

NORTHERN IRELAND COUNTY COURT RULES COMMITTEE

CONSULTATION - SCALE COSTS SUMMARY OF CONSULTATION RESPONSES & NEXT STEPS

County Court Rules Committee

Secretariat

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1. [Introduction](#)

1.1 This report provides a summary of the responses received by the County Court Rules Committee in relation to its 2026 [Consultation on Scale Costs in the County Court | Judiciary NI](#).

1.2 In January 2026, following a 2021 public consultation, the Minister of Justice stated her intention to increase the general financial jurisdiction of the County Court to £60,000 and the jurisdiction of the District Judges (Civil) to £20,000. Additionally, the upper financial limit for defamation proceedings is to be increased to £10,000. The Minister indicated she wishes to make these changes in Autumn 2026.

1.3 The County Court Rules Committee has statutory responsibility for making rules which regulate the practice and procedure of the County Court, including legal costs payable between the parties which are generally determined in accordance with the rules and scales set out in [Appendix 2 - County Court Rules \(Northern Ireland\) 1981](#).

1.4 The limits on the various financial jurisdictions of the County Court are a matter for the Minister of Justice. The changes proposed by the Rules Committee are consequential upon the Minister's decision to increase the financial jurisdictions of the County Court outlined above, and do not represent a Committee view on the level of those jurisdictions.

1.5 In light of the Minister's decision, the Rules Committee, in exercise of its statutory function of making rules specifying costs applicable to proceedings before the County Court, considered the manner of awarding costs for matters falling within the new jurisdictional limits and issued the public consultation which is the subject of this report.

1.6 The Rules Committee proposals recognised the merits of the existing system for the payment of costs by reference to an applicable scale which has long been perceived as a positive attribute of the County Court system for those involved in litigation. The Rules Committee proposed to build on 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 and, for defamation matters, three additional bands up to the new limit of £10,000. In adopting that approach, the Rules Committee acknowledged that a benefit of the intended increase in jurisdictional limits would be enhanced access to the more straightforward procedures applicable in the County Courts to which it is committed to retaining and reviewing in the hope of further streamlining.

1.7 In deciding the additional bands, the Rules Committee took account of the existing County Court scales and scales currently applicable to matters valued up to £60,000 in High Court proceedings (Belfast Solicitors' Association; Motor Insurers; Comerton). Consequently, the Rules Committee was assured that the proposed new scales not only represented fair and reasonable remuneration but that, in conjunction with the increase in jurisdiction, an increased number of court users would have access to the more straightforward procedures of the County Court at a cost below that presently paid for proceedings falling between the current and new financial jurisdiction.

1.8 The Rules Committee consulted also on a proposed amendment to Order 55, rule 11(1)(ba) of the County Court Rules to include specified lung diseases within the categories of cases where a judge or district judge may order an enhancement of costs if satisfied that the issues are of particular complexity; and on a proposal to uplift costs payable to solicitors for additional hearing days, to which the most recent uplift in scale costs (2025) had not been applied.

1.9 Following its last review of scale costs in 2024/25, the Rules Committee resolved to carry out a full review of the operation of scale costs by the end of this decade.

1.10 The consultation was published in May 2026 and closed in July 2026.

1.11 Fourteen responses were received from a broad range of stakeholders, including representatives of the legal profession, judiciary, insurers and representative bodies. A list of respondents is contained at Annex A.

1.12 The Rules Committee is grateful to all respondents for their engagement with the consultation and for the detailed submissions provided. The responses have been carefully considered, and this paper summarises the key themes that emerged.

2. Summary of Consultation Responses

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

2.1 Most respondents broadly agreed that the principles established in the 2001 Review continue to provide an appropriate framework for assessing County Court scale costs.

2.2 Supporters of the proposal considered that principles such as fair and reasonable remuneration, predictability, proportionality and access to justice remain relevant.

2.3 A number of respondents submitted that the litigation environment has changed significantly since 2001. Particular reference was made to increased regulatory obligations, greater reliance on expert evidence, technological developments and increasing case complexity.

2.4 Several insurer respondents argued that the principle of maintaining Northern Ireland as a relatively lower-cost jurisdiction than England and Wales is no longer being achieved. These respondents pointed to developments in England and Wales, including the expansion of Fixed Recoverable Costs, and suggested that the current scale costs model should place greater emphasis on procedural stage and case complexity rather than claim value alone.

2.5 A minority of respondents fundamentally disagreed with the application of the 2001 principles, arguing that the current review should be preceded by a broader examination of the modern litigation environment and the operation of the costs regime as a whole.

Rules Committee Response

2.6 The Rules Committee notes the broad support for the continued application of the 2001 principles together with the view expressed by a number of respondents that litigation practice has evolved significantly since those principles were first adopted.

2.7 The Rules Committee remains of the view that the 2001 principles continue to provide an appropriate foundation for the current exercise. It is of the view that future reviews may need to consider more fully the impact of procedural reform, technological developments and changing case profiles.

2.8 The Rules Committee intends to include consideration of the continued application of the 2001 principles in the next full review of scale costs.

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

2.9 There was broad support for the proposal to retain the existing £5,000 band structure within the new jurisdictional range.

2.10 Respondents supporting the proposal cited consistency, predictability and ease of application.

2.11 Some respondents accepted the proposal in principle but expressed concern that a value-based scale does not necessarily reflect the work required in higher-value claims. Several insurer respondents argued that motor claims and other lower-complexity litigation should be treated differently from more complex cases.

2.12 A number of plaintiff representatives expressed concern that the new bands may not adequately remunerate solicitors for the work undertaken in higher-value cases.

Rules Committee Response

2.13 The Rules Committee notes that most respondents accepted the proposed extension of the existing banding structure.

2.14 The Rules Committee considers that maintaining continuity with the existing structure promotes certainty and ease of operation. It acknowledges the differing views expressed regarding the relationship between claim value and legal complexity.

2.15 The Rules Committee intends to proceed as proposed, and to include consideration of the existing band structure in the next full review of scale costs.

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

2.16 Most respondents who commented on this proposal supported the introduction of the additional bands.

2.17 Some respondents noted that defamation proceedings can involve issues of urgency, reputational damage and procedural complexity which may not be reflected by monetary value alone.

2.18 Insurer respondents who opposed the proposal generally favoured a staged costs model rather than a purely value-based approach.

Rules Committee Response

2.19 The Rules Committee notes the general support for extending the existing framework to defamation proceedings and recognises concerns regarding the ability of monetary value alone to reflect case complexity.

2.20 The Rules Committee intends to proceed as proposed, and to include consideration of costs payable in defamation proceedings in the next full review of scale costs.

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

2.21 This question attracted the largest volume of detailed responses.

2.22 Supporters agreed broadly with the Rules Committee methodology and accepted the use of High Court comparators to inform the new scales.

2.23 Most respondents who disagreed focused on two principal issues:

- the use of the GDP deflator rather than the Services Producer Price Index (SPPI); and
- whether a 20% reduction from the High Court comparator figures appropriately reflected the differences between County Court and High Court litigation.

2.24 Insurer respondents generally argued that the proposed reduction was insufficient and that greater weight should be given to differences in complexity and procedural requirements.

2.25 Plaintiff representatives generally argued the opposite position, maintaining that higher-value County Court claims will often require levels of preparation, evidence and case management comparable to High Court proceedings.

2.26 Several respondents also raised concerns regarding the treatment of cases resolved through lodgements and the continuing adequacy of lower-band scale costs.

Rules Committee Response

2.27 The Rules Committee notes the divergence of views expressed by stakeholders. In particular, the proposed 20% reduction from High Court comparator figures attracted the greatest volume of discussion, as it represents a departure from the percentage reduction adopted on the last occasion the financial jurisdiction of the County Court was increased.

2.28 The Rules Committee has considered the points raised regarding inflation methodology, High Court comparators, and the impact of lodgements and County Court Protocols.

2.29 The Rules Committee considers that the consultation responses demonstrate a broad consensus that fair remuneration and proportionality remain important objectives, noting that respondents differed on how those objectives should be achieved.

2.30 The Rules Committee intends to proceed as proposed, and to include consideration of the approach to determining fair and reasonable remuneration in the next full review of scale costs.

Questions 5 and 6: Scale costs for undefended proceedings and defamation proceedings

2.31 Most respondents either agreed with, or did not object to, the proposed approaches.

2.32 Those who disagreed generally repeated concerns expressed elsewhere in relation to staged recovery, procedural complexity and the broader methodology underpinning the consultation.

Rules Committee Response

2.33 The Rules Committee notes the generally supportive response to both proposals.

2.34 The Rules Committee intends to proceed as proposed, and to include the operation of these scales in the next full review of scale costs.

Question 7: Defendant's costs in remitted actions

2.35 Most respondents supported the proposal.

2.36 Several viewed the proposal as promoting consistency and certainty. Some respondents raised broader issues concerning the adequacy of plaintiff costs and differences between plaintiff and defendant litigation models.

Rules Committee Response

2.37 The Rules Committee notes the broad support for the proposal and considers that it provides a clear and consistent approach to costs in remitted actions.

2.38 The Rules Committee intends to proceed as proposed, and to include the operation of this scale in the next full review of scale costs.

Question 8: Do you agree with the proposed scale costs?

2.39 Responses closely mirrored those received in relation to Question 4.

2.40 Those supporting the proposal considered that the revised scales would provide greater proportionality and lower costs than equivalent High Court proceedings.

2.41 Those opposing the proposal reiterated concerns regarding inflation methodology, the comparator exercise and the adequacy of the proposed reductions from High Court costs.

Rules Committee Response

2.42 The Rules Committee acknowledges the divergence of opinion between those supporting and those opposing.

2.43 The Rules Committee intends to proceed as proposed, and to include the level of scale costs payable in the next full review of scale costs.

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

2.44 There was general agreement that the current figure should be increased.

2.45 Respondents differed on the appropriate level. Some considered £1,000 reasonable, whereas others suggested that any increase should be based on alternative inflationary measures or aligned more closely with the higher High Court additional day (or “refresher”) fees.

Rules Committee Response

2.46 The Rules Committee notes the broad consensus that the current limit should be increased and considered the arguments advanced regarding the appropriate figure.

2.47 The Rules Committee intends to proceed as proposed, and to include the level and means of calculating additional day costs in the next full review of scale costs.

Question 10: Do you agree that the rules should allow for the enhancement of costs in the listed lung disease claims?

2.48 A majority of respondents supported the proposal.

2.49 Supporters considered that certain disease claims involve distinctive evidential and procedural challenges that justify enhanced costs.

2.50 Respondents opposing the proposal argued that the current provision addresses a specific category of asbestos-related litigation and that wider extension may not be justified.

2.51 Several respondents suggested that consideration should also be given to including other categories of complex litigation.

Rules Committee Response

2.52 The Rules Committee notes the support expressed for recognising the complexity of lung disease litigation while also noting concerns regarding the scope of any enhancement provisions.

2.53 The Rules Committee intends to proceed as proposed, and to include consideration of the cases in which enhanced costs may be awarded, in the next full review of scale costs.

3. Other Issues Raised Through the Consultation

3.1 A number of broader themes emerged across multiple responses. These included:

- calls for a broader review of the County Court costs regime;
- greater use of staged recoverable costs;
- differentiation between claim categories, particularly motor claims and more complex litigation;
- reform and enforcement of pre-action protocols;

- modernisation of court processes and digital systems;
- concerns regarding access to justice and the sustainability of specialist plaintiff representation;
- the adequacy of judicial and court resources following the jurisdictional increase; and
- the relationship between claim value and actual legal complexity.

3.2 Several respondents emphasised the importance of ensuring that any changes to scale costs form part of a wider programme of civil justice reform.

Rules Committee Response

3.4 The Rules Committee noted that a number of these issues, including the provision of judicial and court resources, are matters of policy for the Minister of Justice, and therefore are beyond the scope of the Rules Committee's functions.

3.5 The Rules Committee noted the matters raised in relation to the practice and procedure of the County Court generally and the operation of the scale costs specifically. The Rules Committee intends to include consideration of these matters in the next full review of scale costs.

4. Next Steps

4.1 The Rules Committee considered the consultation responses in detail and reached final decisions on the proposed amendments to the County Court scale costs framework.

4.2 Particular consideration was given to:

- the methodology used to establish the new scale costs;
- the appropriate inflationary measure;
- the operation of the new bands following implementation;
- issues raised regarding settlements by lodgement;
- enhancement provisions for lung disease claims; and
- the interaction between costs reform and wider procedural reform.

4.3 Following consideration of the responses, the Rules Committee determined that the proposed amendments to the Rules should proceed.

4.4 The Rules Committee determined also that the matters raised which relate to the operation of scale costs in particular and to practice and procedure in the County Court generally would be included in the Rules Committee's full review of the operation of scale costs which it intends to undertake by the end of this decade.

Annex A- List of Respondents

Association of British Insurers (ABI)

Association of Personal Injury Lawyers (APIL)

Bar of Northern Ireland

Business Support Organisation (BSO)

DAC Beachcroft

District Judges' Association (DJA)

Forum of Insurance Lawyers (FOIL)

HHD Solicitors

JMK Solicitors

Jonathan Park BL

Keoghs

Law Society of Northern Ireland

NFU Mutual Insurance Society

Zurich Insurance