1988 No. 112

COUNTY COURTS

County Court (Amendment No. 2) Rules (Northern Ireland) 1988

Made	*29th March 1988*
Coming into operation—	
Rules 1, 2, 3 and 4	*4th April 1988*
Rule 5	*1st May 1988*

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 by Sections 27 and 39 of the Family Law Act 1986(**b**) 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 No. 2) Rules (Northern Ireland) 1988.

Interpretation

2. In these rules a reference to an Order or Rule is a reference to that Order or Rule as numbered in the County Court Rules (Northern Ireland) 1981(**c**).

Proceedings under the Guardianship of Infants Act 1886

3.—(1) Order 1 shall be amended by the addition at the end of the following new rule—

"Proceedings under the Guardianship of Infants Act 1886

15. For the purposes of section 9 of the Guardianship of Infants Act 1886(**d**) a county court which is authorised to hear an application under that Act shall be—

(*a*) the county court for the division in which the minor to whom the application relates has his habitual residence, or

(*b*) where the minor has no habitual residence in any division, the county court for the division in which he is present at the time when the proceedings are commenced, or

(*c*) where the minor, having been habitually resident in a division, leaves or is removed from that division either without the agreement of the person or of all the persons having the right to

(**a**) S.I. 1980/397 (N.I. 3)
(**b**) 1986 c. 55
(**c**) S.R. 1981 No 225 to which the only relevant amendments were made by S.R. 1982 No. 120, S.R. 1986 No. 218 and S.R. 1987 No. 124
(**d**) 1886 c. 27

determine where he is to reside or in contravention of an order made by a court in any part of the United Kingdom, the county court for that division, for the period of one year beginning with the date of leaving or removal.".

(2) Paragraph 1 shall not apply to proceedings commenced before 4th April 1988.

Family Proceedings

4. Order 51 shall be amended as follows:—

(*a*) by substituting for the title to the Order the title "Family Proceedings";

(*b*) by dividing the Order into parts, of which Part I shall consist of Rules 1 to 5 under the heading "CHILD ABDUCTION AND CUSTODY ACT 1985";

(*c*) by inserting in Rule 1, before the word "Order" the words "Part of this";

(*d*) by adding after Rule 5 the Part set out in Schedule 1 hereto.

Costs

5.—(1) Order 19 shall be amended at Rule 5 by deleting the figure "£17·35" and substituting the figure "£18·13".

(2) Order 24 shall be amended, at paragraph 7(*a*) of Rule 9, by deleting the figure "£6·80" and substituting the figure "£7·10" and by deleting the figure "£9·60" and substituting the figure "£10·03".

(3) Order 33 shall be amended, at paragraph (6) of Rule 10, by deleting the figure "£3·95" and substituting the figure "£4·13".

(4) Order 55 shall be amended as follows—

(*a*) by deleting, at paragraph (1) of Rule 2, the words "20th April 1987" and substituting the words "1st May 1988";

(*b*) by deleting, in Rule 13, the figure "60p" and substituting the figure "63p";

(*c*) by deleting, in Rule 17, the figure "£1·40" and substituting the figure "£1·46".

(5) For Appendix 2 there shall be substituted the new Appendix set out in Schedule 2.

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.

John K. Pringle
C. Nelson M. Rountree
S. D. Massey
K. G. Nixon
B. F. Walker
Barry Valentine
John J. Curran
J. F. B. Russell

Dated 15th March 1988.

After consultation with the Lord Chief Justice, I allow these rules.

Rules 1, 2, 3 and 4 shall come into operation on 4th April 1988. Rule 5 shall come into operation on 1st May 1988.

Dated 29th March 1988. *Mackay of Clashfern, C.*

SCHEDULE 1 Rule 4(*d*)

Rules to be inserted in Order 51

PART II

FAMILY LAW ACT 1986

Interpretation

6. In this Part of this Order, unless the context otherwise requires,—

"the Act" means, the Family Law Act 1986;

"the appropriate court" means, in relation to England and Wales, the High Court and, in relation to Scotland, the Court of Session;

"custody order" means a custody order within the meaning of any of sections 1, 32, 40 and 42(5) and (6) of the Act;

"the Secretary of the Principal Registry" means the Secretary of the Principal Registry of the Family Division of the High Court of Justice in England and Wales;

"the Deputy Principal Clerk" means the Deputy Principal Clerk of Session;

"register" means the register kept for the purposes of the Act;

"registration" means registration under Part I of the Act, and registered shall be construed accordingly.

Application for Recognition and Enforcement of Custody Orders

7.—(1) An application under section 27 of the Act for the registration of a custody order made by a county court shall be made by filing in the office of that court a certified copy of the order, together with a certified copy of any order which has varied any of the terms of the original order and an affidavit by the applicant, and a copy thereof, which shall state—

(*a*) the name and address of the applicant and his interest under the order;

(*b*) the name and date of birth of the child in respect of whom the order was made, his whereabouts or suspected whereabouts and the name of the person with whom he is alleged to be.

(*c*) the name and address of any other person who is known to the applicant to have an interest under the order and whether it has been served on him;

(*d*) whether the order is to be registered in England and Wales or Scotland or in both jurisdictions;

(*e*) that, to the best of the applicant's information and belief, the order is in force;

(*f*) whether, and if so where, the order is already registered; and

(*g*) details of any order known to the applicant which affects the child and is in force in the jurisdiction in which the custody order is to be registered,

and there shall be exhibited to the affidavit any document relevant to the application.

(2) Where the documents referred to in paragraph (1) are to be sent to the appropriate court, the Chief Clerk shall—

(*a*) retain the affidavit in the records of the court and send the copy thereof and the other documents to the Secretary of the Principal Registry or to the Deputy Principal Clerk, as the case may be, indicating, where the order relates to more than one child, with respect to which child or children it is to be registered, and

(*b*) record the fact of transmission in the records of the court.

(3) On receipt of the notice of the registration of a custody order in the appropriate court the Chief Clerk shall note the fact of registration in the records of the court.

Refusal to Register

8.—(1) If it appears to the Chief Clerk that the custody order is no longer in force with respect to a child or more than one child or that a child or more than one child has attained the age of 16, he shall refuse to send the documents referred to in rule 7(1) to the appropriate court or shall indicate thereon with respect to which child or children the order is not to be registered, and shall within 14 days give notice to the applicant of his refusal or indication and the reason for it.

(2) If the Chief clerk refuses to send the documents to the appropriate court, the applicant may apply to the judge in chambers for an order that the documents be sent to the appropriate court, or that they be sent with respect to a particular child or children.

Revocation or Variation of Registered Order

9.—(1) Where a custody order which is registered in the appropriate court is revoked or varied by a county court, the Chief Clerk of the court making the subsequent order shall—

(*a*) send a copy of the subsequent order to the Secretary of the Principal Registry or to the Deputy Principal Clerk or to both, as the case may be, and to the court which made the custody order, if that court is different from the court making the subsequent order, for filing by that court;

(*b*) record the fact of transmission in the records of the court, and

(*c*) retain the subsequent order in the records of the court.

(2) On receipt of notice from the appropriate court of the amendment of its register, the Chief Clerk of the court which made the custody order and of the court which made the subsequent order if different shall each record the fact of amendment.

Other Proceedings

10. A party to proceedings in a county court for or relating to a custody order who knows of other proceedings (including proceedings out of the jurisdiction and concluded proceedings) which relate to the child concerned shall file an affidavit which shall state—

(*a*) in which jurisdiction and court the other proceedings were instituted;

(*b*) the nature and current state of such proceedings and the relief claimed or granted;

(*c*) the names of the parties to such proceedings and their relationship to the child; and

(*d*) if applicable, and if known, the reasons why the relief claimed in the proceedings for or relating to the custody order were not claimed in the other proceedings.

Stay of Proceedings

11.—(1) Where under section 22(2) of the Act a county court stays proceedings on an application for a custody order it shall cause notice of the stay to be given to the parties to the proceedings.

(2) Where under section 22(3) of the Act a county court removes a stay granted in accordance with section 22(2) it shall cause notice of the removal of the stay to be given to the parties to the proceedings and shall proceed to deal with the application accordingly.

SCHEDULE 2 Rule 5(5)

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	£ 51·00	£ 15·00
(ii) exceeds £100 but does not exceed £300	£110·00	£ 34·00
(iii) exceeds £300 but does not exceed £500	£176·00	£ 53·00
(iv) exceeds £500 but does not exceed £750	£238·00	£ 66·00
(v) exceeds £750 but does not exceed £1,000	£307·00	£ 77·00
(vi) exceeds £1,000 but does not exceed £1,500	£387·00	£ 91·00
(vii) exceeds £1,500 but does not exceed £2,000	£483·00	£110·00
(viii) exceeds £2,000 but does not exceed £3,000	£597·00	£131·00
(ix) exceeds £3,000 but does not exceed £4,000	£733·00	£156·00
(x) exceeds £4,000	£829·00	£176·00

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 £5·90;
   (*b*) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £11·80.
3. For each copy civil bill required for service after first add 63p 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 £1·46 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 £9·40. 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.
7. Where in any action or application under the Consumer Credit Act 1974 the amount decreed exceeds £5,000, the costs may be increased by such amounts as the Judge thinks proper having regard to the amount involved or the importance or difficulty of the case.

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	£ 48·00	£ 15·00
(ii) exceeds £100 but does not exceed £300	£107·00	£ 34·00
(iii) exceeds £300 but does not exceed £500	£170·00	£ 53·00
(iv) exceeds £500 but does not exceed £750	£227·00	£ 66·00
(v) exceeds £750 but does not exceed £1,000	£289·00	£ 77·00
(vi) exceeds £1,000 but does not exceed £1,500	£364·00	£ 91·00
(vii) exceeds £1,500 but does not exceed £2,000	£465.00	£108·00
(viii) exceeds £2,000 but does not exceed £3,000	£579·00	£131·00
(ix) exceeds £3,000 but does not exceed £4,000	£704·00	£155·00
(x) exceeds £4,000	£795·00	£176·00

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 £5·90;
   (*b*) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £11·80.
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 £9·40. 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.
6. Where in any action or application under the Consumer Credit Act 1974 the amount claimed exceeds £5,000, the costs may be increased by such amounts as the Judge thinks proper having regard to the amount involved or the importance or difficulty of the case.

Default and summary civil bills[123] and undefended actions[34]

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	£ 28·00
(ii) exceeds £100 but does not exceed £300	£ 42·00
(iii) exceeds £300 but does not exceed £500	£ 53·00
(iv) exceeds £500 but does not exceed £750	£ 62·00
(v) exceeds £750 but does not exceed £1,000	£ 68·00
(vi) exceeds £1,000 but does not exceed £1,500	£ 76·00
(vii) exceeds £1,500 but does not exceed £2,000	£ 86·00
(viii) exceeds £2,000 but does not exceed £3,000	£ 93·00
(ix) exceeds £3,000 but does not exceed £4,000	£101·00
(x) exceeds £4,000	£111·00

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 11 of Order 55, 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 14 of Order 12 and Rule 14 of Order 55.
4. See Order 55, Rule 11 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 63p to costs. See Order 55, Rule 13.
6. Where service of civil bill effected by post under Rule 3(2)(*b*) of Order 6 the solicitor is entitled to £1·46 inclusive of outlay in lieu of process server's fee. See Order 55, Rule 17.
7. See Part IX (''Miscellaneous Costs'') of this Appendix for application of this Table to proceedings under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981 and under the Hire-Purchase Acts.
8. Where in any undefended action under the Consumer Credit Act 1974 the amount decreed exceeds £5,000, the costs may be increased by such amounts as the circuit registrar thinks proper having regard to the amount involved or the importance or difficulty of the case, provided that the total amount allowed for costs shall not exceed £150.

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 £300	£ 96·00	£55·00
(ii) exceeding £300	£154·00	£69·00

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—
   (*a*) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £5·90;
   (*b*) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £11·80.
3. For each copy civil bill required for service after first add 63p 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 £1·46 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 £9·40. This item is only to be allowed against the other party in actions where the annual value of the land exceeds £300 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 — title jurisdiction

TABLE 5: DEFENDANT'S COSTS

Valuation[1] (1)	*Solicitor's costs* (2)	*Counsel's fee*[2] (3)
(i) not exceeding £300	£ 91·00	£55·00
(ii) exceeding £300	£142·00	£69·00

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—
   (*a*) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £5·90;
   (*b*) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £11·80.
3. 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 £9·40. This item is only to be allowed against the other party in actions where the annual value of the land exceeds £300 and the allowance is recorded in the court minute book.
4. 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.

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	£118·00	£ 56·00
(ii) exceeds £100 but does not exceed £250	£153·00	£ 78·00
(iii) exceeds £250 but does not exceed £500	£199·00	£107·00
(iv) exceeds £500 but does not exceed £750	£245·00	£132·00
(v) exceeds £750	£279·00	£150·00

1. Counsel travelling to attend a court—
   (*a*) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £5·90;
   (*b*) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £11·80.
2. For each copy civil bill required for service after first add 63p to costs. See Order 55, Rule 13.
3. Where service of civil bill effected by post under Rule 3(2)(*b*) of Order 6 the solicitor is entitled to £1.46 inclusive of outlay in lieu of process server's fee. See Order 55, Rule 17.
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 £9·40.
5. For each day or part of a day on which a trial or hearing is continued after the first day or is adjourned for want of time or on payment of costs of the day, counsel is entitled to an additional sum equivalent to one third of the scale fee.

Libel and slander

TABLE 7: DEFENDANT'S COSTS

In actions where amount claimed— (1)	*Solicitor's costs* (2)	*Counsel's fee*[1] (3)
(i) does not exceed £100	£114·00	£ 56·00
(ii) exceeds £100 but does not exceed £250	£147·00	£ 78·00
(iii) exceeds £250 but does not exceed £500	£188·00	£107·00
(iv) exceeds £500 but does not exceed £750	£222·00	£132·00
(v) exceeds £750	£250·00	£150·00

1. Counsel travelling to attend a court—
   (*a*) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £5·90;
   (*b*) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £11·80.
2. 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 £9·40.

3. 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.

PART II

Remitted actions[1]

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	£ 51·00	£ 15·00
(ii) exceeds £100 but does not exceed £300	£110·00	£ 34·00
(iii) exceeds £300 but does not exceed £500	£176·00	£ 53·00
(iv) exceeds £500 but does not exceed £750	£238·00	£ 66·00
(v) exceeds £750 but does not exceed £1,000	£307·00	£ 77·00
(vi) exceeds £1,000 but does not exceed £1,500	£387·00	£ 91·00
(vii) exceeds £1,500 but does not exceed £2,000	£483·00	£110·00
(viii) exceeds £2,000 but does not exceed £3,000	£597·00	£131·00
(ix) exceeds £3,000 but does not exceed £4,000	£733·00	£155·00
(x) exceeds £4,000	£829·00	£176·00

1. Where a Chancery action is remitted the Judge shall direct which costs tables shall apply having regard to the subject matter of the suit.
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 £5·90;
   (*b*) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £11·80.
3. Where the amount decreed exceeds £5,000, the costs may be increased by such amounts as the Judge thinks proper having regard to the amount involved or the importance or difficulty of the case.
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 £9·40.
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.

TABLE 2: DEFENDANT'S COSTS[2]

Solicitor's costs	...	£795·00
Counsel's fee[3]	...	£176·00

provided, however, that, where no specific sum or a sum exceeding £5,000 is claimed, the Judge, having regard to the importance or difficulty of the case or to the amount involved, may increase the above amount.

1. Where a Chancery action is remitted the Judge shall direct which costs tables shall apply having regard to the subject matter of the suit.
2. Where the defendant complies with Order 8, Rule 6, he shall be entitled to claim £12·44.

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 £5·90;
   (*b*) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £11·80.
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 £9·40.
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.

PART III

Ejectments

TABLE 1: PLAINTIFF'S COSTS

(1)	*Solicitor's costs*[1] (2)	*Counsel's fee*[2] (3)
Where the proceedings are for the recovery of possession of premises by a statutory body under statutory powers or which are not otherwise subject to the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland) 1920 to 1956—	£ 64·00	£32·00
In other cases—		
where the valuation		
(i) does not exceed £300	£ 96·00	£55·00
(ii) exceeds £300	£155·00	£69·00

1. See Order 55, Rule 14. Only 50% payable where defendant delivers up possession within 14 days of service of civil bill.
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 £5·90;
   (*b*) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £11·80.
3. For each copy civil bill required for service after first add 63p 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 £1·46 inclusive of outlay in lieu of process server's fees. See Order 55, Rule 17.
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.

TABLE 2: DEFENDANT'S COSTS

(1)	*Solicitor's costs* (2)	*Counsel's fee*[1] (3)
Where the proceedings are for the recovery of possession of premises by a statutory body under statutory powers or which are not otherwise subject to the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland) 1920 to 1956—	£ 57·00	£32·00
In other cases—		
where the valuation		
(i) does not exceed £300	£ 92·00	£55·00
(ii) exceeds £300	£140·00	£69·00

1. Counsel travelling to attend a court—
   (*a*) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £5·90;
   (*b*) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £11·80.
2. 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.

PART IV

Proceedings to annul precept, order or conviction — Order 37

Instructions, drawing notice and copy	...	£10·45
Entry, preparation for and attending hearing	...	£34·48
Drawing order	...	£ 3·13

PART V

Restitution of possession

Where the application for restitution is opposed and is refused, Part III, Table 2, shall apply as if the respondent were a defendant.

Where the application for restitution is granted no party and party costs shall be allowed.

Grant and revocation of probate or administration

TABLE 1: PLAINTIFF'S COSTS

Where the net estate— (1)	*Solicitor's costs* (2)	*Counsel's fee*[1] (3)
(i) does not exceed £10,000	£166·00	£70·00
(ii) exceeds £10,000	£204·00	£83·00

1. Counsel travelling to attend a court—
   (*a*) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £5·90;
   (*b*) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £11·80.
2. For each copy civil bill required for service after first add 63p to costs. See Order 55, Rule 13.
3. Where service of civil bill effected by post under Rule 3(2)(*b*) of Order 6 the solicitor is entitled to £1·46 inclusive of outlay in lieu of process server's fee. See Order 55, Rule 17.
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 £9·40.
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.

Grant and revocation of probate or administration

TABLE 2: DEFENDANT'S COSTS

Where the net estate— (1)	*Solicitor's costs* (2)	*Counsel's fee*[1] (3)
(i) does not exceed £10,000	£153·00	£70·00
(ii) exceeds £10,000	£188·00	£83·00

1. Counsel travelling to attend a court—
   (*a*) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £5·90;
   (*b*) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £11·80.
2. 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 £9·40.
3. 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.

PART VII

Application under Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968

TABLE 1: APPLICANT'S COSTS

Where amount awarded— (1)	*Solicitor's costs* (2)	*Counsel's fee* (3)
(i) does not exceed £30	£ 13·00	£ 5·00
(ii) exceeds £30 but does not exceed £75	£ 23·00	£13·00
(iii) exceeds £75 but does not exceed £150	£ 41·00	£16·00
(iv) exceeds £150 but does not exceed £300	£ 65·00	£20·00
(v) exceeds £300 but does not exceed £500	£ 70·00	£22·00
(vi) exceeds £500 but does not exceed £1,000	£ 84·00	£24·00
(vii) exceeds £1,000 but does not exceed £2,000	£ 94·00	£34·00
(viii) exceeds £2,000 but does not exceed £3,500	£107·00	£41·00
(ix) exceeds £3,500 but does not exceed £5,000	£118·00	£48·00
(x) exceeds £5,000 but does not exceed £5,500	£123·00	£50·00
(xi) exceeds £5,500 but does not exceed £6,000	£130·00	£53·00
(xii) exceeds £6,000 but does not exceed £6,500	£137·00	£55·00
(xiii) exceeds £6,500 but does not exceed £7,000	£142·00	£59·00
(xiv) exceeds £7,000 but does not exceed £7,500	£147·00	£62·00
(xv) exceeds £7,500 but does not exceed £8,000	£153·00	£65·00
(xvi) exceeds £8,000 but does not exceed £8,500	£160·00	£67·00
(xvii) exceeds £8,500 but does not exceed £9,000	£166·00	£70·00
(xviii) exceeds £9,000 but does not exceed £9,500	£170·00	£73·00
(xix) exceeds £9,500 but does not exceed £10,000	£176·00	£75·00

1. If claim is settled and attendance of applicant's solicitor not required at court for purpose of obtaining a decree, 85% only of costs in columns (2) and (3) are payable, unless the parties otherwise agree or the Judge orders.
2. Where the respondent has before the hearing of an application in court made an unconditional offer in writing to pay a specified amount for compensation and the compensation awarded by the Judge does not exceed such amount, only 50% of the costs in columns (2) and (3) are payable. Such written offer must be served on the applicant in accordance with section 24 of the Interpretation Act (Northern Ireland) 1954 not less than fourteen days before the commencement of the actual hearing by the Judge. The amount specified in the offer shall not be communicated to the Judge until after he has determined the amount awarded.
3. Where the case is of exceptional complexity or difficulty, and in any event, taking into account the role of counsel and the nature and content of the proceedings, the Judge may certify an amount exceeding scale figure.
4. Where the Judge considers that it was proper for the applicant to instruct senior as well as junior counsel, he may certify counsel's fees and solicitor's costs in such sum as he considers appropriate.
5. Where the amount awarded exceeds £10,000, the Judge shall, unless the parties otherwise agree, certify the amount for solicitor's costs and the amount allowed for counsel's fees.

Criminal injury applications

TABLE 2: RESPONDENT'S COSTS

Where an application for compensation is dismissed the amount recoverable by the respondent for solicitor's costs or counsel's fees shall, in default of agreement, be such amount, if any, as the Judge may settle.

PART VIII

Equity suits and proceedings

1. Subject to the Judge's discretion, the following regulations shall be applicable to the costs of equity suits and proceedings under Articles 13 and 14 of the Order.
2. For the determination of costs in equity matters there shall be seven scales which may be known respectively as Scales 1, 2, 3, 4, 5, 6 and 7, and shall, subject to the succeeding regulations of this Part, be applied as follows, that is to say—

Where the value of the personalty and/or lands—	*The scale applicable shall be—*
does not exceed £1,250	Scale 1
exceeds £1,250 but not £2,500	Scale 2
exceeds £2,500 but not £5,000	Scale 3
exceeds £5,000 but not £7,500	Scale 4
exceeds £7,500 but not £10,000	Scale 5
exceeds £10,000 but not £12,500	Scale 6
exceeds £12,500	Scale 7

and the costs in the Schedule hereto shall apply accordingly.

3. For the purpose of ascertaining the appropriate scale the value of any lands not valued by a court valuer or sold in the course of the proceedings shall, subject to any direction of the Judge, be taken to be ten times their net annual value.
4. Where the subject of the proceedings is under the Rates (Northern Ireland) Order 1972 property which is not treated as a hereditament, its value shall, where the property is not valued by a court valuer or sold in the course of the proceedings be taken, subject to any direction of the Judge, to be an amount which is equal to forty times the amount which the Commissioner of Valuation certifies would be entered in the valuation list as its net annual value if it were so treated and if it had been valued under the enactments repealed by that Order.
5. Notwithstanding the foregoing provisions of this Part, the Judge may in any case direct that any of the scales prescribed in this Part be wholly or partly applicable for the determination of the costs of any party thereto.
6. Where any item of costs or expenses has not been provided for in the said Schedule, or where, having regard to the work actually performed, the amounts provided in the Schedule are in the opinion of the Judge inadequate, he may for any particular case make a special order allowing such costs and expenses as he may think just.
7. The value of the subject matter of any suit for the purpose of stamp duties and for the allowance of costs and expenses shall in case of dispute be assessed by the Judge.
8. Where a suit is terminated by settlement or other arrangement at any time before the final decree, the Judge may order such allowance in respect of costs and expenses of either or any of the parties as in his opinion, having regard to the nature and circumstances of the case, may seem just.

9. The costs of separate appearances by counsel or solicitor for parties whose interests are not antagonistic shall not be allowed, nor shall more than one set of costs be allowed for any parties for whom the Judge is of the opinion that separate appearances were unnecessary.

10. Costs as between party and party shall in all cases be taxed by the circuit registrar when directed by the Judge, and as between solicitor and client on requisition. Every such taxation shall be subject to review by the Judge wholly or in part.

11. Where in a mortgage suit the defendant, either before the hearing or within the time fixed by the primary decree, pays the amount due for principal and interest together with all costs due up to the date of payment, such costs shall be ascertained by reference to the amount due at the commencement of the proceedings and not by reference to the value of the lands.

12. Where equity proceedings involve a declaration of title or a claim for damages for trespass to lands, or an injunction in relation to lands, it shall be in the discretion of the Judge to direct that costs shall be in accordance with Tables 4 and 5 in Part I in lieu of any other Tables or scales.

13. Counsel travelling to attend Court—

    (*a*) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £5·90;

    (*b*) more than 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £11·80.

14. 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.

SCHEDULE

Counsel's fees

	Scale 1	*Scale* 2	*Scale* 3	*Scale* 4	*Scale* 5	*Scale* 6	*Scale* 7
	£	£	£	£	£	£	£
For advising proceedings or defence, settling the equity civil bill or petition and advising proofs—	18	32	46	56	67	78	89
On the hearing of every equity civil bill or petition—	32	48	62	76	90	102	116
In suits in which the primary relief sought is of course, and involves a reference for account or inquiry, and a second decree, no fee shall be allowed in respect of the first hearing unless the Judge, having regard to any question of difficulty which may arise in the course of the suit, otherwise directs.							
In every suit for equitable relief, where the right to such relief is not contested, the fees allowed on the hearing shall, unless the Judge otherwise directs, not exceed—	18	32	46	56	67	78	89

The allowance of fees for counsel which are not hereinbefore provided for shall be governed by the nature, circumstances and general requirements of each case, and, save as herein provided, no fee to counsel shall be allowed on taxation unless by special direction in writing signed by the Judge, which direction must in all cases be applied for at the time of counsel's appearance; and no costs of counsel shall be allowed in any case which in the opinion of the Judge is not fit for such allowance.

In all cases in which a fee to counsel is allowed or directed by the Judge, there shall be produced to the officer on taxation—

(*a*) the brief or document in respect of which such fee is charged;

(*b*) where requisite, a memorandum of the allowance or direction of the Judge; and

(*c*) counsel's receipt;

otherwise the items for the fee and all relevant instructions shall be disallowed, or the taxation shall be disallowed, or the taxation shall be adjourned without costs of attendance, at the discretion of the Officer.

Solicitor's costs

Percentage or Commission in lieu of Solicitor's Costs in Suits by Civil Bill or Petition

If in any suit, having regard to its nature and circumstances, it appears to the Judge, on the application of the solicitor having carriage of the proceedings, or of the solicitor for any party interested in the suit, that it is expedient that a percentage or commission should be allowed as remuneration to the solicitor or solicitors for his or their services in each suit, in lieu of ordinary costs therein, he may make such allowance, subject to the following provisions, that is to say—

(*a*) The percentage or commission in any such suit shall be calculated upon the value of the subject matter of the suit.

(*b*) The application for such allowance may be made at any hearing of a suit or by interlocutory application.

(*c*) In case of the death or change of the solicitor on whose application such allowance has been made, or for any other cause, the Judge may subsequently vary such direction, and order that any costs properly and necessarily incurred in the suit are to be ascertained in the usual way.

(*d*) The allowance of a percentage or commission in lieu of costs shall not prejudice or restrict the exercise by the Judge of the jurisdiction to allow or disallow costs to any party in any suit.

Solicitor's costs

WHERE THE PRINCIPLE OF ALLOWANCE BY PERCENTAGE OR COMMISSION DOES NOT APPLY

	Scale 1	*Scale* 2	*Scale* 3	*Scale* 4	*Scale* 5	*Scale* 6	*Scale* 7
	£	£	£	£	£	£	£
1. For taking instructions for civil bill or defence, advising thereon, taking instructions for hearing, advising proofs, and instructing counsel when employed.	15	27	41	55	69	84	96
2. For drawing civil bill or statement of defence and copy for service, and instructing counsel when employed.	10	22	30	41	52	63	73
3. For entering civil bill or defence, and attending the hearing, with or without counsel, and for all other costs up to the decree, and taking out same.	33	63	90	118	146	173	199
4. In cases of account or inquiry — on further hearing, in addition to the above, for entering the matter, attending further hearing with or without counsel and taking out the order thereon.	33	63	90	118	146	173	199
5. For confirmation of certificate on account or inquiry where no application to vary a sum not exceeding—	15	25	33	46	55	66	76

	Scale 1	Scale 2	Scale 3	Scale 4	Scale 5	Scale 6	Scale 7
	£	£	£	£	£	£	£
6. Trustee Act (Northern Ireland) 1958: Order 28. For instructions and attendances, drawing, engrossing and filing an affidavit for the purpose of payment of money, transfer of stock, or deposit of security, obtaining the certificate, paying the money, transferring the stock, or depositing the security and all other costs.	25	49	73	97	122	146	170
7. For all work incident to obtaining an order to invest under Order 28 or Order 45 or for payment of income under Order 45—							
Where the application is ex parte	15	27	41	55	69	84	96
Where the application is on notice	19	32	50	66	83	96	114
For the purposes of items 1, 2 and 3 the expression "civil bill" includes any summons or petition initiating proceedings but does not include a petition at item 8.							
8. For all work incident to obtaining an order for payment out or distribution of funds—							
Where the application is ex parte	15	27	41	55	69	84	96
Where the application is on notice or by petition	25	49	73	97	121	146	170
9. For all work in connection with an application to the Accountant General under Court Funds Rules	7	15	22	28	34	42	49

	Scale 1	*Scale* 2	*Scale* 3	*Scale* 4	*Scale* 5	*Scale* 6	*Scale* 7
Costs in the office of the Chief Clerk—	£	£	£	£	£	£	£
10. To the solicitor for the plaintiff, petitioner, or party having the carriage of the proceedings. In all cases of account or inquiry directed by any decree or order to be taken or made before any officer of the court, and in lieu of all other costs incurred between the primary decree and the termination of the taking of such account or the making of such inquiry, there shall be allowed to the solicitor for the plaintiff, petitioner, or party having the carriage of the proceedings, as the case may be, such sums as having regard to Rule 9 of Order 55 the taxing officer shall consider reasonable but not exceeding (save by direction of the Judge).	87	173	260	346	433	519	606
11. To the solicitor for the defendant or respondent. In all cases of account or inquiry directed by any decree or order to be taken or made before the officer of the court, and in lieu of all other costs incurred between the date of the primary decree and the termination of the taking of such account or the making of such inquiry, there shall be allowed to each party (other than the party having carriage of the proceedings) on the taxation of the costs, regard being had to the work properly performed, such sum as the officer thinks reasonable or just, not exceeding the allowance to the plaintiff, petitioner or other party having carriage of the proceedings, hereinbefore provided.							

	Scale 1	Scale 2	Scale 3	Scale 4	Scale 5	Scale 6	Scale 7
	£	£	£	£	£	£	£
OCCASIONAL COSTS							
Receivers							
12. For all work in connection with the appointment of a receiver and the completion of the security, a sum not exceeding—	27	49	69	91	113	132	152
13. For instructions for the account of a receiver, drawing and preparing the same, and all attendances to lodge, vouch and pass the same, and the distribution or application of the balance, a sum not exceeding—	27	49	69	91	113	132	152
Interlocutory Applications and Attendances							
14. For all work in connection with an interlocutory application and the order thereon, a sum not exceeding—	15	25	33	46	55	66	76
Letters							
15. For writing a letter a reasonable time before the institution of proceedings.	1·40	1·40	1·40	1·40	1·40	1·40	1·40
Drafts and Copies							
16. For drawing and engrossing any document not otherwise provided for, 31p per folio.							
17. For copies of all necessary documents used in Court, or required by the Judge or briefed, per folio.	0·15	0·15	0·15	0·15	0·15	0·15	0·15
For carbons or duplicates, per folio.	0·07	0·07	0·07	0·07	0·07	0·07	0·07

PART IX

Miscellaneous Costs

INTERPLEADER PROCEEDINGS

The costs under Order 10 shall be in accordance with the foregoing Rules and Tables so far as appropriate and subject to any direction by the Judge.

INTERLOCUTORY APPLICATIONS (other than Equity)

Solicitor's Costs

Instructions and drawing notice of motion, filing and serving copy	£5·40
Attending before Judge or Circuit Registrar on notice or ex parte	£11·80

These items are only to be allowed against the other party when certified by the Judge or Circuit Registrar.

Counsel's fees

Attending before Judge on notice or ex parte	£11·80

This item is only to be allowed against the other party when the Judge certifies that counsel was necessary.

JUDGMENTS ENFORCEMENT (NORTHERN IRELAND) ORDER 1981: Part VIII

Costs of an enforcement order under Rule 4(2)(*a*) of Order 40 shall be in accordance with Part I, Table 3 as if the total amount ordered to be paid by instalments were the amount decreed.

Costs of a committal order or an attachment of earnings order made by the Court under the said Act shall be one-half the amount of the costs appropriate to an enforcement order.

ENFORCEMENT OF COUNTY COURT DECREES IN OTHER PARTS OF THE UNITED KINGDOM

Applicant's costs of obtaining a certificate in respect of a money provision contained in a decree.....	£7·05

And in addition £1·41 in respect of the affidavit together with the commissioner's fee (if any).

HIRE-PURCHASE

Where an order is made for recovery of possession of goods let under a hire-purchase agreement, the prima facie value of the goods for the purpose of costs shall be the total price less (a) the amount paid, and (b) the amount of arrears (if any) awarded by the decree or order, but this value may be varied by the Judge in his discretion and the costs shall be of the same amount as in proceedings for the recovery of a sum of money equal to the said value of the goods.

Where a decree for arrears of instalments and/or damages is coupled with an order for recovery of possession of goods the amount thereof shall be added to the value of the goods as ascertained as above for the purpose of fixing the amount of the costs.

In any proceedings on foot of a hire-purchase agreement for recovery of possession of goods or for arrears of instalments or for damages for breach of the said agreement where such proceedings are undefended the costs shall be in accordance with Part I, Table 3 and in other cases Part I, Tables 1 or 2.

STATUTORY APPEALS AND APPLICATIONS

Notice of appeal or application, services and entry	£10·00
Preparation for and attending hearing, instructing counsel (if any) and taking out order	£55·00
Counsel's fees	£34·00

The above fees may be increased at the discretion of the Judge, who may, in the case of an application under the Administration of Estates Act (Northern Ireland) 1955 or the Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979 or the Administration of Estates (Northern Ireland) Order 1979 or any other statutory application not otherwise provided for, direct that the Equity scales shall apply in lieu of the above costs.

PROCEEDINGS FOR WRONGFUL INTERFERENCE WITH GOODS

Where an order is made for delivery of goods with or without an order for damages the value of the goods as assessed by the Court shall be added to the damages, if any, for the purpose of ascertaining the appropriate costs scales.

Where an action for wrongful interference with goods is dismissed the defendant's costs shall be based upon the value of the goods claimed as assessed by the Court or shall be such sum as the Judge may award.

COSTS OF THE DAY

If ordered by the Judge on the application of any party, the costs of the day in any proceeding shall be in the discretion of the Judge.

PART X

Occasional costs

1. For any affidavit of service not otherwise provided for	£1·41
2. For any other necessary affidavit not otherwise provided for, per folio	£0·58
3. For preparing recognizance	£1·62
4. For drawing, issuing and having served a witness summons	£4·70
5. For drawing costs and copies, per page	£3·50
6. For attending taxation, per hour	£5·90

EXPLANATORY NOTE

(This note is not part of the rules.)

These rules amend the County Court Rules (Northern Ireland) 1981 so as to—

(*a*) take account of proceedings under the Family Law Act 1986 under which a custody order made in one part of the United Kingdom may be registered and enforced in another part of the United Kingdom (rules 3 and 4);

(*b*) increase county court costs by 4·5% (rule 5).