

Costs of proceedings - Northern Ireland

This page provides you with indicative information about the costs of justice in Northern Ireland.



Regulatory framework governing fees of legal professions

There are scales of costs in both the County Court and Court of Judicature – some of which include professional fees.

You can find a copy of the legislation which sets out the current scale of costs for the county court at legislation.gov.uk High court scale costs are not available via a web link. These scales apply only to certain cases and in certain circumstances - they are not applicable to all cases.

The Taxing Master may also assess legal costs in certain cases: for example, divorce and ancillary relief proceedings. These would include the professional fees charged by legal practitioners.

The **Northern Ireland Legal Services Commission** sets fixed rates for legally-aided child custody cases governed by the Children (Northern Ireland) Order 1995 legislation.

- Proceedings heard in the Family Proceedings Court which are funded under the ABWOR (**assistance by way of representation**) scheme are assessed either on an hourly rate or a fixed (composite) fee.
- Proceedings heard in the Family Care Centre which are awarded an article 3 certificate under the **Legal Aid** (Remuneration of Solicitors and Counsel in County Court Proceedings) **Order** (Northern Ireland) 1981 – are assessed and paid on a standard fee basis. Where an article 3 certificate is not awarded, cases are assessed and paid at hourly rates up to fixed limits specified in Article 2 of the Order.
- Separation and maintenance proceedings in the Magistrates Court funded under the ABWOR scheme are also assessed and paid on a fixed fee basis.

Solicitors

The website of the [Law Society of Northern Ireland](http://www.lawsofnorthernireland.com) may be helpful in finding a solicitor, but the Law Society does not hold information on the costs of legal representation as this will depend on many factors that are individual to the case concerned.

Barristers

The website of the [Northern Ireland Bar Library](http://www.northernirelandbarlibrary.com) may be helpful in finding a barrister, but the Law Society does not hold information on the costs of legal representation as this will depend on many factors that are individual to the case concerned.

Fixed costs

Fixed costs in civil proceedings

Fixed costs for litigants in civil proceedings

Court fees are fixed and, if applicable, are paid in advance in line with a Northern Ireland Fees Order. These fees are over and above the costs of legal representation. The current court fees can be found at the [Northern Ireland Courts and Tribunals Service](#).

Stage of the civil proceeding where fixed costs must be paid

Court fees are normally paid when a case begins, but there may be other fees for ancillary processes during the life of a case: for example, for interlocutory applications, assessment hearings and so on.

The legal costs of a person not receiving legal aid must be agreed between the individual and her or his legal representative.

Fixed costs in criminal proceedings

Fixed costs for litigants in criminal proceedings

In criminal proceedings, an accused receiving legal aid pays no costs. The legal costs of a person not receiving legal aid must be agreed between the individual and her or his legal representative.

Stage of the criminal proceeding where fixed costs must be paid

Costs for civil parties such as witness expenses and expert fees are normally paid at the conclusion of a case. However these costs are not fixed costs and can vary depending on the nature of the case.

Fixed costs in constitutional proceedings

Fixed costs for litigants in constitutional proceedings

The fixed costs in **constitutional cases** depend on where the proceedings were commenced, and are charged at the rates set by that tier of court. Current court fees can be found at the [Northern Ireland Court and Tribunals Service](#).

This does **not** include the costs of **legal representation**.

There are also court fees associated with constitutional cases referred to the **UK Supreme Court** and can be found here [UK Supreme Court fees](#)

Stage of the constitutional proceeding where fixed costs must be paid

Court fees are normally paid when a case begins, but there may be other fees for ancillary processes during the life of a case: for example, for interlocutory applications, assessment hearings and so on.

Legal costs of a person not receiving legal aid must be agreed between the individual and her or his legal representative.

Prior information to be provided by legal representatives

Rights and obligations of the parties

Solicitors are required to outline the potential costs involved to the parties. However, as this will depend on the progress /development of the case, it may not be possible to give an accurate assessment at the outset of proceedings.

Costs sources

Where can I find information on cost sources in Northern Ireland?

Information on court fees can be found at [Northern Ireland Courts and Tribunals Service](#).

The websites of the [Law Society of Northern Ireland](#) and the [Northern Ireland Bar Library](#) may be helpful in finding a legal representative but they do not hold information on the costs of legal representation as this will depend on the case and if the parties are entitled to legal aid.

In what languages can I obtain information on cost sources in Northern Ireland?

You can find information on court fees in English at the [Northern Ireland Courts and Tribunals Service](#). This information can be translated into a range of other languages on request.

Where can I find information on mediation?

Information can be found at the website of the [Northern Ireland Courts and Tribunals Service](#).

Further information is also available from the website of the [Law Society of Northern Ireland](#).

Where can I find additional information on costs?

Available website on cost information

The [Northern Ireland Courts and Tribunals Service](#) lists all court fees.

Where can I find information on the average length of time that different procedures take?

Statistical information on the business of the courts can be found at the [Northern Ireland Courts and Tribunals Service](#).

Where can I find information on the average aggregate cost for a particular proceeding?

There is no known source for this information.

There is a scale of costs available for both County Court and High Court proceedings. However these are only a guide and should not be considered definitive, as they do not apply to all cases. They also apply only to proceedings within that specific court tier.

Current scales for the County Court can be found on the website of the [Statutory Rules of Northern Ireland](#)

High Court scale costs are not available via a web link.

Value Added Tax

How is this information provided?

VAT at the appropriate rate may be recoverable on costs, fees and expenses within the meaning of the Value Added Tax Act 1983. Details of court fees may be found at the [Northern Ireland Courts and Tribunals Service](#), which shows court fees without VAT.

Legal aid

Applicable income threshold in the area of civil justice

Legal aid is usually available to an individual whose annual disposable income does not exceed £9937, except for personal injury where it is £10955. In a small number of public family law proceedings concerning the custody of children, legal aid is made available without reference to the individual's income; these are known as special **Children Order proceedings**. For more information please refer to [Northern Ireland Courts and Tribunals Service](#).

Applicable income threshold in the area of criminal justice for defendants

There is no fixed income threshold for legal aid for defendants in Northern Ireland. The judge grants legal aid to a defendant where she or he is satisfied that the defendant has insufficient means to pay for legal representation.

Applicable income threshold in the area of criminal justice for victims

Legal aid is not available to victims within the criminal justice scheme.

When victims of crime seek compensation, the legal aid scheme is not usually engaged. Government has established a separate statutory scheme to compensate victims of crime; in Northern Ireland this is the Criminal Injury Compensation Scheme. Under this scheme, victims do not require legal advice and representation to apply for compensation. Assistance with applications is available free of charge from [Victim Support Northern Ireland](#), which is funded by government.

Non-legal aid support is provided to victims in the criminal justice system: for example, the [Northern Ireland Courts and Tribunals Service](#) website provides information and a 'virtual walk through' for victims and witnesses.

Also [Victim Support Northern Ireland](#), a charitable organisation, offers emotional support, information and practical help to people who have suffered crimes.

Other conditions attached to the granting of legal aid for defendants

In order to receive free legal aid for defence representation in Northern Ireland, defendants must satisfy two tests: that they have insufficient means to pay for their own representation, and that it is in the interests of justice that they should have free legal aid.

Cost-free court proceedings

- The [Northern Ireland Courts and Tribunals Service](#) has a process/policy whereby court fees can either be remitted or deemed to be exempt. This is a means-tested process and applicants must apply using a prescribed form.

- Court proceedings are cost free for a defendant who has been granted legal aid in criminal proceedings.
- As mentioned above, legal aid is usually available to an individual whose annual disposable income does not exceed £9937.
- In a small number of public family law proceedings concerning the custody of children, legal aid is made available without reference to the individual's income; these are known as special **Children Order proceedings**.
- The award or waiving of costs is a matter for judicial discretion.

When does the losing party have to pay the winning party's costs?

The awarding of costs is a matter of judicial discretion. The **Northern Ireland Courts of Judicature rules** and the **County Court Rules** (Northern Ireland) provide court rules relating to costs. These are available at <http://www.courtsni.gov.uk/en-GB/Publications/court-rules/Pages/default.aspx>

Experts' fees

The number of experts is limited by the rules of court – the Rules of the Northern Ireland Court of Judicature and the County Court Rules (Northern Ireland). There are no fixed or scale costs for experts as the fees will depend on the type of expert and the nature of their involvement in the proceedings.

Translators' and interpreters' fees

Generally, when a civil or family action is privately funded, it is a matter for the party requiring the services of an interpreter to make the arrangements and meet the costs.

However, Northern Ireland Courts and Tribunals Service will arrange and centrally fund an interpreter for a non-English speaking litigant involved in the following actions: a committal case, a family case involving children, or a domestic violence case (including forced marriage).

If the case is not covered by one of the above criteria, an interpreter may still be funded, if the Judge determines this is the only way the litigant can understand proceedings, and if she or he cannot get public funding, cannot afford to fund an interpreter privately or the Judge expressly directs that an interpreter be appointed.

Where the Northern Ireland Courts and Tribunals service arranges and pays an interpreter's fees, these are set down in the terms and conditions of booking. The fee can vary from case to case, depending on the length of the hearing, the distance and time taken to travel to and from the court, and the means by which the interpreter travels. The terms and conditions are strictly applied to all claims to ensure no overpayment is made.

Related Links

[Law Society of Northern Ireland](#)

[Northern Ireland Bar Library](#)

legislation.gov.uk

[Information on Court fees from the Northern Ireland Court and Tribunals Service](#)

[Northern Ireland Courts and Tribunals Service](#)

[Information on the Commercial List from the Northern Ireland Court and Tribunals Service](#)

[Victim Support Northern Ireland](#)

[Information on Support to Victim and Witnesses from the Northern Ireland Court and Tribunals Service](#)

Related Attachments

[United Kingdom's report of the Study on Transparency of costs\(448 Kb\)](#)

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