1990 No. 61

EMERGENCY PROVISIONS

Emergency Provisions (Compensation) (Amendment) Rules (Northern Ireland) 1990

Made	*17th February 1990*
Coming into operation . .	*2nd April 1990*

The Lord Chief Justice in exercise of the powers conferred on him by section 28A(1) of the Northern Ireland (Emergency Provisions) Act 1978(**a**) after consultation with the Secretary of State, hereby makes the following rules:—

Citation, commencement and interpretation

1.—(1) These rules may be cited as the Emergency Provisions (Compensation) (Amendment) Rules (Northern Ireland) 1990 and shall come into operation on 2nd April 1990.

(2) In these rules "the principal rules" means the Emergency Provisions (Compensation) Rules (Northern Ireland) 1988(**b**).

Amendment to the principal rules

2. For Schedule 2 to the principal rules there shall be substituted the new Schedule 2 set out in the Schedule.

Dated 17th February 1990

Brian Hutton
Lord Chief Justice
of Northern Ireland

(**a**) 1978 c. 5 as substituted by section 12 of 1987 c. 30
(**b**) S. R. 1988 No. 221

SCHEDULE Rule 2

AMENDMENT TO THE PRINCIPAL RULES

SCHEDULE 2 Rule 9(2)

Party and party costs in appeals under section 28(5) of the Northern Ireland (Emergency Provisions) Act 1978

A. *Appellant's Costs*

Where the amount awarded is greater than the Secretary of State's decision and does not exceed—	*Solicitor's Costs*	*Counsel's Fee*
(1)	(2)	(3)
£	£	£
250	95	36
500	118	46
750	148	60
1,000	169	72
2,000	191	79
3,000	213	88
4,000	235	94
5,000	256	100
6,000	279	107
7,000	301	114
8,000	323	120
9,000	345	128
10,000	368	135
15,000	469	170
20,000	580	210
25,000	681	247
30,000	793	292
35,000	895	331
40,000	1,004	377
45,000	1,108	405
50,000	1,209	465

NOTES:

1. Subject to the discretion of the judge to certify otherwise, the scale of counsel's fees in column (3) above relates only to the item or items the subject of the appeal and not to the value of the claim as a whole.
2. Where a case is settled more than 2 days prior to the court hearing, 85% of the appropriate amount in column (3) of the above table is payable as counsel's fees.
3. Where the judge considers it was proper for an appellant to instruct senior as well as junior counsel, the senior counsel's fee will be one and a half times the appropriate figure in column (3) of the above table.
4. Where the amount awarded is in excess of £50,000 the judge shall, unless the parties otherwise agree, certify the amount of solicitor's costs and the amount allowed for counsel's fees.

5. Where the case is one of exceptional complexity or difficulty the judge may certify an amount exceeding the scale figures in columns (2) or (3) of the above table.

6. Nothing in this Schedule shall derogate from the provisions of rule 5.

7. The scale of solicitor's costs in column (2) above is inclusive of any costs (but not expenses) payable by the Secretary of State in respect of making out and verifying the claim to compensation up to the date of service of notice of the Secretary of State's decision under section 28(5) of the Act.

8. Where an Appeal under section 28(5) of the Act is in respect of an act authorised by or on behalf of the Secretary of State under section 19(2) of the Act and judge considers that the scale of costs in this Schedule is inappropriate, the amount of solicitor's costs or of counsel's fees shall be in the discretion of the judge and, unless the parties otherwise agree, he shall certify the amount he allows for such costs and fees.

B. *Respondent's costs*

1. Where an appeal is dismissed, the judge may order the appellant to pay to the Secretary of State an amount for his solicitor's costs or counsel's fees.

2. Where he does so, that amount shall, in default of agreement, be such as the judge may determine, whether equal to or less than the costs actually incurred or the fees paid by the Secretary of State in resisting the appeal.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These rules amend the Emergency Provisions (Compensation) Rules (Northern Ireland) 1988. They introduce a new scale of costs payable to solicitors and counsel in appeals to the county court under section 28(5) of the Northern Ireland (Emergency Provisions) Act 1978.