From: [redacted]
Sent: 14 October 2026 13:58
To: [redacted] Thomas <[redacted]>
Cc: [redacted]
Subject: The County Courts (Financial Limits) Order (Northern Ireland) 2026

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Classification: Confidential

Dear Thomas,

We are contacting the Committee regarding the proposed changes to the County Court monetary limit and associated scale fee costs under The County Courts (Financial Limits) Order (Northern Ireland) 2026. We understand this is due to be considered by the Committee for Justice on Thursday 15/10/26.

NFU Mutual are a UK Insurer providing Motor, EL and PL Insurance products within Northern Ireland, we hold a local presence through our network of tied agencies and a Belfast regional service centre. NFU Mutual issued a response to the County Court Rules Committee scale costs consultation in July 2026 as an interested stakeholder and have been awaiting the call for evidence 4 week window as was expected. We have not had any such notice or request to provide further information however we have been made aware that a 12 day call for evidence period was communicated and has now closed.

As the window for a more substantive and formal response has passed, I have attached a copy of NFU Mutual's original consultation response which we would appreciate the committee taking the time to consider in the course of tomorrow's meeting.

We would welcome the opportunity to discuss and engage with the Committee for Justice on the wider issues of access to civil justice and personal injury reform in Northern Ireland.

Kind regards

[redacted]

[redacted]

[redacted]

[redacted]

HO Claims
NFU Mutual, Harvester House, Adelaide Street, Belfast, BT2 8GE









NORTHERN IRELAND COUNTY COURT RULES COMMITTEE

CONSULTATION RESPONSE FORM

SCALE COSTS

County Court Rules Committee
Secretariat

15 May 2026

CONSULTATION RESPONSE FORM

We would welcome responses to the following questions set out in the consultation paper and you may use this form to complete your response.

Question 1: Do you agree that the guiding principles used in the 2001 Review should be applied?

Yes, we agree that the guiding principles used in the 2001 review should be applied in increasing the County Court Scale Costs to account for the uplift in the Jurisdiction from £30,000 to £60,000. However, we would encourage a further fundamental review of the County Court rules to support maintaining these principles remaining in place within the current litigation landscape.

The certainty of the County Court scale costs and proportionality, as referenced within the consultation document, is an advantage. Having this system in place and is a cornerstone of access to justice. It must be recognised however that when this scale was initially introduced the make-up of civil litigation was very different. Taking the scale costs and County Court rules/protocols as a complete package, there are improvements to be made. The volume of road traffic accident claims passing through the County Court system has increased significantly over the past two decades. The high values in vehicle damage claims have resulted in legal costs for a relatively straight forward accidents becoming hugely disproportionate. This has been further impacted by the recent increases in the green book valuations for “whiplash” type injuries and very minor post-accident anxiety compensation awards. It is becoming more difficult to evidence proportionality and “fair and reasonable remuneration”.

Underpinning these civil claims is the pre-action protocol for County Court RTA Personal Injury and Damage only claims which came into effect in February 2023. The introduction of the pre-action protocol has had limited impact on achieving the “cards on the table” objective to create a transparent and streamlined claims journey, in large part due to the lack of costs sanctions for non-compliance. We would support a review of the pre-action protocol and encourage the creation of a non-RTA pre-action protocol.

The review led by Justice Gillen made recommendations regarding penalties for non-compliance on both defendants and plaintiffs, it is disappointing that the current pre-action protocol fell short of imposing sanctions to achieve the aim of an improved system which reduces conflict and leads to earlier settlement times without flooding the already stretched courts. The increase in the County Court jurisdiction to £60,000 provides greater impetus to reduce the unnecessary litigation.

Guiding principle (d) references the importance to maintain the advantage of the Northern Ireland Civil Justice system being less expensive than that in England and Wales, placing

ownership on the Rules Committee to keep the costs of litigation as economically as possible. This objective could be met with greater confidence with the introduction of robust pre-action protocols and a portal to manage the most straightforward low value personal injury claims.

The County Court Scale has been increased with inflation. However the increase in personal injury awards at a level multiple times that of inflation, the rise in the cost of motor damage claims and the increase in the use of accident management companies in preference to plaintiff's own comprehensive Insurance policies, the remuneration for the same claim is now at a significantly higher level and out of touch.

RTAs now make up 70% of NI claims litigation, the majority of which are quantum only disputes. Early disclosure, driven by sanctions for non-compliance, the mechanism to make cost consequences pre-litigation offers akin to Part 36 offers as seen in England and Wales and the introduction of a portal for ease of claims management would all lead to a more cost effective, efficient and timely process for pursuing these types of claims.

Question 2: Do you agree with the insertion of six additional bands at intervals of £5,000?

Yes. We agree that in the absence of a fundamental change to the operation of the County Court Scale, the professional fee attracted by the cases worth £30,000-£60,000 should be dealt with consistent to the current scale structure.

However, this agreement is subject to our wider concerns that the current scale structure requires more fundamental reform and should better reflect the relative simplicity of many motor claims.

Question 3: Do you agree with the insertion of three additional bands at the proposed intervals?

NFU Mutual have no involvement of claims for defamation and cannot therefore comment.

Question 4: Do you agree with the Committee's approach to establishing fair and reasonable remuneration in respect of the six new bands?

No. We do not agree that the approach proposed represents fair and reasonable remuneration for these cases and would encourage a long overdue fundamental review of scale costs. As highlighted within the consultation paper reviews carried out over the past 25 years have focused solely on applying an inflationary measure to the fees.

Whilst the certainty of scale costs is welcome, the proportionality of the current scale when considered alongside the current civil claims landscape is questionable.

In terms of the comparisons and adjustments made we do not feel these are accurate. The application of the BSA and Insurer's scale in High court actions is not as straightforward as outlined the stages of the claim where settlement has been achieved vary between the two scales and this is usually a further point of negotiations when dealing with costs.

It is noted that the Insurers Scale has been updated to take account of inflation, We would dispute this as requirement. The reality is the Insurer's scale does continue to be used as a negation benchmark for personal injury claims settled in the High Court. Costs settlement data suggests that the "mid-point" continues to be a regular place for agreement on the professional fee to be paid, the adjustment for inflation creates an inflated "mid-point" from which the new scale cost fees are derived.

We would also dispute the application of the GDP deflator as the correct inflationary measure. In recent costs reviews carried out in England & Wales Services Producer Price Index (SPPI) has been considered the most appropriate measure to apply.

The proposal to apply a 20% reduction to the sums calculated to generate the corresponding professional fee for County Court actions is not agreed. Cases proceeding in the high court operate within a more complex process, they require a greater level of detail and responses and will take up a significantly greater amount of time. The increase in general damages seen in Northern Ireland since the Gillen review proposed an increase in the County Court jurisdiction has resulted in a wealth of personal injury claims ending up in the High court but they do not hold the complexity of those expected to be within that remit. We would argue that removing these cases back to the County Court level is correct and should not be attracting professional fees disproportionate to the level of work required.

With regard to counsels' costs the proposed figures are excessive concerning. The graph on page 32 of the Consultation Paper demonstrates a significant uplift for cases valued at £30k plus, without justification. In the County Court counsel will be instructed at the later stages of the litigation and therefore have less input and directions. There are far fewer pleadings than in the High Court and the preparatory work is significantly less.

Question 5: Do you agree with the Committee's approach to setting the scale costs for proceedings where no intention to defend is served?

We have no objection to this proposal, although rehearse the need for review on the whole.

Question 6: Do you agree with the Committee's approach to setting the appropriate scale costs for defamation cases?

NFU Mutual have no involvement of claims for defamation and cannot therefore comment.

Question 7: Do you agree with the Committee's proposal in relation to the defendant's costs in remitted actions?

Yes. We have no difficulty with the proposal.

Question 8: Do you agree with the proposed scale costs detailed in Appendix 2?

No. We do not agree with the proposed scale as per our concerns raised in the answer to question 4.

Question 9: Do you agree with the Committee's proposal that the ceiling on solicitor's costs for an additional day should be raised to £1,000?

No. We do not agree, the proposed increase is above the SSPI inflationary measure we consider to be most appropriate.

Question 10: Do you agree that the rules should allow for the enhancement of costs in cases involving claims for these diseases?

No. We do not agree that the rules should allow for an enhancement of costs for cases involving the list of lung diseases. This would widen the bracket to include claims for what can be respiratory illnesses caused by non-industrial exposure and which are of no great complexity.

Question 11: What, if any, other matters should be taken into account when assessing the impact of the proposals in this paper?

As set out above, we consider a more fundamental review of litigation costs in Northern Ireland is required.

CONSULTEE DETAILS

[redacted]	[redacted]
[redacted]	[redacted]
[redacted]	[redacted]
[redacted]	[redacted]

Please provide details of who your organisation represents and, where applicable, how the views of members were assembled.

The last date for responses to this consultation is **Friday 10th July 2026.**

Responses should be sent to:

Email: [redacted]

By post: [redacted]
Secretariat to the County Court Rules Committee
Lady Chief Justice's Office
Royal Courts of Justice
Chichester Street
Belfast
BT1 3JF

Tel: [redacted]

Unless individual respondents specifically indicate that they wish their response to be treated in confidence, their name and the nature of their response may be included in any published summary of responses. Respondents should also be aware that the Agency's obligations under the Freedom of Information Act may require that any responses not subject to specific exemptions under the Act, be disclosed to other parties on request.