13</i>	<i>As from 25/02/14</i>

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<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	£90	£92	£262	£267
exceeds £5,000 but not £10,000	£121	£124	£336	£342
exceeds £10,000 but not £15,000	£149	£152	£449	£458
exceeds £15,000 but not £20,000	£196	£200	£523	£534
exceeds £20,000 but not £25,000	£225	£230	£600	£612
exceeds £25,000 but not £35,000	£295	£301	£749	£763
exceeds £35,000 but not £45,000	£362	£369	£900	£917

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 or district judge, be taken to be 0.0163 times their capital value or ten times their net annual value.

4. Where the subject of the proceedings is under the Rates (Northern Ireland) Order 1977 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 or district judge, to be an amount which is equal to 0.0652 times or forty times the amount which the Commissioner of Valuation certifies would be entered in a valuation list as its capital or net annual value respectively 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 or district 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 or district 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 or district judge.

8. Where a suit is terminated by settlement or other arrangement at any time before the final decree, the judge or district 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 or district 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 £23.00;

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- (b) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £46.00.

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 £23.00;
- (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 £46.00.

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.

12. For each day or part of a day on which a trial or hearing is continued after the first day a solicitor in attendance is entitled to an additional sum equivalent to 50% of solicitor’s scale fee on the amount claimed/decreed (as appropriate) not exceeding £600 and counsel is entitled to an additional sum of 50% of counsel’s scale fee on the amount claimed/decreed (as appropriate).

## 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 or district judge.

#### *INTERLOCUTORY APPLICATIONS*

	As 25/02/13	from 25/02/14
Instructions and drawing notice of motion or certificate of application for discovery, filing and serving copy	£116.28	£118.56
Attending before judge or district judge on notice or ex parte	£58.14	£59.28
Drawing up list of documents under Order 15	£41.26	(or £42.07 such other amount as the judge or district judge may allow).
		(or such other amount as the judge or district judge may allow).

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*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*

	As 25/02/13	from As 25/02/14
Applicant's costs of obtaining a certificate in respect of a money provision contained in a decree	£26.20	£26.72
And in respect of the affidavit together with the Commissioner's fee (if any) an additional sum as follows-		
£2.67 as from 25 February 2013; or		
£2.72 as from 25 February 2014		

*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 or district 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*

	As 25/02/13	from As 25/02/14
Notice of appeal or application, services and entry	£19.51	£19.90
Preparation for and attending hearing, instructing counsel (if any) and taking out order	£103.60	£105.63
Counsel's fees	£64.60	£65.86



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The above fees may be increased at the discretion of the judge or district 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 or district judge may award.

#### *COSTS OF THE DAY*

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

## PART X

### Occasional Costs

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	As 25/02/13	from 25/02/14
1. For any affidavit of service not otherwise provided for	£2.67	£2.72
2. For any other necessary affidavit not otherwise provided for, per folio	£1.10	£1.12
3. For preparing recognizance	£3.06	£3.12
4. For drawing, issuing and having served a witness summons	£8.93	£9.10
5. For drawing costs and copies, per page	£6.61	£6.74
6. For attending taxation, per hour	£11.17	£11.39 <sup>7</sup>

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## EXPLANATORY NOTE

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

These Rules amend the County Court Rules (Northern Ireland) 1981 ([S.R. 1981 No. 225](#)) to –

- provide a new Appendix 2 which includes 3 additional new bands in Table 1 from £15,000 - £30,000; an amendment to the fee for additional day hearings; a new fee for drafting interrogatories and answers to interrogatories in cases of particular complexity; a reduction in fee bands from 8 to 4 and 3 additional new bands from £15,000 - £30,000 where no notice of intention to defend is served; and otherwise increase costs over a two year period (2% in 2013 with a further 2% increase to take effect in 2014);
- allow the plaintiff to require the defendant to serve particulars of defence;
- require the plaintiff to notify the defendant in writing of his intention to lodge the certificate of readiness no later than 14 days prior to lodging the certificate;
- allow interlocutory applications to be determined by a judge without a hearing in the absence of a specific provision to the contrary;
- allow district judges’ to deal with interlocutory applications which fall within their jurisdiction;
- provide that discovery is automatic;
- allow interrogatories to be served without leave;
- provide rules on evidence in clinical negligence cases; and
- allow a district judge to exercise the same powers as a county court judge in specific circumstances.