

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

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Kathy O'Hanlon
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09 September 2026

Dear Kathy,

SL1 – THE COUNTY COURT (AMENDMENT) RULES (NORTHERN IRELAND) 2026

The County Court Rules Committee has made a Statutory Rule under the power conferred by Article 47 of the County Courts (Northern Ireland) Order 1980 ("the 1980 Order") to amend the County Court Rules (Northern Ireland) 1981 ("the 1981 Rules").

The County Court Rules Committee is a statutory body responsible for making rules governing practice and procedure in the county courts. The Committee is chaired by the Recorder of Belfast, with representation from the county court and district judges, barristers and solicitors.

The Statutory Rule was made by the County Court Rules Committee on 27 August 2026. Before it can have effect, it must be allowed by the Department following consultation with the Lady Chief Justice. If allowed, it will be subject to the negative resolution procedure before the Assembly.

Purpose of the Statutory Rule

The Statutory Rule makes amendments consequential to the increase in the general civil jurisdiction of the county court to £60,000, the increase in the civil jurisdiction exercisable by district judges to £20,000, and the increase in the jurisdiction of the county court in claims for libel or slander from £3,000 to £10,000.

A separate SL1 and draft Statutory Rule to implement these jurisdictional changes has also been provided for the Committee's consideration.

The Statutory Rule extends the County Court Scale Costs provisions in the 1981 Rules to proceedings falling within the increased financial limits.

The County Court Scale Costs prescribe the legal costs recoverable between the parties in civil proceedings in that court. The applicable amount is determined according to the value and type of proceedings, and all legal representatives (where there is no legal aid certificate) must use them to bill their clients for the work they undertake in the county court.

The Statutory Rule builds on the existing scales by providing six additional bands to specify costs for matters within the general civil jurisdiction up to the new limit of £60,000. In determining the amounts for the additional bands for the general civil jurisdiction, the Rules Committee considered the existing County Court Scale Costs and the costs currently applicable to proceedings of comparable value in the High Court for both solicitors' costs and counsels' fees.

In respect of defamation claims, the Statutory Rule introduces three additional bands up to the new limit of £10,000. The Rules Committee calculated the average percentage increase across the existing successive bands and then applied that to the costs and fees within the new bands.

The Statutory Rule does not, however, provide for an uplift in the existing bands in either scale, which were last amended by The County Court (Amendment) Rules (Northern Ireland) 2025 (“the 2025 Rules”).

The 2025 Rules did not apply an inflationary uplift to the existing ceiling on a solicitor’s ‘refresher fee’. This relates to an additional amount allowed for a solicitor’s continued attendance when a hearing lasts beyond its first day and is intended to remunerate the solicitor for each further day, or part of a day, rather than requiring that extended attendance to be absorbed within the original scale fee. Had the relevant inflationary uplift been applied in 2025, the ceiling would have risen to £738. The Rules Committee concluded that the 2025 inflationary uplift should now be applied, together with a further increase to reflect the increase in county court jurisdiction, taking into account the consequential increase in the complexity of proceedings before that court. The ceiling on a solicitor’s refresher fees is, therefore, amended to £1,000, which is below the High Court half-day refresher fee and appropriately reflects the relative procedural simplicity of the county court, while recognising the increased demands placed on practitioners in cases lasting more than one day.

Finally, the Statutory Rule also amends Order 55, rule 11(1)(ba) to include specified lung diseases as categories of case in which a judge or district judge may enhance costs if satisfied that the issues are particularly complex.

Previous Engagement with the Committee

The Committee was provided with a written briefing for its 22 January 2026 meeting, advising of the Department’s intention to increase the aforementioned financial limits. That briefing outlined that consequential amendments to the 1981 Rules were required to support the uplift in county court jurisdiction.

Financial Implications

Responsibility for making changes to the Scale Costs rests with the County Court Rules Committee. The Department’s statutory role is to decide, after consulting the Lady Chief Justice, whether to allow Rules made by the Rules Committee.

There is no statutory framework which underpins how the County Court Rules Committee is to approach its task of specifying legal costs payable between the parties. The Rules Committee has stated that it is committed to ensuring that costs are fair and reasonable, and that it takes into account guiding principles which first informed a 2001 fundamental review of the scale costs. Those principles were:

- professional services require a fair and reasonable return for work done;
- whether any proposal would constitute fair and reasonable remuneration should be assessed by considering what might be the result if cases were subject to taxation, using acceptable principles. In that regard, the assessment would address an appropriate hourly rate as well as information from the Taxing Master;
- while it was proper to have regard to any scale fees prescribed for England and Wales, such work would require to be comparable and in that regard there appeared to be agreement that costs in England and Wales were different from the County Court Scale Costs and operated on a different premise and for a different purpose;
- the Civil Justice Reform Group (which had been established in 1998, tasked with examining the civil justice system with a view to assessing how it could be made as accessible, economical and efficient as possible) expected the advantage of the Northern Ireland civil justice system being less expensive than that in England and Wales to be maintained in the future and that the Rules Committee would be alert to keeping the costs of litigation in the county courts as economical as possible, consistent with the need to ensure that professional services are properly remunerated. This reflected the comments of the then Lord Chief Justice in *Re C&H Jefferson* [1998] NI 404 at 408 when he observed that the County Court should be a court ‘in respect of whose proceedings the costs and fees should be both moderate and ascertainable’; and
- the Committee should seek to maintain the principle that there should be a measure of proportionality between the amounts awarded and costs.

County court Scale Costs relate to privately funded civil proceedings and, as such, there is no direct impact on the public purse. The present amendments to the scales add new bands rather than applying a percentage increase to the existing scale bands.

As noted in the accompanying SL1 for the County Courts (Financial Limits) Order (Northern Ireland) 2026, consequential changes to the Civil Legal Services (Remuneration) Order (Northern Ireland) 2025 (“the 2025 Order”) are required to replicate additional award bands into the legal aid scale. As noted, the legislative window to make amendments to criminal and civil legal aid provision has had to be pushed back to early 2027 as a result of the extended dispute with the Criminal Bar Association and its decision to withdraw services, and consideration of the outcome of the Accelerated Review of Criminal Legal Aid.

The Department does not want to delay the uplift in county court jurisdiction until this date and intends to bring the changes to the 1980 Order (through the County Courts (Financial Limits) Order (Northern Ireland) 2026) and the 1981 Rules into operation on 30 November. Amended legal aid fees and scales will be backdated to apply to certificates issued from the date the amendments to the 1980 Order and 1981 Rules take effect.

Consultation

The County Court Rules Committee conducted a public consultation on proposals from 15 May to 10 July 2026. A summary of consultation responses can be viewed at: [Northern Ireland County Court Rules Committee Consultation- Scale Costs: Summary of Consultation Responses & Next Steps](#).

Fourteen responses were received from a broad range of stakeholders, including members and representatives of the legal professions, the judiciary, insurers and representative bodies. The Rules Committee considered those responses before proceeding to make the Statutory Rule.

Compliance with Section 24 of the Northern Ireland Act

1998

It is considered that the Statutory Rule complies with section 24 of the Northern Ireland Act 1998. It is not incompatible with Convention Rights, nor is it incompatible with Article 2(1) of the Protocol on Ireland/Northern Ireland in the EU Withdrawal Agreement (rights of individuals). The Statutory Rule does not discriminate against a person or class of person on the grounds of religious belief or political opinion; and does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

Consideration by the Executive

The Statutory Rule has not been considered by the Executive.

Equality Impact

The County Court Rules Committee carried out an equality screening and concluded that the proposals do not have significant implications for equality of opportunity and that an equality impact assessment was not necessary.

Regulatory Impact

An increase in the general civil jurisdiction should have a positive impact on businesses, owing to the potential reduction in the amount of money paid through the award of legal costs in civil cases.

The County Court Scale Costs offer certainty for litigants who will know the potential financial implications should they be unsuccessful in their claim, bearing in mind the 'loser pays' principle which means the losing party has to pay for their own legal costs as well as that of the other side.

In the High Court, legal costs are not fixed and can vary, meaning it is sometimes unpredictable how much litigants will have to pay and, in some cases, that uncertainty may affect a prospective litigant's assessment of the financial risks of pursuing or defending proceedings. Costs can be assessed in a process known as 'taxing' by the Taxing Master in the High Court. In personal injury claims, many barristers and solicitors

in Northern Ireland use non-statutory scales (the Comerton Scale and the Belfast Solicitors' Association Guide to High Court Costs) which ensure that their fees are proportionate to the value of a case which allows for some predictability of legal costs.

Rural Needs Impact

The Department carried out a Rural Needs Impact Assessment in relation to the wider policy of increasing county court jurisdiction. It did not identify any differential impact on the social or economic needs of people in rural areas. The decision to increase the general civil jurisdiction of the county would result in more cases in local county courts rather than the High Court in Belfast. This would be beneficial for litigants outside Belfast given the travel distances and time, personal expenses, and other practical considerations

Data Protection Impact

Not applicable.

Child Rights Impact

The changes relate to the financial jurisdiction of the county court and apply generally according to the value and nature of proceedings. The Department has not identified any material differential impact on children and young people or any adverse effect on the enjoyment of their rights. A full Child Rights Impact Assessment is, therefore, not considered necessary.

Position in Great Britain

England and Wales also operate a fixed recoverable costs regime, although it does not operate on the same basis as the County Court Scale Costs in Northern Ireland. Part 45 of the Civil Procedure Rules provide for fixed recoverable costs, which are the costs that the successful party may recover from the unsuccessful party in specified categories of civil claim. These reflect the wider approach to dealing with civil claims in the county court and High Court based on both the value and complexity of claim.

Civil claims in England and Wales are allocated to one of four procedural tracks depending on their value, complexity and case management requirements. The fixed recoverable costs regime was expanded in October 2023 to the fast track (suitable claims under £25,000) and to less complex claims allocated to the intermediate track, generally including claims worth up to £100,000. The amount recoverable is determined principally by the specific track the claim is allocated; one of four complexity bands that the claim falls into; the procedural stage at which the case concludes; and, in some instances, a specified percentage of the damages recovered.

Any Other Information

As noted above, consequential changes to the 2025 Order are required to replicate additional award bands into the legal aid scale. The Committee will be provided with an SL1, draft Statutory Rule and Explanatory Memorandum prior to implementation in early 2027.

Proposed Timing of Consideration of the SL1

The SL1 has been submitted to the Committee in accordance with the minimum four-week timeframe. In order to meet the proposed operational date, the proposed date for the Committee to consider the SL1 is 15 October 2026.

Proposed Operational Date

It is proposed that the Statutory Rule will come into operation on 30 November 2026.

The Statutory Rule, which has already been made by the County Court Rules Committee, and Explanatory Memorandum are attached, and you will wish to bring this matter to the attention of the Committee for Justice.

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Yours sincerely,



**FIONA SCULLION
DALO**

