

## 1990 No. 280

## COUNTY COURTS

**County Court (Criminal Injuries to the Person)  
(Compensation) (Amendment) Rules (Northern Ireland) 1990**

*Made* . . . . . 25th July 1990

*Coming into operation* . . . . . 3rd September 1990

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 in accordance with Articles 16 and 21 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988(b), hereby make the following rules:

*Citation and interpretation*

**1.**—(1) These rules may be cited as the County Court (Criminal Injuries to the Person) (Compensation) (Amendment) Rules (Northern Ireland) 1990.

(2) In these rules “the principal rules” means the County Court (Criminal Injuries to the Person) (Compensation) Rules (Northern Ireland) 1988(c).

*Revocation*

**2.** The County Court (Criminal Injuries to the Person) (Compensation) (Amendment) Rules (Northern Ireland) 1989(d) are hereby revoked.

*Amendment to the principal rules*

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

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  
John J. Curran  
Brian F. Walker  
Barry Valentine  
Ken Nixon  
S. D. Massey*

(a) S.I. 1980/397 (N.I. 3)

(b) S.I. 1988/793 (N.I. 4)

(c) S.R. 1988 No. 282; to which the most recent amendment was made by S.R. 1989 No. 297

(d) S.R. 1989 No. 297

1480

*County Courts*

*No. 280*

Dated 5th July 1990

After consultation with the Lord Chief Justice I allow these rules which shall come into operation on 3rd September 1990.

Dated 25th July 1990

*Mackay of Clashfern, C.*

## AMENDMENT TO THE PRINCIPAL RULES

## SCHEDULE 2

## Rule 10(1)

**Party and party costs in appeals under Article 16 of the Criminal Injuries  
(Compensation) (Northern Ireland) Order 1988**

## A. Appellant's Costs

Where the amount awarded is greater than the Secretary of State's determination and does not exceed—	Solicitor's Costs	Counsel's Fee
(1)	(2)	(3)
£	£	£
500	159	65
750	221	89
1,000	275	105
2,000	300	116
3,000	315	128
4,000	339	140
5,000	355	152
6,000	371	156
7,000	387	161
8,000	401	167
9,000	418	174
10,000	434	181
15,000	498	201
20,000	575	229
25,000	655	248
30,000	732	268
35,000	811	299
40,000	891	330
45,000	970	362
50,000	1,046	395
60,000	1,142	431
70,000	1,261	487
80,000	1,419	557
90,000	1,576	630
100,000	1,734	703
125,000	1,971	820
150,000	2,048	873
175,000	2,129	919
200,000	2,206	964
225,000	2,288	1,006
250,000	2,365	1,047

## NOTE:

1. 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 fee.

2. Where the judge considers it was proper for an applicant 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.
  3. Where the amount awarded is in excess of £250,000 the judge shall, unless the parties otherwise agree, certify the amount of solicitor's costs and the amount allowed for counsel's fees.
  4. 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.
  5. Nothing in this Schedule shall derogate from the provisions of rule 6 or Article 16(3) of the Order.
  6. The scale of solicitor's costs in column (2) of the above table is inclusive of any costs (but not expenses) payable under Article 13(2) of the Order in respect of making out and verifying the claim to compensation up to the date of the Secretary of State's determination.
  7. (a) Where a solicitor conducts an appeal without counsel he shall, if the judge so allows, be entitled to an enhancement of his costs in addition to the scale costs in column (2) of the above table; and  
(b) the amount of any enhancement so allowed shall be in the discretion of the judge, but shall not exceed 50 per cent. of the scale fee in column (3) of the above table to which counsel, if conducting the appeal, would have been entitled.
- 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 fee.
  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 County Court (Criminal Injuries to the Person) (Compensation) Rules (Northern Ireland) 1988 so as to:—

- (a) introduce a new scale of costs and fees payable to solicitors and counsel in appeals to the county court under Article 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988; and
- (b) provide for an enhancement of a solicitor's costs, where he conducts such an appeal without counsel.