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SCHEDULE

APPENDIX 2

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

TABLE 4:

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	195	80
750	270	109
1,000	337	128
2,000	368	142
3,000	386	157
4,000	416	172
5,000	435	187
6,000	455	191
7,000	474	197
8,000	492	205
9,000	512	214
10,000	532	223
15,000	611	246
20,000	704	280
25,000	803	304
30,000	897	329
35,000	995	367
40,000	1,093	405
45,000	1,189	444
50,000	1,283	485
60,000	1,401	528
70,000	1,545	597
80,000	1,740	683
90,000	1,932	772

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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) £
100,000	2,126	862
125,000	2,416	1,005
150,000	2,511	1,070
175,000	2,610	1,126
200,000	2,705	1,182
225,000	2,805	1,233
250,000	2,900	1,284

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 table or note shall derogate from the provisions of Rule 4 of Order 54 or Article 16(3) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988(1).
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 Criminal Injuries (Compensation) (Northern Ireland) Order 1988 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 such enhancement so allowed shall be in the discretion of the Judge, but shall not exceed 50% 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 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.

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