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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 3: APPELLANT'S COSTS**

<i>Where the amount awarded is greater than the Secretary of State's determination and does not exceed –</i>	<i>Solicitor's costs</i>	<i>Counsel's fee</i>
(1)	(2)	(3)
£	£	£
500	225	92
750	310	126
1,000	387	148
2,000	423	163
3,000	444	181
4,000	478	198
5,000	500	215
6,000	523	220
7,000	544	227
8,000	565	236
9,000	588	246
10,000	611	256
15,000	701	283
20,000	808	322
25,000	921	349
30,000	1,030	378
35,000	1,143	422
40,000	1,254	466
45,000	1,365	509
50,000	1,472	557
60,000	1,608	606
70,000	1,774	686
80,000	1,997	784
90,000	2,217	886
100,000	2,440	989

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<i>Where the amount awarded is greater than the Secretary of State's determination and does not exceed –</i>	<i>Solicitor's costs</i>	<i>Counsel's fee</i>
(1) £	(2) £	(3) £
125,000	2,773	1,154
150,000	2,881	1,228
175,000	2,995	1,293
200,000	3,104	1,356
225,000	3,219	1,415
250,000	3,328	1,473

## 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.

*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.