# 1991 No. 245

## COUNTY COURTS

## County Court (Amendment) Rules (Northern Ireland) 1991

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| *Made* . . . . . | *11th June 1991* |
| *Coming into operation* . . | *1st July 1991* |

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) 1991.

(2) In these rules a reference to an Order, Rule or Appendix is a reference to that Order, Rule or Appendix 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 "£20·83" and substituting the figure "£22·29".

(2) Order 24 shall be amended, at paragraph 7(*a*) of Rule 9, by deleting the figure "£8·16", and substituting the figure "£8·73" and by deleting the figure "£11·52" and substituting the figure "£12·33".

(3) Order 33 shall be amended, at paragraph (6) of Rule 10, by deleting the figure "£4·74" and substituting the figure "£5·07".

(4) Order 55 shall be amended as follows:

(*a*) by deleting, at paragraph (1) of Rule 2, the words "1st July 1990" and substituting the words "1st July 1991";

(*b*) by deleting, in Rule 13, the figure "72p" and substituting the figure "78p";

(*c*) by deleting, in Rule 17, the figure "£1·68" and substituting the figure "£1·80".

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

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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. 1990 No. 234

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 Pringle*
*Stewart Massey*
*Barry Valentine*
*John Curran*
*Raymond T. Kerr*
*Patrick J. Kelly*
*K. G. Nixon*

Dated 16th May 1991.

After consultation with the Lord Chief Justice, I allow these rules which shall come into operation on 1st July 1991.

Dated 14th June 1991. *Mackay of Clashfern,* C.

SCHEDULE Rule 2(5)

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—* (1) | *Solicitor's costs* (2) | *Counsel's fee*[2] (3) |
|---|---|---|
| (i) does not exceed £100 | £ 63·00 | £ 18·00 |
| (ii) exceeds £100 but does not exceed £300 | £ 136·00 | £ 42·00 |
| (iii) exceeds £300 but does not exceed £500 | £ 216·00 | £ 65·00 |
| (iv) exceeds £500 but does not exceed £750 | £ 292·00 | £ 81.00 |
| (v) exceeds £750 but does not exceed £1,000 | £ 378·00 | £ 94·00 |
| (vi) exceeds £1,000 but does not exceed £1,500 | £ 476·00 | £111·00 |
| (vii) exceeds £1,500 but does not exceed £2,000 | £ 594·00 | £133·00 |
| (viii) exceeds £2,000 but does not exceed £3,000 | £ 734·00 | £162·00 |
| (ix) exceeds £3,000 but does not exceed £4,000 | £ 902·00 | £190·00 |
| (x) exceeds £4,000 | £1,019·00 | £216·00 |

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 £7·24;
   (*b*) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £14·50.

3. For each copy civil bill required for service after first add 78p 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 £1·80 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 £11·50. 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 | £ 59·00 | £ 18·00 |
| (ii) exceeds £100 but does not exceed £300 | £132·00 | £ 42·00 |
| (iii) exceeds £300 but does not exceed £500 | £210·00 | £ 65·00 |
| (iv) exceeds £500 but does not exceed £750 | £279·00 | £ 81·00 |
| (v) exceeds £750 but does not exceed £1,000 | £355·00 | £ 94·00 |
| (vi) exceeds £1,000 but does not exceed £1,500 | £447·00 | £111·00 |
| (vii) exceeds £1,500 but does not exceed £2,000 | £571.00 | £133·00 |
| (viii) exceeds £2,000 but does not exceed £3,000 | £712·00 | £162·00 |
| (ix) exceeds £3,000 but does not exceed £4,000 | £866·00 | £190·00 |
| (x) exceeds £4,000 | £978·00 | £216·00 |

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 £7·24;
   (*b*) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £14·50.

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 £11·50. 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.

**Default and summary civil bills**[123]
and undefended actions[34]

TABLE 3: PLAINTIFF'S COSTS

| *In actions where amount decreed—* (1) | *Where sum claimed and costs specified in civil bill not paid within 14 days of service* (2) |
|---|---|
| (i) does not exceed £100 | £ 34·00 |
| (ii) exceeds £100 but does not exceed £300 | £ 51·00 |
| (iii) exceeds £300 but does not exceed £500 | £ 65·00 |
| (iv) exceeds £500 but does not exceed £750 | £ 76·00 |
| (v) exceeds £750 but does not exceed £1,000 | £ 83·00 |
| (vi) exceeds £1,000 but does not exceed £1,500 | £ 93·00 |
| (vii) exceeds £1,500 but does not exceed £2,000 | £106·00 |
| (viii) exceeds £2,000 but does not exceed £3,000 | £113·00 |
| (ix) exceeds £3,000 but does not exceed £4,000 | £124·00 |
| (x) exceeds £4,000 | £137·00 |

1. Where a default or summary civil bill is defended, the costs of plaintiff and defendant respectively shall be in accordance with Tables 1 and 2 or, if the Judge so directs under Rule 11 of Order 55, the costs of the plaintiff shall be in accordance with the above Table.

2. Where defendant in proceedings commenced by summary or default civil bill has served notice that he disputes liability for the claim or alleges a counterclaim and the action has been entered for hearing as an ordinary action in accordance with Rule 7 or, as the case may be, Rule 13 of Order 12 and the defendant fails to enter a defence and to defend it, the costs to be increased by 100%.

3. Where the sum claimed is paid within 14 days of service of civil bill the sum for costs specified in column 2 to be reduced by 50%. See Rule 14 of Order 12 and Rule 14 of Order 55.

4. See Order 55, Rule 11 for Judge's discretion re costs and counsel in undefended actions for damages.

5. For each copy civil bill required for service after first add 78p to costs. See Order 55, Rule 13.

6. Where service of civil bill effected by post under Rule 3(2)(*b*) of Order 6 the solicitor is entitled to £1·80 inclusive of outlay in lieu of process server's fee. See Order 55, Rule 17.

7. See Part IX ("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.

8. Where in any undefended action under the Consumer Credit Act 1974 the amount decreed exceeds £5,000, the costs may be increased by such amounts as the circuit registrar thinks proper having regard to the amount involved or the importance or