STATUTORY RULES OF NORTHERN IRELAND

2003 No. 272

COUNTY COURTS

County Court (Amendment) Rules (Northern Ireland) 2003

Made - - - -	*19th May 2003*
Coming into operation	*1st June 2003*

We, the County Court Rules Committee, appointed by the Lord Chancellor under Article 46 of the County Courts (Northern Ireland) Order 1980(**1**) in exercise of the powers conferred on us by Article 47 of that Order and all other powers enabling us in that behalf, hereby make the following Rules:

Citation and interpretation

1.—(1) These Rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 2003.

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

Small Claims

2. In Order 26, for Rule 24 there shall be substituted the following new Rule –

"**24.** An application in Form 127 or 128 may only be made with the judge's permission –

(a) if the claim is brought against the Crown; or

(b) if in any such proceedings as are mentioned in section 139(1)(b) of the Consumer Credit Act 1974(**3**) the debtor or surety desires to have a credit agreement re-opened.".

Appeals

3. Order 32 is amended as follows –

(a) in paragraph (4) of Rule 1, for the words "Every such notice" there shall be substituted the words "Subject to paragraphs (4A) and (4B), every such notice"; and

(b) after paragraph (4) of Rule 1 there shall be inserted the following new paragraphs –

(**1**) S.I. 1980/397 (N.I. 3)
(**2**) S.R. 1981 No. 225. The relevant amending instruments are S.R. 1989 No. 307, S.R. 2002 No. 255 and S.R. 2002 No. 412
(**3**) 1974 c. 39

"(4A) If the appeal is brought under section 35A or section 40B of the Immigration and Asylum Act 1999 (in this Rule referred to as "the Act")(**4**) against a decision of the Secretary of State to impose a penalty under section 32 of the Act or a charge under section 40 of the Act, the appeal notice must, subject to paragraph (4B), be served within twenty-eight days after receiving the penalty notice or charge notice.

(4B) If notice of objection has been given to the Secretary of State under section 35(4) or section 40A(3) of the Act(**5**) within the time prescribed for doing so, the appeal notice must be served within 28 days after receiving notice of the Secretary of State's decision in response to the notice of objection.".

Adoption

4. Order 50 and Forms 249 to 262 are hereby revoked but nothing in this Rule will effect any application commenced before this Rule comes into operation.

Costs

5. In Part VIII of Appendix 2 for paragraph 2 there shall be substituted the following new paragraph –

"**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

Where the value of the personalty and/or lands –	Solicitor's cost
does not exceed £5,000	£450
exceeds £5,000 but not £10,000	£950
exceeds £10,000 but not £15,000	£1,350
exceeds £15,000 but not £20,000	£1,750
exceeds £20,000 but not £25,000	£2,000
exceeds £25,000 but not £35,000	£2,200
exceeds £35,000 but not £45,000	£2,400

TABLE 2

Where the value of the personalty and/or lands –	Counsel's fee for advising proceedings defence settling the equity civil bill and advising proofs	Counsel's fee on the hearing of every equity civil bill or petition
does not exceed £5,000	£77	£224
exceeds £5,000 but not £10,000	£103	£286

(**4**) 1999 c. 33. Section 35A and section 40B were inserted into the Immigration and Asylum Act 1999 by virtue of paragraphs 8 and 13 respectively of Schedule 8 to the Nationality, Immigration and Asylum Act 2002 [2002 c. 41]

(**5**) Section 35(4) of the Immigration and Asylum Act 1999 was substituted by virtue of paragraph 7 of Schedule 8 to the Nationality, Immigration and Asylum Act 2002 and section 40A was inserted by virtue of paragraph 13 of that Schedule