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SCHEDULE

APPENDIX 2

**Party and party costs in appeals under section 55(4) of the
Northern Ireland (Emergency Provisions) Act 1996 and
under paragraph (5) of Schedule 12 to the Terrorism Act 2000**

TABLE 4: APPELLANT'S COSTS

<i>Where the amount awarded is greater than the Secretary of State's decision and does not exceed</i>	<i>Solicitor's costs</i>	<i>Counsel's fee</i>
(1)	(2)	(3)
£	£	£
250	145	56
500	179	69
750	225	92
1,000	256	108
2,000	288	121
3,000	322	135
4,000	356	141
5,000	387	152
6,000	423	162
7,000	456	174
8,000	487	182
9,000	523	194
10,000	557	205
15,000	709	259
20,000	879	319
25,000	1,032	376
30,000	1,201	443
35,000	1,354	501
40,000	1,519	570
45,000	1,673	612
50,000	1,829	703

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.

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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 table or note shall derogate from the provisions of Rule 4 of Order 54.
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 55(4) of the Northern Ireland (Emergency Provisions) Act 1996⁽¹⁾ or under paragraph 4 of Schedule 12 to the Terrorism Act 2000⁽²⁾.
8. Where an appeal under section 55(4) of the Northern Ireland (Emergency Provisions) Act 1996 or under paragraph 5 of Schedule 12 to the Terrorism Act 2000 is in respect of an act authorised by or on behalf of the Secretary of State under section 26(2) of the Northern Ireland (Emergency Provisions) Act 1996 or under section 91 of the Terrorism Act 2000 and the 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 at the discretion of the Judge and, unless the parties otherwise agree, he shall certify the amount he allows for such costs and fees.
9. (a) Where the 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% 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 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) 1996 c. 22
(2) 2000 c. 11