1973. No. 141 **[C]**

MAGISTRATES' COURTS

Magistrates' Courts (Costs) Rules (Northern Ireland) 1972

RULES, DATED 30TH APRIL 1973 MADE BY THE SECRETARY OF STATE UNDER SECTION 23 OF THE MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964.

I, THE RIGHT HONOURABLE WILLIAM WHITELAW, M.C., M.P., in exercise of the powers conferred on me by section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(a) and section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972(b) and of every other power enabling me in that behalf, on the recommendation of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, do hereby make the following Rules:—

Citation and commencement

1. These Rules may be cited as the Magistrates' Courts (Costs) Rules (Northern Ireland) 1973 and shall come into operation on 1st June 1973.

Amendment of Rules of 1965

2. The provisions of the Magistrates' Courts 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 proceedings commenced before 1st June 1973 and the costs payable to solicitors and in respect of counsel shall be those payable immediately before the commencement of these Rules.

Dated this 30th day of April 1973.

W. S. I. Whitelaw,
One of Her Majesty's Principal Secretaries of State

(a) 1964. c. 21 (N.I.).
(b) 1972. c. 22.
(c) S.R. & O. (N.I.) 1965, No. 206.

SCHEDULE

Amendment of the Magistrates' Courts Rules (Northern Ireland) 1965

Provision amended	Amendment
Rule 41	In Rule 41 there shall be inserted the following paragraphs:— "(2) The amount of the costs payable where the claim is paid or possession is surrendered or both, as the case may be, before entry day in accordance with this Rule shall be either fifty per centum of the solicitor's costs in column (2) in Table 1 of Schedule 5 or of the solicitor's costs in column (1) in Table 1 in Schedule 6, as appropriate, together with the plaintiff's outlay properly incurred to date of settlement. (3) Where proceedings for arrears of rent or for sums due under section 78 of the Act are joined with a claim for the recovery of premises, the appropriate Table is that applicable to ejectment proceedings."
Schedule 5	For Schedule 5 there shall be substituted the following Schedule:—

"SCHEDULE 5

Debt Proceedings

TABLE 1: PLAINTIFF'S COSTS (UNDEFENDED[1] PROCEEDINGS)

In proceedings where amount decreed— (1)	Solicitor's costs[2] (2)
(i) does not exceed £30	£7.00
(ii) exceeds £30	£13.00

1 For proceedings treated as undefended see Rule 57.

2 See Rule 41(2): Only 50% of costs specified in column (2) payable where defendant pays amount due before entry day.

Judgments (Enforcement) Act (N.I.) 1969: Part VII—Costs of enforcement order under Rule 91(2)(*a*) shall be in accordance with this Table as if the total amount ordered to be paid were the amount decreed. Costs of a committal order following upon an enforcement order or an attachment of earnings order shall be one half of amount of costs appropriate to an enforcement order.

TABLE 2: PLAINTIFF'S COSTS (DEFENDED PROCEEDINGS)

In actions where amount decreed— (1)	Solicitor's costs (2)	Counsel's fee (3)
(i) does not exceed £30	£10.00	£5.00
(ii) exceeds £30	£19.50	£10.00