EXPLANATORY MEMORANDUM TO

The County Court (Amendment) Rules (Northern Ireland) 2025

SR 2025 No. 171

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Article 47 of the County Courts (Northern Ireland) Order 1980 and is subject to the negative resolution procedure.

2. Purpose

2.1. This Rule amends the County Court Rules (Northern Ireland) 1981 ("the principal Rules") which govern the operation of the County Courts, including by setting scale solicitors and barristers providing representation in those courts.

2.2. The purpose is to give effect to increases to scale costs of 23%, to increase travel entitlements by 32%, and to provide for a fee of £75 to be available for any necessary affadavit not otherwise provided for. These changes are being adopted following a review of existing costs and a consultation conducted by the County Court Rules Committee, and have been approved by the Minister of Justice. The changes have been designed to address the effects of inflation since the scale costs were last reviewed in 2017.

3. Background

3.1. The County Court Rules Committee is responsible for the periodic review of scale costs in County Court proceedings. These rates are used by the Court when making awards of costs between parties, and are also a point of reference for representatives in preparing bills for their clients. The Committee assessed the impact of inflation on the value of scale costs since the last review in 2017 and, following consultation with stakeholders, determined that the proposed increases to fees were appropriate.

4. Consultation

4.1. The County Court Rules Committee conducted a public consultation on proposals from 8 July 2024 to 2 September. Substantive responses were received from bodies representing solicitors and barristers, victims organisations, individual practitioners, members of the public and other interested parties.

5. Equality Impact

5.1. The County Court Rules Committee carried out an Equality Impact Screening Assessment (EQIA) on the proposals and no significant adverse impacts have been identified. The EQIA has been published on the Judiciary's website. The Department of Justice also conducted a full set of

policy screening exercises before the Rules were approved by the Minister of Justice. No equality impact was identified.

6. Regulatory Impact

6.1. The Department conducted a full set of policy screening exercises before the Rules were approved by the Minister of Justice. No regulatory impact was identified. As a result, a full Regulatory Impact Assessment was not considered necessary.

7. Financial Implications

7.1. The proposed changes will have no anticipated impact on public funds. Additional costs of some £290-£460 for a privately paying litigant in affected proceedings are estimated.

8. Section 24 of the Northern Ireland Act 1998

8.1. These provisions are compliant with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.