

LOT 10 - STANDARD SCALE OF SOLICITORS' PROFESSIONAL CHARGES

All professional charges below are subject to the Contractor's Percentage Discount quoted in the Pricing Schedule

1 COUNTY COURT

(1) Settlements

(a) **Where amount claimed does not exceed £15,000:**

The amount which would be due to a Plaintiff by way of Solicitors costs under the County Court Rules (N.I.) 1981, Schedule 2, Appendix 2, Part I, Table 1 had proceedings been properly commenced by way of Ordinary Civil Bill and a decree had been granted amounting to the greater of the following:

- the actual amount of the settlement (exclusive of sums payable to the Compensation Recovery Scheme)

or

- £2,500.00 (exclusive of sums payable to the Compensation Recovery Scheme)

(b) **Where amount claimed exceeds £15,000:**

The amount which would be due to a Plaintiff by way of Solicitors costs under the County Court Rules (N.I.) 1981, Schedule 2, Appendix 2, Part I, Table 1 had proceedings been properly commenced by way of Ordinary Civil Bill and a decree had been granted amounting to the greater of the following:

- the actual amount of the settlement (exclusive of sums payable to the Compensation Recovery Scheme)

or

- £7,500.00 (exclusive of sums payable to the Compensation Recovery Scheme)

(2) Contests

(a) **Where amount claimed does not exceed £15,000:**

The amount which would be due to a Plaintiff by way of Solicitors costs under the County Court Rules (N.I.) 1981, Schedule 2, Appendix 2, Part I, Table 1 (regardless of any amount actually decreed), if proceedings had been properly brought by way of

Ordinary Civil Bill and a decree was granted amounting to the lesser of the following:

- the amount claimed

or

- £10,000.00 (exclusive of sums payable to the Compensation Recovery Scheme)

(b) Where amount claimed exceeds £15,000:

The amount which would be due to a Plaintiff by way of Solicitors costs under the County Court Rules (N.I.) 1981, Schedule 2, Appendix 2, Part I, Table 1 (regardless of any amount actually decreed), if proceedings had been properly brought by way of Ordinary Civil Bill and a decree was granted amounting to the lesser of the following:

- the amount claimed

or

- £15,000.00 (exclusive of sums payable to the Compensation Recovery Scheme)

For each part of the day on which a trial or hearing is continued after the first day the Contractor is entitled to an additional sum equivalent to 50% of solicitor's scale on the amount claimed not exceeding £600.00 subject to the Contractor's Percentage Discount quoted in the Pricing Schedule

(3) Strike outs/ Releases/Withdrawals/Withdrawals of Solicitors instructions by the Client

(a) If strike out / release/withdrawal/withdrawal of Solicitors instructions takes place prior to issue of Certificate of Readiness:

Two thirds of the amount which would be due to a Plaintiff by way of Solicitors costs, if proceedings had been properly brought by way of Ordinary Civil Bill and a decree was granted amounting to the lesser of the following:

- the amount claimed

or

- £7,500.00 (exclusive of sums payable to the Compensation Recovery Scheme)

(b) If strike out / release/withdrawal/withdrawal of Solicitors instructions takes place after issue of Certificate of Readiness and prior to date of hearing:

Three quarters of the amount which would be due to a Plaintiff by way of Solicitors costs, if proceedings had been

properly brought by way of Ordinary Civil Bill and a decree was granted amounting to the lesser of the following:

- the amount claimed

or

- £7,500.00 (exclusive of sums payable to the Compensation Recovery Scheme)

(c) If strike out/ release/withdrawal/withdrawals of Solicitors instructions takes place on or after date of hearing:

The totality of the amount which would be due to a Plaintiff by way of Solicitors costs, if proceedings had been properly brought by way of Ordinary Civil Bill and a decree was granted amounting to the lesser of the following:

- the amount claimed

or

- £7,500.00 (exclusive of sums payable to the Compensation Recovery Scheme)

(4) Remitted Actions

The amount which would be due to a Defendant's Solicitor under County Court Rules (N.I.) 1981, Appendix 2, Part II, Table 2 and disregarding any increase which could potentially be made by the judge or district judge.

(5) Appeals from County Court to High Court

In accordance with 1(1) to 1(3) above.

2. HIGH COURT

(1) Settlements up to £499,000.00

The appropriate amount payable to the Plaintiff's Solicitors in accordance with the Belfast Solicitors' Association's Guide to High Court Costs as Revised (Applicable to actions settled after 11th January 2016) ("the BSA Guide") at the relevant stage of proceedings (e.g. "*After issue of proceedings*" or "*After setting down*" or "*Within 21 days of trial*").

(2) Contests

- (a)** If no damages are awarded, the amount which would be due to the Plaintiff's solicitor, in accordance with the BSA Guide, if a settlement had been entered into immediately prior to the hearing and the settlement was of an amount equal to the Court's findings as to quantum or (if no such finding is made) a realistic quantum figure (exclusive of sums payable to the

Compensation Recovery Scheme) provided by the Client's Counsel's in written advices.

- (b) If damages are awarded, the amount which would be due to the Plaintiff, in accordance with the BSA Guide if a settlement had been entered into immediately prior to the hearing and the settlement was of an amount equal to that in fact awarded by the Court (exclusive of sums payable to the Compensation Recovery Scheme).

NOTE: If the case runs to trial, an additional £825.00 for each additional day of Trial (not including the first day) and £660.00 for each half day (not including the first day) should be added to the amounts referred to in 2 (a) and (b) above subject to the Contractor's Percentage Discount quoted in the Pricing Schedule.

(3) Settlements / Awards of Damages exceeding £500,000

The Standard Scale will be that amount, which will be agreed between the Contractor and the Client by reference to the applicable hourly rate set by the Taxing Master with a mark-up where applicable no greater than 50% for care and skill. Such an amount will be subject to the Contractor's Percentage Discount quoted in the Pricing Schedule.

(4) Releases/Withdrawals/Withdrawal of Solicitors instructions by the Client/ Strike outs

If the Client is released by any other party or the case is withdrawn or discontinued or struck out the amount which would be due to a Plaintiff's solicitor in accordance with the BSA Guide if a settlement had been entered into at the relevant stage of proceedings (e.g. "*After issue of proceedings*" or "*After setting down*" or "*Within 21 days of trial*") and the settlement was of an amount equal to a realistic quantum figure (exclusive of sums payable to the Compensation Recovery Scheme) provided by the Client's Counsel's in written advices.

NOTE 1: Advices from the BSA accompanying the Guide on increases on the appropriate point recommended in the Guide do not apply to the Standard Scale.

NOTE 2: In calculating the amount payable under the Standard scale no regard will be had to sums payable to the Compensation Recovery Scheme.

(5) Appeals from High Court to Court of Appeal

The Standard Scale will be that amount, which will be agreed between the Contractor and the Client by reference to the applicable hourly rate set by the Taxing Master with a mark-up where applicable no greater than 50% for care and skill. Such an amount will be subject to the Contractor's Percentage Discount quoted in the Pricing Schedule.

3. GENERAL – APPLICABLE TO ALL CASES

(1) Incidentals

Postage, photocopying and other incidentals cannot be separately charged for and must be absorbed within the general professional fee. Outlays such as Counsel's fees, court fees, expert witnesses' fees (including fees for obtaining medical reports) and witness expenses can be separately charged for if such expenditure is agreed with the Client in advance.

(2) Counterclaims

Claims of set-off and counterclaims cannot be separately charged for and no increase (in the general professional fee in respect of the defence of the action) is allowable in respect of set-off/counterclaim.

(3) Third Parties

Third Party notices and other claims for contribution/indemnity cannot be separately charged for and no increase (in the general professional fee in respect of the defence of the action) is allowable in respect of such notices or other claims.

(5) Joint Representation

Where the Client releases another defendant, the defence of that other defendant cannot be separately charged for and no additional amount is payable in respect of the defence of that other defendant.

(5) Travel

Travel time or expenses cannot be charged for other than the sum allowable in County Court cases for Solicitor's travel to Court under Appendix 2, Part 1 Table 1 paragraph 2 of the County Court Rules (N.I.) 1981.