

**SUMMARY MINUTES OF A MEETING OF THE COUNTY COURT
RULES COMMITTEE ON TUESDAY 9TH NOVEMBER 2010 IN THE
JUDGES' LOUNGE, LAGANSIDE COURT COMPLEX, BELFAST**

Present: His Honour Judge Burgess (Chairman)
His Honour Judge Babington
District Judge Wells
Mr Barry Valentine BL
Mr Nigel McCombe BL
Mr Brian Stewart
Ms Dorcas Crawford

In Attendance: Ms Laurene McAlpine (Acting Secretary)
Ms Maria Dougan
Rosie Keenan

Apologies: Her Honour Judge Philpott QC
Mr Brian Walker
Mr Nigel Elliott

Minutes of the previous meeting

1. The minutes of the previous meeting of 10 March 2010 were agreed.

Matters arising

2. It was noted that the main issue going forward was the potential rise in jurisdiction in the County Court and the impact on the Scale Costs.
3. The Committee noted the Solicitors costs on interlocutories in the High Court ranged from approximately £200 and £300. A general discussion ensued noting the different practices in the County Court and High Court.
4. It was noted that interlocutory applications in England and Wales were made on paper.

Increase in County Court Jurisdiction and impact on Scale Costs

5. The Chairman then referred the Committee to the impact on Scale Costs resulting from an increase in the County Court Jurisdiction. It was noted that a recommendation for an increase following consultation with stakeholders would be made to the Minister shortly for a decision. The Committee also noted that the Assembly and the Justice Committee were now very interested in County Court Costs and the number of Assembly

questions was a reflection of the level of interest in costs in general.

6. The Chairman referred the Committee to his paper "Next steps in relation to County Court Scale Costs".
7. A general discussion then ensued on the level of increases that may be taken forward and the impact on the County Court tiers, in particular the impact of any increase in the District Judges workload and the present structure of Scale costs with the possibility of adding two new bands to address the new limit.
8. It was noted the "Swings and Roundabouts" principle still applied.
9. During further discussion it was suggested a minimum of three new bands may be appropriate.
10. The Committee noted that an Impact Assessment would be required to make any amendment to the scale costs. It also agreed to ask the Department when taking forward the Impact Assessment to add additional names to their consultee list.

Information Gathering

11. After further discussion it was agreed that it would be useful to request the following information:-

- Statistical information on the number of awards in bands in the High Court and county courts (broken down into the present bands);
- The number of county court cases funded by legal aid with an indication as to professional fees distinct from other outlay, including experts;
- Inflation figures from July 2007 to the last quarter (Sept 2010) as measured by the Gross Domestic Product (GDP) deflator and the Retail Price Index (RPI);
- Information from the Taxing Master on the average (or range) of taxed costs in the High Court claims between

- £15 - £20K
- £20 - £25K
- £25 - £30K

And any additional advice or guidance on hourly rates or uplifts;

- The Insurers Scale;
- Information from the Law Society in relation to insurance costs for solicitors;

- Information from Bar Council in relation to Master Policy Insurance Scheme for Barristers;
- A comparison of fixed costs in England and Wales with civil claims for £15K heard in court and determined for £10K ie how much is paid in NI and E&W including cases under the Fast Track regime;
- A comparison with the DSO/CSO professional fees with a breakdown of the figures for Solicitors and Barristers minus court fees and disbursements and excluding VAT. (Write to either the PAC to see if we could obtain this information or directly to Stephen Murphy Head of CCU DRD);

AOB

12. The Committee was asked to consider how complex cases are presently dealt with including removal from the County Court to the High Court. After a brief discussion it was agreed that this issue was to be added to the agenda at the next meeting.
13. There was no further business and the meeting concluded. It was agreed the next meeting would be provisionally scheduled for 14 December 2010.