1972. No. 197 **[C]**

COUNTY COURT RULES

County Court (Costs) Rules (Northern Ireland) 1972

RULES, DATED 28TH JUNE 1972, MADE BY THE SECRETARY OF STATE UNDER SECTION 146 OF THE COUNTY COURTS ACT (NORTHERN IRELAND) 1959.

I, THE RIGHT HONOURABLE WILLIAM WHITELAW, M.C., M.P., one of Her Majesty's Principal Secretaries of State, in exercise of the powers conferred on me by section 146 of the County Courts Act (Northern Ireland) 1959(a) and section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972(b) and all other powers enabling me in that behalf, on the recommendation of the County Court 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 County Court (Costs) Rules (Northern Ireland) 1972 and shall come into operation on 15th August 1972.

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 15th August 1972, and the costs payable to solicitors and in respect of counsel shall be those payable immediately before the commencement of these Rules.

Dated this 28th day of June 1972.

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

The Ministry of Finance concurs in so much of the Schedule as amends Appendix ZM to the County Court Rules (Northern Ireland) 1965 (prescribing court fees).

Sealed with the official seal of the Ministry of Finance this 28th day of June 1972.

(L.S.)

C. F. Darling,
Assistant Secretary.

(a) 1959. c. 25.
(b) 1972. c. 22.
(c) S.R. & O. (N.I.) 1965, No. 261, as amended by S.R. & O. (N.I.) 1971, No. 35.

SCHEDULE

Amendment of the County Court Rules (Northern Ireland) 1965

Provision amended	Amendment
Order 5: Rule 1	In Order 5 in Rule 1 after paragraph (4) there shall be added the following paragraph:— "(5) An ordinary or ejectment civil bill shall bear an endorsement in Form 1A or Form 3A, as may be appropriate."
Order 6: Rule 8	In Order 6 in Rule 8 for the word "sixteen" there shall be substituted the words "twenty-one".
Order 12: Rule 4	In Order 12 in Rule 4 for the word "eight" there shall be substituted the word "fourteen".
Order 12: Rule 10	In Order 12 in Rule 10 for the word "eight" there shall be substituted the word "fourteen".
Order 12: Rule 13A	In Part IV of Order 12 under the heading "MISCELLANEOUS PROVISIONS" and immediately before Rule 14 there shall be inserted the following Rule:— *"Costs payable in settlement* **13A.** Where a defendant pays the amount due within fourteen days from service of the default or summary civil bill and also pays fifty per centum of the solicitor's costs in column 2 of Table 3 in Part I of Appendix ZL together with the plaintiff's outlay properly incurred to date of settlement he shall not be liable for any further costs."
Order 21: Rule 2	In Order 21 in Rule 2(2)(*b*) for the words beginning with "before" to the end there shall be substituted the words "within fourteen days from service of the civil bill".
Order 24: Rule 14	In Order 24 in Rule 14(5) for the word "sixteen" there shall be substituted the words "twenty-one".
Order 24: Rule 16	In Order 24 in Rule 16 for the word "three" there shall be substituted the word "fourteen".
Order 24: Rule 28	In Order 24 in Rule 28 for the words from "prescribed" to the end there shall be substituted the words "prescribed by Item 7 in Part X of Appendix ZL and Court Fee No. 28 in Appendix ZM".
Order 44: Rule 2	In Order 44 in Rule 2 for the words "the 1st February, 1966" there shall be substituted the words "15th August, 1972".
Order 44: Rule 5	In Order 44 in Rule 5 after the word "witness" there shall be inserted the words "(other than a witness in proceedings for compensation for criminal injury)".

Provision amended	Amendment
Order 44: Rule 12	In Order 44 in Rule 12 for the expression "13p" there shall be substituted the expression "20p".
Order 44: Rule 13	In Order 44 for Rule 13 there shall be substituted the following Rule:— *"Costs payable in settlement* **13.** Where a defendant pays the amount due or delivers up possession, as the case may be, within fourteen days from service of the civil bill and also pays fifty per centum of the solicitor's costs in column 2 of Table 4 of Part I or of Table 1 of Part III of Appendix ZL, as appropriate, together with all the plaintiff's outlay including counsel's fee (if any) properly incurred to date of settlement he shall not be liable for any further costs.".
Order 44: Rule 15A	In Order 44 in Rule 15A for the expression "30p" there shall be substituted the expression "60p".
Appendix C	In Appendix C after Form 1 there shall be inserted the following Form:— "1A **Endorsement on ordinary * civil bill** Costs and outlay if paid within fourteen days from date of service £ **NOTE:** Costs and outlay if paid after fourteen days from service will be payable on a higher scale. *This endorsement not to be made on default or summary civil bills or ordinary civil bills in title jurisdiction or for defamation.". In Appendix C after Form 3 there shall be inserted the following Form:— "3A **Endorsement on ejectment civil bill** Costs and outlay if defendant delivers up possession within fourteen days from date of service £ **NOTE:** Costs and outlay if possession delivered up after fourteen days from service will be payable on a higher scale.".

Provision amended	Amendment
Appendix K	In Appendix K in Form 1 and in Form 6 for the words "eight days" or the expression "8 days", wherever they appear, there shall be substituted the words "fourteen days" or "14 days", as the case may be, and immediately above the word **"WARNING"** there shall be inserted the following words:— "Costs and outlay if paid after fourteen days from service will be payable on a higher scale." In Appendix K in Form 5 and in Form 8 for the words "eight days" there shall be substituted the words "fourteen days".
Appendix T	In Appendix T in Form 1 for the words "three days" there shall be substituted the words "fourteen days" and at the end of the Form there shall be added the following words:— "Costs and outlay if paid within fourteen days from date of service £ **NOTE:** Costs and outlay if paid after fourteen days from service will be payable on a higher scale."

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 4)

TABLE 1: PLAINTIFF'S COSTS

In actions where amount decreed (1)	Solicitor's costs (2)	Counsel's fee[2] (3)
(i) does not exceed £30	£10.00	£5.00
(ii) exceeds £30 but does not exceed £75	£19.50	£10.00
(iii) exceeds £75 but does not exceed £150	£34.50	£12.50
(iv) exceeds £150	£55.00	£16.00

1. This Table does not apply to actions for defamation.
2. Counsel travelling to attend a court more than 25 miles from the GPO, Belfast, is entitled to an additional £2.00.
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 amount claimed[2] (1)	Solicitor's costs (2)	Counsel's fee[3] (3)
(i) does not exceed £30	£9.00	£5.00
(ii) exceeds £30 but does not exceed £75	£18.50	£10.00
(iii) exceeds £75 but does not exceed £150	£33.00	£12.50
(iv) exceeds £150	£52.00	£16.00

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 GPO, Belfast, is entitled to an additional £2.00.