1982 No. 120

COUNTY COURTS

County Court (Amendment) Rules (Northern Ireland) 1982

Made	*8th April 1982*
Coming into operation . . .	*1st June 1982*

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

1. These Rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 1982.

Amendment of the Rules of 1981

2. The provisions of the County Court Rules (Northern Ireland) 1981(b) specified in the first column of the Schedule are hereby amended to the extent specified in the second column.

Saving for previous application of pre-existing rules

3. Nothing in these Rules shall affect any action, suit or matter commenced before the coming into operation of these Rules and the costs payable to solicitors and in respect of counsel shall be those payable immediately before the commencement of these Rules.

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.

James A. Brown
J. P. Higgins
R. T. Rowland
T. F. Glass
D. W. R. McAlister
Timothy T. Ferriss
C. Nelson M. Rountree
Harold W. McKee
H. Collen

After consultation with the Lord Chief Justice I allow these Rules which shall come into operation on 1st June 1982.

Dated 8th April 1982.

Hailsham of St. Marylebone, C.

(a) S.I. 1980/397 (N.I. 3)
(b) S.R. 1981 No. 225

SCHEDULE

Amendment of the County Court Rules (Northern Ireland) 1981

Provision amended	*Extent of Amendment*
Order 5	In Rule 2(6) for the figure "£2,000" there shall be substituted the figure "£5,000".
Order 19	For Rule 5 there shall be substituted the following rule— *"Remuneration* **5.** Every assessor shall receive for each half day's attendance a fee of £15 together with such sum for his expenses as the judge or circuit registrar may order."
Order 22	In Rule 8(6) for "Rule 9(1)" there shall be substituted "Rule 8" and for "Rule 8(*b*)" there shall be substituted "Rule 8(*a*)".
Order 24	For paragraph (7) of Rule 9 there shall be substituted the following paragraph— "(7)(*a*) Subject to sub-paragraph (*b*) there shall be paid or tendered to the witness at the time of service of the summons £6.00 for a police officer or £8.50 for any other person and, in addition, a sum reasonably sufficient to cover his expenses in travelling to and from the court. (*b*) In proceedings under Rule 4 or 5 of Order 40 there shall be paid or tendered to the defendant at the time of service of the summons a sum reasonably sufficient to cover his expenses in travelling to and from the court."
Order 26	In Rules 2 and 4(2) for the figure "£200" there shall be substituted the figure "£300".
Order 33	In Rule 10(6) for the figure "£1.50" there shall be substituted the figure "£3.50".
Order 35	In Rule 4(2) for the words "section 70 of the Landlord and Tenant Law Amendment Act, Ireland, 1860" there shall be substituted the words "section 94 of the Judicature (Northern Ireland) Act 1978". In Rule 4(4) for the figure "70" there shall be substituted the figure "94". In Rule 4(5) the words "before the period of six months has expired for the redemption of the lands so evicted," shall be deleted.
Order 43	In Rule 11 for the words "of £4 per centum per annum" there shall be substituted the words "then allowed under Rule 2 of Order 33". In Rule 12 for the figure "£4" substitute the figure "5".
Order 55	In Rule 2 for the date "1st January 1980" there shall be substituted the date "1st June 1982". For Rule 5 there shall be substituted the following rule— *"Solicitor and client costs* **5.** As between solicitor and client a solicitor shall be entitled to make such reasonable charges as are appropriate to work in the county court and in relation to remitted actions to work in both the High Court and county court having regard to the nature and importance of the case to his client, the time spent, and the amount of money or the property involved, after giving credit to the client for any party and party costs actually received by the solicitor. In preparing his bill the solicitor shall take into account the relevant county court scales, both on amount awarded and on amount claimed, having regard to the degree of responsibility necessarily assumed by him in the interest of his client."

Provision amended	*Extent of Amendment*
Order 55 (contd.)	In Rule 13 for the figure "20p" there shall be substituted the figure "50p".
	In Rule 17 for the figure "£1" there shall be substituted the figure "£1.25".
	In Rule 19(1)(*b*) and (2) for the figure "£200" there shall be substituted the figure "£300".
Order 58	In Rule 1(1) in the definition of "the Crown Proceedings Act" for the words "Northern Ireland (Crown Proceedings) Order 1949" there shall be substituted the words "Crown Proceedings (Northern Ireland) Order 1981".
	In the footnote reference (*c*) for "S.I. 1949/1836 (I, p. 1261)" substitute "S.I. 1981/233".
Appendix 1	In Form 19 for the figures "£6,000" and "£2,000" there shall be substituted the figures "£15,000" and "£5,000" respectively.
	In Forms 20, 21, 22, 23, 28, 29, 30, 33, 34, 36, 71, 72, 78, 79, 141, 151, 152 and 193 for the figure "£6,000" there shall be substituted the figure "£15,000".
	In Forms 51 and 52 for the figure "£200" there shall be substituted the figure "£300".
	In Form 59 for the words "(Form 2)" and "(Form 3)" there shall be substituted the words "(Form 51)" and "(Form 52)" respectively.
	In Form 82—
	(*a*) under the heading "DEBTS" for the figure "£4" there shall be substituted the figure "15";
	(*b*) under the heading "LEGACIES AND ANNUITIES" for the figure "£4" there shall be substituted the figure "5".
	In Form 168 the words ", within six months after the execution of the said decree," shall be deleted.
	In Form 174—
	(*a*) for the words "section 31" there shall be substituted the words "Article 30";
	(*b*) for the words "section 75 or section 88 of the said Act" there shall be substituted the words "Article 98 or Article 107 of the said Order".
	In Form 236, for the words "Article 61" there shall be substituted "Article 69".
Appendix 2	For Appendix 2 there shall be substituted the following:—

"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	£ 43.00	£ 12.00
(ii) exceeds £100 but does not exceed £300	£ 92.00	£ 30.00

Provision amended	*Extent of Amendment*

Appendix 2 (contd.)

In actions where amount decreed– (1)	*Solicitor's costs* (2)	*Counsel's fee*[2] (3)
(iii) exceeds £300 but does not exceed £500	£150.00	£ 45.00
(iv) exceeds £500 but does not exceed £750	£200.00	£ 56.00
(v) exceeds £750 but does not exceed £1,000	£260.00	£ 65.00
(vi) exceeds £1,000 but does not exceed £1,500	£325.00	£ 77.00
(vii) exceeds £1,500 but does not exceed £2,000	£410.00	£ 92.00
(viii) exceeds £2,000 but does not exceed £3,000	£505.00	£111.00
(ix) exceeds £3,000 but does not exceed £4,000	£620.00	£132.00
(x) exceeds £4,000	£700.00	£150.00

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 £5;
   (*b*) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £10.
3. For each copy civil bill required for service after first add 50p 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 £1.25 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 £8.

   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, counsel is entitled to an additional sum equivalent to one third of the scale fee.

Ordinary civil bills[1]

TABLE 2: DEFENDANT'S COSTS

In actions where amount claimed[2] (1)	*Solicitor's costs* (2)	*Counsel's fee*[3] (3)
(i) does not exceed £100	£ 40.00	£ 12.00
(ii) exceeds £100 but does not exceed £300	£ 90.00	£ 30.00
(iii) exceeds £300 but does not exceed £500	£145.00	£ 45.00

Provision amended	*Extent of Amendment*
Appendix 2 (contd.)	

In actions where amount claimed[2] (1)	*Solicitor's costs* (2)	*Counsel's fee*[3] (3)
(iv) exceeds £500 but does not exceed £750	£190.00	£ 56.00
(v) exceeds £750 but does not exceed £1,000	£245.00	£ 65.00
(vi) exceeds £1,000 but does not exceed £1,500	£310.00	£ 77.00
(vii) exceeds £1,500 but does not exceed £2,000	£395.00	£ 92.00
(viii) exceeds £2,000 but does not exceed £3,000	£490.00	£111.00
(ix) exceeds £3,000 but does not exceed £4,000	£595.00	£132.00
(x) exceeds £4,000	£675.00	£150.00

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 £5;
   (*b*) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £10.
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 £8.

   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, counsel is entitled to an additional sum equivalent to one third of the scale fee.

Default and summary civil bills[1][2][3] and undefended actions[3][4]

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	£24.00
(ii) exceeds £100 but does not exceed £300	£36.00
(iii) exceeds £300 but does not exceed £500	£45.00
(iv) exceeds £500 but does not exceed £750	£52.00
(v) exceeds £750 but does not exceed £1,000	£58.00