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.

Provision amended	Amendment
Appendix ZL *(contd.)*	**Default and Summary Civil Bills**

TABLE 3: PLAINTIFF'S COSTS

In actions where amount decreed (1)	Where sum claimed and [1]costs specified in civil bill not paid within 14 days of service (2)
(i) does not exceed £30	£7.00
(ii) exceeds £30 but does not exceed £75	£13.00
(iii) exceeds £75 but does not exceed £150	£17.00
(iv) exceeds £150	£21.00

1. 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 13A of Order 12.
2. 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 10 of Order 44, the costs of the plaintiff shall be in accordance with the above Table or Table 4, as the case may be.
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.

Undefended Actions[1]

(other than Default or Summary Civil Bills)

TABLE 4: PLAINTIFF'S COSTS

In actions where amount decreed (1)	Solicitor's costs[2] [3] (2)
(i) does not exceed £30	£7.00
(ii) exceeds £30 but does not exceed £75	£13.00
(iii) exceeds £75 but does not exceed £150	£17.00
(iv) exceeds £150	£21.00

1. See Order 44: Rule 10(2) (inserted by S.R. & O. (N.I.) 1969 No. 195) for Judge's discretion re costs and counsel in undefended actions for damages.
2. See Order 44: Rule 13. Only 50% of costs specified in column 2 payable where defendant pays the amount due within 14 days of service.
3. See Part IX ("Miscellaneous Costs") of this Appendix for application of this Table to proceedings under Part VII of the Judgments (Enforcement) Act (N.I.) 1969 and under the Hire Purchase Acts.
4. For each copy civil bill required for service after first add 20p to costs. See Order 44: Rule 12.
5. 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.

Provision amended	Amendment
Appendix ZL *(contd.)*	**Ordinary Civil Bills—Title Jurisdiction**

TABLE 5: PLAINTIFF'S COSTS

Valuation[1] (1)	Solicitor's costs (2)	Counsel's fee[2] (3)
(i) not exceeding £50	£25.00	£12.50
(ii) exceeding £50	£40.00	£16.00

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 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—Title Jurisdiction

TABLE 6: DEFENDANT'S COSTS

Valuation[1] (1)	Solicitor's costs (2)	Counsel's fee[2] (3)
(i) not exceeding £50	£24.00	£12.50
(ii) exceeding £50	£33.00	£16.00

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 more than 25 miles from the GPO, Belfast, is entitled to an additional £2.00.

Libel and Slander

TABLE 7: PLAINTIFF'S COSTS

Except where the Judge otherwise directs:—	
Solicitor's costs	£25.00
Counsel's fee[1]	£12.50

1. Counsel travelling to attend a court more than 25 miles from the GPO, Belfast, is entitled to an additional sum of £2.00.
2. For each copy civil bill required for service after first add 20p to costs. See Order 44: Rule 12.
3. 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.

Provision amended	Amendment
Appendix ZL *(contd.)*	**Libel and Slander** TABLE 8: DEFENDANT'S COSTS Except where the Judge otherwise directs:— Solicitor's costs ..... £24.00 Counsel's fee[1] ..... £12.50 1. Counsel travelling to attend a court more than 25 miles from the GPO, Belfast, is entitled to an additional sum of £2.00. PART II **Remitted Actions[1]** TABLE 1: PLAINTIFF'S COSTS

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[3]	£55.00	£16.00

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 more than 25 miles from the GPO, Belfast, is entitled to an additional £2.00.
3. Where the amount decreed exceeds £300, 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.

Remitted Actions[1]

TABLE 2: DEFENDANT'S COSTS[2]

Subject to the power of the Judge, where no specific sum is claimed or a sum exceeding £300 is claimed to increase the following amounts, having regard to the amount involved or the importance or difficulty of the case:—

Solicitor's costs £53.00

Counsel's fee[3] £16.00

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. Where the defendant complies with Order 8: Rule 6, he shall be entitled to claim:— lodging in office, copy writ of summons verified by affidavit and certified copy of notice of remittal and entering action £4.50.
3. Counsel travelling to attend a court more than 25 miles from the GPO, Belfast, is entitled to an additional £2.00.

Provision amended	Amendment
Appendix ZL *(contd.)*	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—	£15.00	£8.00
In other cases—		
where the valuation		
(i) does not exceed £50	£25.00	£12.50
(ii) exceeds £50	£40.00	£16.00

1. See Order 44: Rule 13. Only 50% payable where defendant delivers up possession within 14 days of service of civil bill.
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.

Ejectments

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—	£14.00	£8.00
In other cases—		
where the valuation		
(i) does not exceed £50	£23.00	£12.50
(ii) exceeds £50	£33.00	£16.00

1. Counsel travelling to attend a court more than 25 miles from the GPO, Belfast, is entitled to an additional £2.00.

Provision amended	Amendment
Appendix ZL *(contd.)*	PART IV **Proceedings to Annul Precept, Order or Conviction—Order 33** Instructions, drawing notice and copy ..... £2.00 Entry, preparation for and attending hearing ..... £6.50 Drawing order ..... £0.50 PART V **Restitution of Possession** Where the application for restitution shall be opposed and shall be 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. PART VI **Grant and Revocation of Probate or Administration** TABLE 1: PLAINTIFF'S COSTS

Where estate consists of both personalty and lands or lands only and the valuation of the lands— (1)	Solicitor's costs (2)	Counsel's fee[1] (3)
(i) does not exceed £50	£30.00	£12.50
(ii) exceeds £50	£40.00	£16.00

1. Counsel travelling to attend a court more than 25 miles from the GPO, Belfast, is entitled to an additional £2.00.
2. For each copy civil bill required for service after first add 20p to costs. See Order 44: Rule 12.
3. 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.

Provision amended	Amendment
Appendix ZL *(contd.)*	**Grant and Revocation of Probate or Administration**

TABLE 2: DEFENDANT'S COSTS

Where estate consists of both personalty and lands or lands only and the valuation of the lands— (1)	Solicitor's costs (2)	Counsel's fee[1] (3)
(i) does not exceed £50	£25.00	£12.50
(ii) exceeds £50	£34.00	£16.00

1. Counsel travelling to attend a court more than 25 miles from the GPO, Belfast, is entitled to an additional £2.00.

Grant and Revocation of Probate or Administration

TABLE 3: PLAINTIFF'S COSTS

Where there are no lands and the personalty sworn at a sum— (1)	Solicitor's costs (2)	Counsel's fee[1] (3)
(i) not exceeding £1,000	£30.00	£12.50
(ii) exceeding £1,000	£40.00	£16.00

1. Counsel travelling to attend a court more than 25 miles from the GPO, Belfast, is entitled to an additional £2.00.
2. For each copy civil bill required for service after first add 20p to costs. See Order 44: Rule 12.
3. 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.

Grant and Revocation of Probate or Administration

TABLE 4: DEFENDANT'S COSTS

Where there are no lands and the personalty sworn at a sum— (1)	Solicitor's costs (2)	Counsel's fee[1] (3)
(i) not exceeding £1,000	£25.00	£12.50
(ii) exceeding £1,000	£34.00	£16.00

1. Counsel travelling to attend a court more than 25 miles from the GPO, Belfast, is entitled to an additional £2.00.

Appendix ZL (*contd.*)

Provision amended	Amendment

PART VII

Criminal Injury Applications

TABLE 1: APPLICANT'S COSTS

Where amount awarded— (1)	Solicitor's costs (2)	Counsel's fee (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 but does not exceed £300	£55.00	£16.00
(v) exceeds £300 but does not exceed £500	£60.00	£18.00
(vi) exceeds £500 but does not exceed £1,000	£70.00	£20.00
(vii) exceeds £1,000 but does not exceed £2,000	£80.00	£30.00
(viii) exceeds £2,000 but does not exceed £3,500	£90.00	£35.00
(ix) exceeds £3,500 but does not exceed £5,000	£100.00	£40.00
(x) exceeds £5,000 but does not exceed £5,500	£105.00	£42.00
(xi) exceeds £5,500 but does not exceed £6,000	£110.00	£45.00
(xii) exceeds £6,000 but does not exceed £6,500	£115.00	£47.00
(xiii) exceeds £6,500 but does not exceed £7,000	£120.00	£50.00
(xiv) exceeds £7,000 but does not exceed £7,500	£125.00	£52.00
(xv) exceeds £7,500 but does not exceed £8,000	£130.00	£55.00
(xvi) exceeds £8,000 but does not exceed £8,500	£135.00	£57.00
(xvii) exceeds £8,500 but does not exceed £9,000	£140.00	£60.00
(xviii) exceeds £9,000 but does not exceed £9,500	£145.00	£62.00
(xix) exceeds £9,500 but does not exceed £10,000	£150.00	£63.00

1. Where award settled by agreement and not by reason of a contest in court, only 50% of the costs specified in columns (2) and (3) payable unless the Judge otherwise orders.
2. Where case one of exceptional complexity or difficulty, Judge may certify an amount exceeding scale figure.
3. Where the amount awarded exceeds £10,000, the Judge shall certify the amount for solicitor's costs and the amount allowed for counsel's fee.

Provision amended	Amendment
Appendix ZL *(contd.)*	PART VII (contd.) **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 fee 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 sections 15 and 16 of the Act.

2. For the determination of costs in Equity matters there shall be two scales which may be known respectively as Scale 1 and Scale 2 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 lands—	The Scale applicable shall be—
does not exceed £500	Scale 1
exceeds £500	Scale 2

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 forty times their valuation under the Valuation Acts.

4. Notwithstanding the foregoing provisions of this Part, the Judge may in any case direct that either of the scales prescribed in this Part be wholly or partly applicable for the determination of the costs of any party thereto.

5. Where any costs or expenses have not been provided for in the said Schedule, or where, having regard to the work actually performed, the amounts so provided for 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.

6. 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.

Provision amended	Amendment
Appendix ZL *(contd.)*	7. 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. 8. 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 opinion that separate appearances were unnecessary. 9. Costs as between party and party shall in all cases be taxed by the Clerk of the Crown and Peace or 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. 10. 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. 11. Where Equity proceedings involve merely 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 5 and 6 in Part I in lieu of any other Tables or scales.**

SCHEDULE

Counsel's Fees

	Scale 1	Scale 2
	£	£
For advising proceedings or defence, settling the equity civil bill or petition and advising proofs—	5	8
On the hearing of every equity civil bill or petition—	9	13
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—	5	8

Provision amended	Amendment
Appendix ZL *(contd.)*	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. **Solicitors' Costs** PERCENTAGE OR COMMISSION IN LIEU OF SOLICITORS' 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.

Provision amended	Amendment
Appendix ZL *(contd.)*	**Solicitors' Costs**

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

	Scale 1	Scale 2
	£	£
1. For taking instructions for civil bill or defence, advising thereon, taking instructions for hearing, advising proofs, and instructing Counsel when employed.	4	8
2. For drawing civil bill or statement of defence and copy for service, and instructing Counsel when employed.	3	6
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.	10	18
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.	10	18
5. For confirmation of certificate on account or inquiry where no application to vary a sum not exceeding—	4	7
6. Trustee Act: Order 26. 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.	7	14
7. For all work incident to obtaining an order to invest under Order 26 or Order 41 or for payment of income under Order 41—		
Where the application is ex parte	4	8
Where the application is on notice	5	10
8. For all work incident to obtaining an order for payment out or distribution of funds—		
Where the application is ex parte	4	8
Where the application is on notice or by petition	7	14

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.

Provision amended	Amendment		
Appendix ZL *(contd.)*		Scale 1	Scale 2
		£	£
	9. For all work in connection with an application to the Clerk of the Crown and Peace under Order 40: Rule 2.	2	4
	Costs in the office of the Clerk of the Crown and Peace.		
	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 sum as having regard to Rule 8 the taxing officer shall consider reasonable but not exceeding (save by direction of the Judge).	25	50
	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.		
	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—	8	14
	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—	8	14
	Interlocutory Applications and Attendances		
	14. For all work in connection with an interlocutory application and the order thereon, a sum not exceeding—	4	7

Provision amended	Amendment

Appendix ZL *(contd.)*

	Scale 1	Scale 2
	£	£
Letters		
15. For writing a letter a reasonable time before the institution of proceedings.	0.38	0.38
Drafts and Copies		
16. For drawing and engrossing any document not otherwise provided for, 10p per folio.		
17. For copies of all necessary documents used in Court, or required by the Judge or briefed, per folio.	0.03	0.03
For carbons or duplicates, per folio.	0.02	0.02

PART IX

Miscellaneous Costs

CERTIFICATES OF SATISFACTION

For all work in connection with obtaining certificates of satisfaction under Order 36, Rule 26(6), £2.50.

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)

Instructions and drawing notice of motion, filing and serving copy £1.50

Attending before Judge or Clerk of the Crown and Peace on notice or ex parte £4.00

Only to be allowed against the other party when verified by the Judge or Clerk of the Crown and Peace.

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969: Part VII

Costs of an enforcement order under Rule 21(2)(a) of Order 36 shall be in accordance with Part I, Table 4, 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.

INFERIOR COURTS JUDGMENTS EXTENSION ACT 1882

Applicant's costs of obtaining a certificate of a decree or registering a certificate £2.00

And in addition where an affidavit is required 50p together with the commissioner's fee (if any).

Provision amended	Amendment
Appendix ZL *(contd.)*	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 purposes of costs shall be the hire purchase price of the goods less (a) any deposit paid, (b) any instalments of hire purchase price paid, (c) 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 4, and in other cases Part I, Tables 1 or 2. The foregoing provisions shall apply to all hire purchase agreements whether under the provisions of the Hire Purchase Act (Northern Ireland) 1966 or not. STATUTORY APPEALS AND APPLICATIONS Notice of appeal or application, services and entry . £3.00 **Preparation for and attending hearing, instructing** counsel (if any) and taking out order . . . £16.00 Counsel's fees . . . . . £10.00 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 (Family Provision) Act (Northern Ireland) 1960 or any other statutory application not otherwise provided for, direct that the Equity scales shall apply in lieu of the above costs. DETINUE PROCEEDINGS 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 in detinue 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 sum of £5.00.

Provision amended	Amendment
Appendix ZL *(contd.)*	PART X **Occasional Costs** £ 1. For any affidavit of service not otherwise provided for . . . . . 0.37 2. For any other necessary affidavit not otherwise provided for, per folio . . . . 0.10 3. For preparing recognizance . . . . 0.50 4. For drawing, issuing and having served a witness summons . . . . . 0.37 5. For drawing costs and copies, per page . . 0.50 6. For attending taxation, per hour . . . . 0.75 7. On review by the Judge under Order 24, Rules 25 and 28, such sum as the Judge may allow not exceeding £1.00."
Appendix ZM	In Appendix ZM— in Part I in the entry— opposite Nos. 9, 10 and 17 in the left-hand column for the references to £50 and £100, wherever they appear, there shall be substituted £30 and £75 respectively; opposite No. 11 for the references to £30 and 30p there shall be substituted references to £50 and 50p respectively; opposite No. 12 for the reference to 50p there shall be substituted a reference to 75p; opposite No. 14 for the words from "On a counterclaim" onwards there shall be substituted— "On a counterclaim or set off— not exceeding £30 . . . 15p exceeding £30 but not exceeding £75 . 25p exceeding £75 . . . . 40p"; opposite item No. 18 for the references to £30 and 25p there shall be substituted £50 and 40p respectively and for the references to £30 and 40p there shall be substituted £50 and 75p respectively.

EXPLANATORY NOTE

(This note is not part of the Rules, but is intended to indicate their general purport.)

These Rules amend the provisions of Order 44 of and Appendix ZL to the County Court Rules (Northern Ireland) 1965 as to the scales of costs allowed for solicitors or counsel as between party and party.

Appendix ZM (court fees) is also amended in certain respects.