STATUTORY RULES OF NORTHERN IRELAND

2007 No. 500

COUNTY COURTS

The County Court (Amendment) Rules (Northern Ireland) 2007

Made - - - -	*8th December 2007*
Coming into operation	*7th January 2008*

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

1. These Rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 2007.

Amendment to the County Court Rules (Northern Ireland) 1981 (2)

2. In Order 19 (Assessors), in rule 5 (*Remuneration*) for "£31.04" substitute "£32.31".

3. In Order 24 (Evidence)—

(a) rule 2 (*Evidence to be taken orally*) shall become paragraph (1) of that rule;

(b) after that paragraph insert—

"(2) The court may allow a witness to give evidence through a video link or by any other method of direct communication."; and

(c) in rule 9 (*Witness summons*), in paragraph (7)(a)—

(i) for "£12.15" substitute "£12.65"; and

(ii) for "£17.12" substitute "£17.82".

4. In Order 33 (Decrees)—

(a) in rule 3 (*Recovery of value added tax*), in paragraph (2) omit "to a decree in equity proceedings or"; and

(b) in rule 10 (*Stay of execution and removal thereof*), in paragraph (6) for "£7.05" substitute "£7.34".

5. In Order 55 (Costs)—

(a) in rule 11(1)(c)—

(**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).
(**2**) **S.R. 1981 No. 225 to which the most recent relevant amendments were made by S.R. 2006 No. 521.**

(i) at the end of sub-paragraph (iv) omit "or"; and

(ii) after sub-paragraph (v) add the following new sub-paragraphs—

"(vi) regulations 24 or 25 of the Employment Equality (Age) Regulations (Northern Ireland) 2006; or

(vii) regulations 5 to 17 of the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006."; and

(b) in rule 17 (*Services fee for postal service*) for "£2.62" substitute "£2.73".

6. For Appendix 2 substitute the new Appendix 2 set out in the Schedule to these Rules.

The undersigned members of the County Court Rules Committee certify these Rules and submit them to the Lord Chancellor.
Signed

T. A. Burgess
Adrian Colton
Barry Valentine
Dorcas Crawford
Brian J. Stewart
Nigel Elliott

Dated 30th November 2007
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 7th January 2008.
Signed by the authority of the Lord Chancellor

David Hanson
Minister of State
Ministry of Justice

Dated 8th December 2007

SCHEDULE Rule 6

"APPENDIX 2

PART I

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)*
(i)	does not exceed £1,000	£517
(ii)	exceeds £1,000 but does not exceed £2,500	£1,092
(iii)	exceeds £2,500 but does not exceed £5,000	£1,552
(iv)	exceeds £5,000 but does not exceed £7,500	£2,012
(v)	exceeds £7,500 but does not exceed £10,000	£2,299
(vi)	exceeds £10,000 but does not exceed £12,500	£2,529
(vii)	exceeds £12,500 but does not exceed £15,000	£2,759

	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* **(3)**
(i)	does not exceed £1,000	£173
(ii)	exceeds £1,000 but does not exceed £2,500	£253
(iii)	exceeds £2,500 but does not exceed £5,000	£368
(iv)	exceeds £5,000 but does not exceed £7,500	£460
(v)	exceeds £7,500 but does not exceed £10,000	£540
(vi)	exceeds £10,000 but does not exceed £12,500	£615
(vii)	exceeds £12,500 but does not exceed £15,000	£690

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.

3. 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 of £41.00 for drafting a notice for further particulars.
4. For drafting a reply to a notice for further particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum of £41.00.
5. For each day or part of a day on which a trial or hearing is continued after the first day both counsel and a solicitor in attendance are each entitled to an additional sum equivalent to one third of counsel's scale fee.
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,
the amount decreed exceeds £15,000, the costs may be increased by such amounts as the Judge thinks proper having regard to the amount involved or the importance or difficulty of the case.
7. Where in any action or application under any of the statutory provisions listed in paragraph 6, the amount claimed exceeds £15,000 and the action or application is dismissed, the costs may be increased by such amounts as the Judge thinks proper having regard to the amount involved or the importance or difficulty of the case.

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

Table 2: Plaintiff's Costs

	In actions where amount decreed— *(1)*	*Where sum claimed and costs specified in civil bill not paid within 21 days of service* *(2)*
(i)	does not exceed £500	£76
(ii)	exceeds £500 but does not exceed £1,000	£120
(iii)	exceeds £1,000 but does not exceed £2,000	£150
(iv)	exceeds £2,000 but does not exceed £3,000	£172
(v)	exceeds £3,000 but does not exceed £4,000	£187
(vi)	exceeds £4,000 but does not exceed £5,000	£208
(vii)	exceeds £5,000 but does not exceed £6,000	£232
(viii)	exceeds £6,000 but does not exceed £7,000	£253
(ix)	exceeds £7,000 but does not exceed £8,000	£273

	In actions where amount decreed—	*Where sum claimed and costs specified in civil bill not paid within 21 days of service*
	(1)	*(2)*
(x)	exceeds £8,000 but does not exceed £9,000	£289
(xi)	exceeds £9,000 but does not exceed £10,000	£305
(xii)	exceeds £10,000 but does not exceed £12,500	£331
(xiii)	exceeds £12,500 but does not exceed £15,000	£366

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.
3. Where in any undefended action under the Consumer Credit Act 1974 the amount decreed exceeds £15,000, the costs may be increased by such amounts as the District Judge thinks proper having regard to the amount involved or the importance or difficulty of the case, provided that the total amount allowed for costs shall not exceed £405.
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

	In actions where amount decreed—	*Solicitor's costs*	*Counsel's fee*
	(1)	*(2)*	*(3)*
(i)	does not exceed £500	£514	£221
(ii)	exceeds £500 but does not exceed £1,000	£603	£330
(iii)	exceeds £1,000 but does not exceed £1,500	£690	£410
(iv)	exceeds £1,500 but does not exceed £2,000	£822	£514
(v)	exceeds £2,000 but does not exceed £2,500	£932	£611
(vi)	exceeds £2,500 but does not exceed £3,000	£1,046	£701

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;