# 1992 No. 248

# COUNTY COURTS

## County Court (Amendment) Rules (Northern Ireland) 1992

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| *Made* . . . . . | *3rd June 1992* |
| *Coming into operation* . . | *1st July 1992* |

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

*Citation and interpretation*

**1.**—(1) These rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 1992.

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

*Costs*

**2.**—(1) Order 19 shall be amended at Rule 5 by deleting the figure "£22·29" and substituting the figure "£22·96".

(2) Order 24 shall be amended, at paragraph 7(*a*) of Rule 9, by deleting the figure "£8·73", and substituting the figure "£9·00" and by deleting the figure "£12·33" and substituting the figure "£12·70".

(3) Order 33 shall be amended, at paragraph (6) of Rule 10, by deleting the figure "£5·07" and substituting the figure "£5·22".

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

(*a*) by deleting, at paragraph (1) of Rule 2, the words "1st July 1991" and substituting the words "1st July 1992";

(*b*) by inserting after paragraph (1) of Rule 2 the following paragraph—

"(1A) The costs awarded to solicitors and counsel in an appeal—

(*a*) under Article 15 of the 1977 Order shall be in accordance with Table 3 of Part VII of Appendix 2;

(*b*) under Article 16 of the 1988 Order shall be in accordance with Table 4 of Part VII of Appendix 2; and

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

(**b**) S.R. 1981 No. 225; to which the most recent relevant amendments were made by S.R. 1991 No. 245

(*c*) under section 28(5) of the 1978 Act or section 63(4) of the 1991 Act shall be in accordance with Table 5 of Part VII of Appendix 2.''.

(*c*) by inserting, after paragraph (2) of Rule 7, the following paragraphs—

''(3) The costs awarded on any application under Article 14 of the 1988 Order shall be in the discretion of the Judge.

(4) The costs awarded on an application under

(*a*) Article 7(3), 8(1), 16(1) or 16(4) of the 1977 Order;

(*b*) Article 15, 16(6), 17 or 18(4) of the 1988 Order;

(*c*) section 28(4) of the 1978 Act or section 63(3) of the 1991 Act

shall be in the discretion of the Judge both as to incidence and amount.

(5) In this Order—

''the 1977 Order'' means the Criminal Damage (Compensation) (Northern Ireland) Order 1977(**a**);

''the 1978 Act'' means the Northern Ireland (Emergency Provisions) Act 1978(**b**);

''the 1988 Order'' means the Criminal Injuries (Compensation) (Northern Ireland) Order 1988(**c**);

''the 1991 Act'' means the Northern Ireland (Emergency Provisions) Act 1991(**d**).'';

(*d*) by deleting, in Rule 13, the figure ''78p'' and substituting the figure ''80p'';

(*e*) by deleting, in Rule 17, the figure ''£1·80'' and substituting the figure ''£1·86''.

(5) For Appendix 2 there shall be substituted the new Appendix set out in Schedule 1.

*Licensing*

**3.**—(1) Order 48 Rule 2(2) shall be amended as follows:—

(*a*) by inserting the words ''or paragraph 9'' after the words ''paragraph 1''; and

(*b*) by inserting the words '', as the case may be,'' after the words ''Licensing Order''.

(2) Form 202 shall be amended by inserting in the list of those to whom the notice must be copied, after paragraph (iii), the following paragraph:—

''(iv) the clerk of petty sessions for the petty sessions district of at *(being the petty sessions district in which the premises are situated)*''.

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(**a**) S.I. 1977 No. 1247 (N.I. 14)
(**b**) 1978 c. 5
(**c**) S.I. 1988 No. 793 (N.I. 4)
(**d**) 1991 c. 24

*Revocations*

**4.** The Statutory Rules mentioned in Schedule 2 are hereby revoked.

We, the undersigned members of the County Court Rules Committee, having by virtue of the powers vested in us in this behalf made the foregoing Rules, do hereby certify the same under our hand and submit them to the Lord Chancellor accordingly.

*John K. Pringle*
*Barry Valentine*
*P. Kelly*
*Bernard McCloskey*
*Brian F. Walker*
*K. G. Nixon*

Dated 5th May 1992.

After consultation with the Lord Chief Justice, I allow these rules which shall come into operation on 1st July 1992.

Dated 3rd June 1992. *Mackay of Clashfern*, C.

APPENDIX 2

PART I

**Ordinary civil bills**[1]

*(other than those provided for in Table 3)*

TABLE 1: PLAINTIFF'S COSTS

| *In actions where amount decreed—* | *Solicitor's costs* | *Counsel's fee*[2] |
|---|---|---|
| (1) | (2) | (3) |
| (i) does not exceed £100 | £ 65·00 | £ 19·00 |
| (ii) exceeds £100 but does not exceed £300 | £ 140·00 | £ 43·00 |
| (iii) exceeds £300 but does not exceed £500 | £ 222·00 | £ 67·00 |
| (iv) exceeds £500 but does not exceed £750 | £ 301·00 | £ 83·00 |
| (v) exceeds £750 but does not exceed £1,000 | £ 389·00 | £ 97·00 |
| (vi) exceeds £1,000 but does not exceed £1,500 | £ 490·00 | £114·00 |
| (vii) exceeds £1,500 but does not exceed £2,000 | £ 612·00 | £137·00 |
| (viii) exceeds £2,000 but does not exceed £3,000 | £ 756·00 | £167·00 |
| (ix) exceeds £3,000 but does not exceed £4,000 | £ 929·00 | £196·00 |
| (x) exceeds £4,000 | £1,050·00 | £222·00 |

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 £7·46;
   (*b*) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £14·94.

3. For each copy civil bill required for service after first add 80p to costs. See Order 55, Rule 13.

4. Where service of civil bill effected by post under Rule 3(2)(*b*) of Order 6 the solicitor is entitled to £1·86 inclusive of outlay in lieu of process server's fee. See Order 55, Rule 17.

5. For drafting a reply to a notice for further particulars, the solicitor or counsel, as the case may be, is entitled to an additional sum of £11·84. This item is only to be allowed against the other party in actions where the amount claimed exceeds £2,000 and the allowance is recorded in the court minute book.

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

7. Where in any action or application under the Consumer Credit Act 1974 the amount decreed exceeds £5,000, the costs may be increased by such amounts as the Judge thinks proper having regard to the amount involved or the importance or difficulty of the case.

**Ordinary civil bills**[1]

TABLE 2: DEFENDANT'S COSTS

| *In actions where amount claimed*[2] | *Solicitor's costs* | *Counsel's fee*[3] |
|---|---|---|
| (1) | (2) | (3) |
| (i) does not exceed £100 | £ 61·00 | £ 19·00 |
| (ii) exceeds £100 but does not exceed £300 | £ 136·00 | £ 43·00 |
| (iii) exceeds £300 but does not exceed £500 | £ 216·00 | £ 67·00 |
| (iv) exceeds £500 but does not exceed £750 | £ 287·00 | £ 83·00 |
| (v) exceeds £750 but does not exceed £1,000 | £ 366·00 | £ 97·00 |
| (vi) exceeds £1,000 but does not exceed £1,500 | £ 460·00 | £114·00 |
| (vii) exceeds £1,500 but does not exceed £2,000 | £ 588·00 | £137·00 |
| (viii) exceeds £2,000 but does not exceed £3,000 | £ 733·00 | £167·00 |
| (ix) exceeds £3,000 but does not exceed £4,000 | £ 892·00 | £196·00 |
| (x) exceeds £4,000 | £1,007·00 | £222·00 |

1. This Table does not apply to actions for defamation.

2. See Order 55, Rule 10 for costs of counterclaim.

3. Counsel travelling to attend a court—
   (*a*) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £7·46;
   (*b*) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £14·94.

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 £11·84. This item is only to be allowed against the other party in actions where the amount claimed exceeds £2,000 and the allowance is recorded in the court minute book.

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

6. Where in any action or application under the Consumer Credit Act 1974 the amount claimed exceeds £5,000, 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.