STATUTORY RULES OF NORTHERN IRELAND

2017 No. 19

COUNTY COURTS

PROCEDURE

The County Court (Amendment) Rules (Northern Ireland) 2017

Made - - - -	*17th January 2017*
Coming into operation	*13th February 2017*

The County Court Rules Committee makes and the Department of Justice, after consultation with the Lord Chief Justice, allows 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) 2017 and shall come into operation on 13th February 2017.

2. In these Rules—

(a) "the principal Rules" means the County Court Rules (Northern Ireland) 1981(**2**); and

(b) a reference to an Order, Rule, paragraph, Appendix or Form is a reference to that Order, Rule, paragraph, Appendix or Form so numbered in the principal Rules.

Amendments to the principal Rules

3. The principal Rules are amended as follows—

(1) In Order 15, for Rule 17 substitute—

"**17.** Where a party—

(a) against whom an order is made under Rule 12 or Rule 16; or

(b) on whom interrogatories without order have been served,

fails to comply with Rule 12(4), the judge or district judge, as the case may be, may make such order as he thinks just including, in particular, an order that the action be dismissed

(**1**) S.I. 1980/397 (N.I.3), to which the most recent relevant amendments were made by the Constitutional Reform Act 2005 (c.4) and paragraph 33 of Schedule 17 to, and paragraph 118 of Schedule 18 to, 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 relevant amendments were made by S.R. 2004 No. 463 and S.R. 2016 No. 302

or, as the case may be, an order that the notice of intention to defend be struck out and judgment entered accordingly."

(2) In Order 19, Rule 5 from "(a)" to "2014" substitute—

"(a) £34.10 as from 13 February 2017; or

(b) £34.61 as from 13 February 2018."

(3) In Order 21, Rule 2(2), for sub-paragraph (b) substitute—

"(b) in any other action—

(i) within twenty-eight days of service of the plaintiff's medical evidence served in accordance with Rule 39 of Order 24;

(ii) where medical evidence is served in accordance with Rules 40, 41, 47 or 48 of Order 24, within fourteen days of service of such evidence and in any case before the first day of hearing; or

(iii) in any other case, within twenty-eight days of service of the notice of intention to defend."

(4) In Order 24, Rule 9, for paragraph (7A) substitute—

"(7A) The sum to be paid or tendered under paragraph (7)(a) to—

(a) a police officer is—

(i) £13.36 as from 13 February 2017; or

(ii) £13.55 as from 13 February 2018; and

(b) any other person is—

(i) £18.81 as from 13 February 2017; or

(ii) £19.09 as from 13 February 2018."

(5) In Order 33, Rule 10, paragraph (6) from "(a)" to "2014" substitute—

"(a) £7.74 as from 13 February 2017; or

(b) £7.86 as from 13 February 2018."

(6) In Order 55, Rule 17 from "(a)" to "2014" substitute—

"(a) £2.88 as from 13 February 2017; or

(b) £2.93 as from 13 February 2018.".

(7) For Appendix 2 substitute the new Appendix 2 set out in the Schedule to these Rules.

David K McFarland
Ruth Collins
Alistair F Devlin
Dated 16th January 2017 *Patrick Mullarkey*

In exercise of the powers conferred by Article 47(4) of the County Courts (Northern Ireland) Order 1980, I allow these Rules.
Sealed with the Official Seal of the Department of Justice on 17th January 2017

L.S.

Claire Sugden
Minister of Justice

SCHEDULE 1 Rule 3(7)

"APPENDIX 2

PART 1

Ordinary civil bills

(other than those provided for in Table 3)

Table 1: Plaintiff's and Defendant's Costs

In actions where amount decreed (in the case of the plaintiff) and where amount claimed (in the case of the defendant)— *(1)*		*Solicitor's Costs* *(2)*	
		As from 13/02/17	As from 13/02/18
(i)	does not exceed £500	£250	£254
(ii)	exceeds £500 but does not exceed £1,000	£546	£554
(iii)	exceeds £1000 but does not exceed £2,500	£1,153	£1,170
(iv)	exceeds £2,500 but does not exceed £5,000	£1,638	£1,662
(v)	exceeds £5,000 but does not exceed £7,500	£2,123	£2,155
(vi)	exceeds £7,500 but does not exceed £10,000	£2,427	£2,463
(vii)	exceeds £10,000 but does not exceed £12,500	£2,669	£2,709
(viii)	exceeds £12,500 but does not exceed £15,000	£2,912	£2,955
(ix)	exceeds £15,000 but does not exceed £20,000	£3,934	£3,992
(x)	exceeds £20,000 but does not exceed £25,000	£4,317	£4,381
(xi)	exceeds £25,000 but does not exceed £30,000	£4,762	£4,833

In actions where amount decreed (in the case of the plaintiff) and where amount claimed (in the case of the defendant)— *(1)*		*Counsel's fee* *(2)*	
		As from 13/02/17	As from 13/02/18
(i)	does not exceed £500	£100	£102
(ii)	exceeds £500 but does not exceed £1,000	£183	£185
(iii)	exceeds £1,000 but does not exceed £2,500	£267	£271
(iv)	exceeds £2,500 but does not exceed £5,000	£389	£394
(v)	exceeds £5,000 but does not exceed £7,500	£485	£492

	In actions where amount decreed (in the case of the plaintiff) and where amount claimed (in the case of the defendant)— *(1)*	*Counsel's fee* *(2)*	
(vi)	exceeds £7,500 but does not exceed £10,000	£570	£579
(vii)	exceeds £10,000 but does not exceed £12,500	£650	£659
(viii)	exceeds £12,500 but does not exceed £15,000	£729	£740
(ix)	exceeds £15,000 but does not exceed £20,000	£855	£867
(x)	exceeds £20,000 but does not exceed £25,000	£967	£982
(xi)	exceeds £25,000 but does not exceed £30,000	£1,076	£1,092

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 of £44.00 for drafting a notice for particulars.

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 of £44.00.

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) £71.00 as from 13 February 2017; or

(b) £72.00 as from 13 February 2018.

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

(a) £71.00 as from 13 February 2017; or

(b) £72.00 as from 13 February 2018.

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 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).