1975 No. 345

COUNTY COURTS

County Court (Costs) Rules (Northern Ireland) 1975

Made . . . . . *2nd December* 1975

Coming into operation . . . *1st January* 1976

To be laid before Parliament

The Secretary of State(a), in pursuance of section 146 of the County Courts Act (Northern Ireland) 1959(b) on the recommendation of the County Court Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following rules:

Citation and commencement

1. These rules may be cited as the County Court (Costs) Rules (Northern Ireland) 1975 and shall come into operation on 1st January 1976.

Amendment of Rules of 1965

2. The provisions of the County Court Rules (Northern Ireland) 1965(c) specified in the first column of the Schedule are hereby amended to the extent specified in the second column thereof.

Saving for previous application of pre-existing scales

3. Nothing in these rules shall affect any action, suit or matter commenced before 1st January 1976 and the costs payable to solicitors and in respect of counsel shall be those payable immediately before the commencement of these rules.

Merlyn Rees
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
28th November 1975

We concur in so much of the Schedule as amends Appendix ZM to the County Court Rules (Northern Ireland) 1965 (prescribing court fees).

James A. Dunn
M. Cocks
Two of the Lords Commissioners of Her Majesty's Treasury

2nd December 1975

(a) Formerly the Minister of Home Affairs for Northern Ireland: *see* S.I. 1973/2163
(b) 1959 c. 25 (N.I.)
(c) S.R. & O. (N.I.) 1965 No. 261 (p. 1097) as amended by S.R. & O. (N.I.) 1969 No. 195 (p. 791) and S.R. & O. (N.I.) 1972 No. 197 (p. 1078)

SCHEDULE

Amendment of the County Court Rules (Northern Ireland) 1965

Provision amended	Amendment
Order 44: Rule 2	In Order 44 in rule 2 for the words "15th August 1972" there shall be substituted the words "1st January 1976".
Order 44: Rule 4	In Order 44 in rule 4 for the expression "£300" there shall be substituted the expression "£1,000".
Order 44: Rule 5	In Order 44 in rule 5 the words from "so, however that" to the end shall be omitted.
Order 44: Rule 10	In Order 44 in rule 10 the words "that the amount decreed may be made payable by instalments or" shall be omitted.
Order 44: Rule 10 and Rule 13	In Order 44 in rule 10(2) and in rule 13 for the reference to Table 4 in Part I of Appendix ZL there shall be substituted a reference to Table 3 in that Part of that Appendix.
Order 44: Rule 11	In Order 44 in rule 11 for the words "shall not" to the end there shall be substituted the words "in accordance with section 1 of the Litigants in Person (Costs and Expenses) Act 1975 shall be such as may be determined by the judge".

Provision amended	Amendment
Appendix ZL	For Appendix ZL there shall be substituted the following: "APPENDIX ZL PART I **Ordinary Civil Bills[1]** (other than those provided for in Table 3) TABLE 1: PLAINTIFF'S COSTS

In actions where amounts decreed— (1)	Solicitor's costs (2)	Counsel's fee[2] (3)
(i) does not exceed £30	£12.00	£6.00
(ii) exceeds £30 but does not exceed £100	£30.00	£12.00
(iii) exceeds £100 but does not exceed £250	£60.00	£20.00
(iv) exceeds £250 but does not exceed £500	£100.00	£28.00
(v) exceeds £500 but does not exceed £750	£140.00	£36.00
(vi) exceeds £750	£180.00	£44.00

1. This Table does not apply to actions for defamation.
2. Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional £4.00.
3. For each copy civil bill required for service after first add 20p to costs. See Order 44: rule 12.
4. Where service of civil bill effected by post under rule 3(2)(*b*) of Order 6 the solicitor is entitled to 60p inclusive of outlay in lieu of process server's fee as prescribed by Appendix E. See Order 44: rule 15A.

Ordinary Civil Bills[1]

TABLE 2: DEFENDANT'S COSTS

In actions where amounts claimed[2]— (1)	Solicitor's costs (2)	Counsel's fee[3] (3)
(i) does not exceed £30	£11.00	£6.00
(ii) exceeds £30 but does not exceed £100	£28.00	£12.00
(iii) exceeds £100 but does not exceed £250	£58.00	£20.00
(iv) exceeds £250 but does not exceed £500	£95.00	£28.00
(v) exceeds £500 but does not exceed £750	£135.00	£36.00
(vi) exceeds £750	£175.00	£44.00

1. This Table does not apply to actions for defamation.
2. See Order 44: rule 9 for costs of counterclaim.
3. Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional £4.00.

Provision amended	Amendment
Appendix ZL (*contd.*)	**Default and Summary Civil Bills[123] and Undefended Actions[34]**

TABLE 3: PLAINTIFF'S COSTS

In actions where amounts decreed— (1)	Where sum claimed and costs specified in civil bill not paid within 14 days of service (2)
(i) does not exceed £30	£10.00
(ii) exceeds £30 but does not exceed £100	£15.00
(iii) exceeds £100 but does not exceed £250	£16.00
(iv) exceeds £250 but does not exceed £500	£17.00
(v) exceeds £500 but does not exceed £750	£19.00
(vi) exceeds £750	£23.00

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 10 of Order 44, 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 13A of Order 12 and rule 13 of Order 44.
4. See Order 44: rule 10(2) (inserted by S.R. & O. (N.I.) 1969 No. 195) 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 20p to costs. See Order 44: rule 12.
6. Where service of civil bill effected by post under rule 3(2)(*b*) of Order 6 the solicitor is entitled to 60p inclusive of outlay in lieu of process server's fee as prescribed by Appendix E. See Order 44: rule 15A.
7. See Part IX ("Miscellaneous Costs") of this Appendix for application of this Table to proceedings under Part VII of the Judgments (Enforcement) Act (N.I.) 1969 and under the Hire Purchase Acts.

Ordinary Civil Bills—Title Jurisdiction

TABLE 4: PLAINTIFF'S COSTS

Valuation[1] (1)	Solicitor's costs (2)	Counsel's fee[2] (3)
(i) not exceeding £50	£35.00	£20.00
(ii) exceeding £50	£56.00	£25.00

Provision amended	Amendment
Appendix ZL (*contd.*)	1. To be calculated according to the valuation of the lands of the plaintiff or defendant, as the Judge may direct. 2. Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional £4.00. 3. For each copy civil bill required for service after first add 20p to costs. See Order 44: rule 12. 4. Where service of civil bill effected by post under rule 3(2)(*b*) of Order 6 the solicitor is entitled to 60p inclusive of outlay in lieu of process server's fee as prescribed by Appendix E. See Order 44: rule 15A.

Ordinary Civil Bills—Title Jurisdiction

TABLE 5: DEFENDANT'S COSTS

Valuation[1] (1)	Solicitor's costs (2)	Counsel's fee[2] (3)
(i) not exceeding £50	£33.00	£20.00
(ii) exceeding £50	£51.00	£25.00

1. To be calculated according to the valuation of the lands of the plaintiff or defendant, as the Judge may direct.
2. Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional £4.00.

Libel and Slander

TABLE 6: PLAINTIFF'S COSTS

In actions where amount decreed— (1)	Solicitor's costs (2)	Counsel's fee[1] (3)
(i) does not exceed £100	£50.00	£25.00
(ii) exceeds £100	£75.00	£40.00

1. Counsel travelling to attend a court more than 25 miles from the Head Post Office, Belfast, is entitled to an additional sum of £4.00.
2. For each copy civil bill required for service after first add 20p to costs. See Order 44: rule 12.
3. Where service of civil bill effected by post under rule 3(2)(*b*) of Order 6 the solicitor is entitled to 60p inclusive of outlay in lieu of process server's fee as prescribed by Appendix E. See Order 44: rule 15A.