COUNTY COURTS

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COUNTY COURTS ACT (NORTHERN IRELAND), 1955.

Date of Commencement

ORDER DATED 12TH APRIL, 1957, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION TWENTY-NINE OF THE COUNTY COURTS ACT (NORTHERN IRELAND), 1955.

1957. No. 70 [NC]

I, The Right Honourable W. W. B. Topping, Q.C., Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by section twenty-nine of the County Courts Act (Northern Ireland), 1955 (hereinafter referred to as "the Act"), and of all other powers enabling me in that behalf, do hereby order as follows:—

1. All the remaining provisions of the Act not already in operation shall come into operation on the 1st day of May, 1957.

2. This Order may be cited as the County Courts Act (Northern Ireland), 1955, (Date of Commencement) Order (Northern Ireland), 1957.

Dated this 12th day of April, 1957.

W. W. B. Topping,
Minister of Home Affairs
for Northern Ireland.

County Court Costs Rules (Northern Ireland), 1957

1957. No. 65 [C]

Whereas the fees, costs and charges lawfully payable to counsel and solicitors in the county courts were increased generally by a direction duly given the 1st day of July, 1920,

And whereas the jurisdiction of the county courts in Northern Ireland was in certain respects extended by the County Court Jurisdiction Act (Northern Ireland), 1942, and certain of the scales of fees, costs and charges then in force were accordingly amended by a direction duly given by the Lord Chief Justice the 11th day of May, 1943,

And whereas by a like direction duly given the 29th day of February, 1944, the amounts prescribed by the scales of fees, costs and charges then in force were increased generally

And whereas by the County Courts Act (Northern Ireland), 1955, the jurisdiction of the county courts in Northern Ireland has in certain respects been further extended and accordingly it is expedient that appropriate provision be made for the relevant costs

And whereas it is expedient that certain other costs be increased and that appropriate provision be made for the fees and expenses of witnesses

Now we the undersigned members of the County Court Rules Committee duly appointed under sub-section (4) of section 18 of the said Act of 1955 do by virtue of the power vested in us by sub-section (1) of that section

Hereby make the Rules in the Schedule set forth and certify them under our hands and submit them to the Lord Chief Justice accordingly.

Bernard J. Fox
Wm. Johnson
J. G. Agnew
Charles Stewart
Turlough O'Donnell
James J. Napier
John L. Pinkerton
T. F. Glass
J. F. Caldwell

I approve these Rules which shall come into force on the first day of May, 1957.

Dated the 6th day of April, 1957.

MacDermott,
Lord Chief Justice of Northern Ireland.

SCHEDULE

1. In all actions, suits, matters and other proceedings commenced on or after the first day of May, 1957, there shall be payable—

(a) to counsel and solicitors, costs according to the scales and subject to the provisions hereinafter specified;

(b) to or in respect of witnesses, fees and expenses subject to the provisions hereinafter in Rule 7 specified.

2. The above-mentioned costs, fees and expenses shall be payable as well between party and party as between solicitor and client, exclusive of outlay properly and necessarily incurred.

3. So much of any Direction, Rule or Order now in force as fixes any such costs as are hereinafter prescribed is hereby revoked.

4. For Parts I, II, V, VIII and X of the Schedule of Costs appended to the County Courts (Ireland) Orders, 1890, there shall be substituted respectively the Parts set forth in Appendix A.

5. For the Order dated 19th February, 1878, fixing fees, costs and charges payable to counsel and solicitors in suits and proceedings within the equitable jurisdiction of the Court there shall be substituted the Order set forth in Appendix B.

6. For the scale of costs set forth in the Third Schedule to the Business Tenancies (Temporary Provisions) County Court Rules, 1952, there shall be substituted the scale set forth in Appendix C.

7. Notwithstanding anything in section 101 of the Civil Bill Courts (Ireland) Act, 1851, but without prejudice to any discretion exercisable by the Taxing Master of the Supreme Court under the Solicitors (Ireland) Act, 1849, there may be allowed to or in respect of witnesses such fees and expenses as the Judge shall in his discretion think just, so, however, that the total sum payable for fees and expenses to or in respect of any one witness shall not exceed £20.

8. In any suits or proceedings for which no scale of costs is prescribed the amount of costs shall be in the discretion of the Judge.

APPENDIX A

PART I

Ordinary Civil Bills

TABLE 1: PLAINTIFF'S COSTS

In actions where amount decreed	Drawing civil bill and copy	Instructions	Preparation for and attending hearing	Drawing Decree	If Counsel engaged		For each additional defendant	
					Preparing brief	Counsel's fee	Resident in same house	Not resident in same house
1	2	3	4	5	6	7	8	9
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
(i) does not exceed £10 ...	0 2 6	0 10 0	0 12 6	0 5 0	0 10 0	1 1 0	0 2 6	0 5 0
(ii) exceeds £10 but does not exceed £20	0 5 0	0 15 0	1 10 0	0 5 6	0 15 0	2 2 0	0 2 6	0 5 0
(iii) exceeds £20 but does not exceed £40	0 7 6	1 7 6	3 3 0	0 5 6	1 0 0	3 3 0	0 2 6	0 5 0
(iv) exceeds £40 but does not exceed £75	0 15 0	2 10 0	6 10 0	0 15 0	2 0 0	5 5 0	0 2 6	0 5 0
(v) exceeds £75 but does not exceed £100	0 17 6	4 4 0	10 0 0	0 18 6	3 0 0	6 6 0	0 2 6	0 5 0
(vi) exceeds £100 but does not exceed £150	1 0 0	6 0 0	12 0 0	1 0 0	4 0 0	7 7 0	0 2 6	0 10 0
(vii) exceeds £150 but does not exceed £225	1 0 0	10 0 0	18 0 0	1 0 0	4 0 0	8 8 0	0 2 6	0 10 0
(viii) exceeds £225	1 0 0	14 0 0	23 0 0	1 0 0	4 0 0	9 9 0	0 2 6	0 10 0

TABLE 2: DEFENDANT'S COSTS

In actions where amount claimed 1	Instructions 2	Preparation for and attending hearing 3	Drawing dismiss 4	Counterclaim or Set-off, if any 5	If Counsel engaged	
					Preparing brief 6	Counsel's fee 7
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
(i) does not exceed £10 ...	0 10 0	0 12 6	0 5 0	0 5 0	0 10 0	1 1 0
(ii) exceeds £10 but does not exceed £20	0 15 0	1 10 0	0 5 6	0 5 0	0 15 0	2 2 0
(iii) exceeds £20 but does not exceed £40	1 7 6	3 3 0	0 5 6	0 5 0	1 0 0	3 3 0
(iv) exceeds £40 but does not exceed £75 ...	2 10 0	6 10 0	0 15 0	0 5 0	2 0 0	5 5 0
(v) exceeds £75 but does not exceed £100	4 4 0	10 0 0	0 18 6	0 5 0	3 0 0	6 6 0
(vi) exceeds £100 but does not exceed £150	6 0 0	12 0 0	1 0 0	0 5 0	4 0 0	7 7 0
(vii) exceeds £150 but does not exceed £225	10 0 0	18 0 0	1 0 0	0 5 0	4 0 0	8 8 0
(viii) exceeds £225	14 0 0	23 0 0	1 0 0	0 5 0	4 0 0	9 9 0