



STATUTORY INSTRUMENTS.

S.I. No. 418 of 2023

DISTRICT COURT (COSTS) RULES 2023

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The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961, section 24 of the Interpretation Act 2005, and of all other powers enabling them in this behalf, do hereby, with the concurrence of the Minister for Justice, make the following rules of court.

Dated this 11th day of July 2023

Paul Kelly Chairperson

Marie Quirke

Sandra Murphy

Shane McCarthy

Ann McGarry

Eoin Martin

Ciara McMahon

James Finn

I concur in the making of the following rules of court.

Dated this 23rd day of August 2023.

Helen McEntee

Minister for Justice

S.I. No. 418 of 2023

DISTRICT COURT (COSTS) RULES 2023

The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961 and section 24 of the Interpretation Act 2005, do hereby, with the concurrence of the Minister for Justice, make the following rules of court:-

1. (1) These rules may be cited as the District Court (Costs) Rules 2023.
(2) These rules shall come into operation on the 25th day of August 2023 and shall be read together with all other District Court Rules for the time being in force.
(3) The District Court Rules as amended by these Rules may be cited as the District Court Rules 1997 to 2023.
2. The Schedule of Costs set out in Schedule 1 shall be substituted for the Schedule of Costs annexed to the District Court Rules 1997.

Schedule 1**Schedule of costs**

| 1. Solicitors' costs in civil debt claims | | |
|---|---|---|
| Amount due at date of issue of the claim notice | If amount due is paid within ten days of service of claim notice | If amount due is not paid within ten days of service of claim notice |
| | € | € |
| Not exceeding €3,000 | 82.00 | 137.00 |
| Exceeding €3,000 and not exceeding €6,000 | 164.00 | 273.00 |
| Exceeding €6,000 and not exceeding €9,000 | 246.00 | 410.00 |
| Exceeding €9,000 and not exceeding €12,000 | 328.00 | 546.00 |
| Exceeding €12,000 and not exceeding €15,000 | 410.00 | 682.00 |
| The above scale of costs (1) is in every instance exclusive of and in addition to all actual and necessary outlay. | | |
| If the claim notice is defended the costs of the successful party are in accordance with the contract, breach of contract and tort scale for assessment of damages. | | |

| 2. Solicitors' costs in contract, breach of contract and tort proceedings and in claims for damages unconnected with contract | | | | |
|--|--|--|--|---|
| Amount due at the date of issue of claim notice or, (as the case may be) the amount decreed for debt | Costs if settled without necessity for appearance | Costs of judgment (decree) if case not defended | Costs of judgment (decree) if case defended (assessment of damages) | Costs of judgment (decree/ dismiss) if case defended (liability) |
| | € | € | € | € |
| Not exceeding €3,000 | 315.00 | 525.00 | 725.00 | 975.00 |
| Exceeding €3,000 and not exceeding €6,000 | 630.00 | 1,050.00 | 1,450.00 | 1,950.00 |

| | | | | |
|--|----------|----------|----------|----------|
| Exceeding €6,000 and not exceeding €9,000 | 945.00 | 1,575.00 | 2,175.00 | 2,725.00 |
| Exceeding €9,000 and not exceeding €12,000 | 1,260.00 | 2,100.00 | 2,900.00 | 3,500.00 |
| Exceeding €12,000 and not exceeding €15,000 | 1,575.00 | 2,625.00 | 3,625.00 | 4,275.00 |
| <p>The above scale of costs (2):</p> <ul style="list-style-type: none"> — is in every instance exclusive of and in addition to all actual and necessary outlay; — applies to actions for wrongful detention brought by virtue of section 33(3) of the <i>Courts (Supplemental Provisions) Act 1961</i>, according to the value of the goods as determined by the Court; — applies to actions for wrongful detention arising out of a hire-purchase transaction. | | | | |

| 3. Solicitors' costs in landlord and tenant (ejectment) proceedings | | | | |
|--|---|--|--|---|
| Annual Rent | Costs if settled before without necessity for appearance | Costs of judgment (decree) if case not defended | Costs of judgment (decree) if case defended (assessment of damages) | Costs of judgment (decree/ dismiss) if case defended (liability) |
| | € | € | € | € |
| Not exceeding €3,000 | 189.00 | 315.00 | 410.00 | 472.00 |
| Exceeding €3,000 and not exceeding €6,000 | 378.00 | 630.00 | 819.00 | 945.00 |
| Exceeding €6,000 and not exceeding €9,000 | 567.00 | 945.00 | 1,228.00 | 1,418.00 |
| Exceeding €9,000 and not exceeding €12,000 | 756.00 | 1,260.00 | 1,638.00 | 1,890.00 |
| Exceeding €12,000 and not exceeding €15,000 | 945.00 | 1,575.00 | 2,048.00 | 2,362.00 |

The above scale of costs (3):

- is in every instance exclusive of and in addition to all actual and necessary outlay;
- does not apply to ejectment proceedings brought before the Court by summons pursuant to section 15 of the Summary Jurisdiction (Ireland) Act 1851; section 10 of the Summary Jurisdiction (Ireland) Amendment Act 1871 or sections 81, 84, 85 and 86 of the Landlord and Tenant (Ireland) Act 1860 — in such proceedings costs shall be in the discretion of the Court and shall not exceed €110 in any case unless the Court shall, for special reason, otherwise order;
- applies to ejectment proceedings brought before the Court on civil summons pursuant to section 82 of the Civil Bill Courts (Ireland) Act 1851 as applied to the District Court by section 17 of the Courts of Justice Act 1928.

4. Solicitors' costs in proceedings under the *Enforcement of Court Orders Acts 1926 to 2009*

| Amount due | € |
|---|--------|
| Not exceeding €3,000 | 157.00 |
| Exceeding €3,000 and not exceeding €6,000 | 315.00 |
| Exceeding €6,000 and not exceeding €9,000 | 472.00 |
| Exceeding €9,000 and not exceeding €12,000 | 630.00 |
| Exceeding €12,000 and not exceeding €15,000 | 788.00 |
| Exceeding €15,000 | 866.00 |

The above scale of costs (4) is in every instance exclusive of and in addition to all actual and necessary outlay.

5. Solicitors' costs in proceedings for compensation under section 15 of the *Housing (Private Rented Dwellings) Act 1982*

| Amount of compensation awarded or, in case of dismiss, amount of compensation claimed | Costs if case not defended | Costs if case defended |
|---|----------------------------|------------------------|
| | € | € |
| Not exceeding €3,000 | 463.00 | 772.00 |
| Exceeding €3,000 and not exceeding €6,000 | 926.00 | 1,544.00 |
| Exceeding €6,000 and not exceeding €9,000 | 1,389.00 | 2,315.00 |
| Exceeding €9,000 and not exceeding €12,000 | 1,852.00 | 3,087.00 |
| Exceeding €12,000 and not exceeding €15,000 | 2,315.00 | 3,859.00 |

The above scale of costs (5) is in every instance exclusive of and in addition to all actual and necessary outlay.

| 6. Solicitors' costs in proceedings for recovery of possession under section 16 of the <i>Housing (Private Rented Dwellings) Act 1982</i> | | | | |
|--|--|-----------------------------------|-------------------------------|---|
| Annual rent | Costs if settled without necessity for appearance | Costs if case not defended | Costs if case defended | Costs of judgment for respondent (dismiss) |
| | € | € | € | € |
| Not exceeding €3,000 | 119.00 | 284.00 | 472.00 | 472.00 |
| Exceeding €3,000 and not exceeding €6,000 | 236.00 | 567.00 | 945.00 | 945.00 |
| Exceeding €6,000 and not exceeding €9,000 | 355.00 | 850.00 | 1,418.00 | 1,418.00 |
| Exceeding €9,000 and not exceeding €12,000 | 472.00 | 1,134.00 | 1,890.00 | 1,890.00 |
| Exceeding €12,000 and not exceeding €15,000 | 591.00 | 1,418.00 | 2,362.00 | 2,362.00 |
| The above scale of costs (6) is in every instance exclusive of and in addition to all actual and necessary outlay. | | | | |

| 7. Solicitors' costs, where awarded under the <i>Malicious Injuries Acts 1981 and 1986</i> to a respondent or to or against a ratepayer | |
|--|--------------|
| Amount of compensation claimed | Costs |
| | € |
| Exceeding €125 and not exceeding €250 | 16.00 |
| Exceeding €250 and not exceeding €750 | 94.00 |
| Exceeding €750 and not exceeding €1,400 | 147.00 |
| Exceeding €1,400 | 242.00 |
| The above scale of costs (7) is in every instance exclusive of and in addition to all actual and necessary outlay. | |

| 8. Solicitors costs in summary proceedings for the recovery of rates | | |
|--|--|--|
| Amount sued for | Costs if settled without necessity for appearance | Costs after hearing |
| | € | € |
| Not exceeding €1,100 | 27.00 | 54.00 |
| Exceeding €1,100 and not exceeding €2,200 | 35.00 | 70.00 |
| Exceeding €2,200 and not exceeding €3,300 | 58.00 | 116.00 |
| Exceeding €3,300 and not exceeding €5,500 | 69.00 | 138.00 |
| Exceeding €5,500 and not exceeding €11,000 | 92.00 | 184.00 |
| Exceeding €11,000 | 115.00 | 230.00 or such other amount as the Court thinks proper |
| The above scale of costs (8) is in every instance exclusive of and in addition to all actual and necessary outlay. | | |

| 9. Miscellaneous additional charges | |
|---|----------|
| | € |
| Request for Discovery, Review of Documentation and Preparation of Affidavit of Discovery | 500.00 |
| Request for Particulars and Replies to Particulars, where certified by the Court in accordance with Order 42, rule 13 | 250.00 |
| Interim applications on notice (to include all Notices of Motion) | 525.00 |
| Applications under section 63 of the <i>Civil Liability Act 1961</i> | 630.00 |
| Rulings in respect of Injuries Board offers (e.g. minors) | 1,050.00 |
| Each additional respondent (separately represented) | 525.00 |

10. Solicitors' costs in consent proceedings to which section 4(c) of the Courts Act 1991 relates

Where proceedings of the kind mentioned in paragraph A of section 77 of the *Courts of Justice Act 1924* are brought before the District Court and:

- (i) the amount claimed in the proceedings exceeds €15,000, and,
- (ii) pursuant to the proviso to section 77A of the *Courts of Justice Act 1924* (inserted by section 4(c) of the *Courts Act 1991*), the necessary parties to the proceedings sign the prescribed form of consent, and
- (iii) the Court in determining the proceedings awards an amount in excess of €15,000,

the successful party may be allowed costs in accordance with the foregoing scales 1 to 9 in respect of the first €15,000 of the award and, in addition, a sum which represents 5% of the amount by which the award exceeds €15,000.

Where the proceedings are dismissed, the defendant may be allowed costs similarly calculated on the amount claimed.

11. Solicitors' costs in actions transferred from the High Court or the Circuit Court

(1) Where an action, other than an action to which paragraph (2) relates, has been remitted or transferred to the District Court:

- (a) by the High Court pursuant to section 25 of the *Courts of Justice Act 1924*, or
- (b) by the Circuit Court pursuant to section 15(1) of the *Courts Act 1991*, and the Court, in determining the matter, makes an order in favour of the claimant, the claimant may not recover any greater costs than the appropriate costs as set out in the above scales which he or she would have been entitled to recover if the action had originally been commenced in the District Court. If the claimant fails to prove the claim, the respondent is entitled, in addition to any costs which may be allowed to him or her under the above scales, to a minimum sum of €100.00 or such greater sum as the Judge may in the circumstances consider proper.

(2) Where an action so remitted or transferred is an action for unliquidated damages and the Court, pursuant to section 15(2) of the *Courts Act 1991* (as amended by section 20 of the *Courts and Civil Law (Miscellaneous Provisions) Act 2013*), makes an order awarding to a party to the action an amount in excess of €15,000 but not exceeding €30,000, the successful party may be allowed costs in accordance with the above scales in respect of the first €15,000 of the award and, in addition, a sum which represents 5% of the amount by which the award exceeds €15,000. Where such an action is dismissed, the respondent may be allowed costs similarly calculated on the amount claimed.

| 12. Schedule of outlays | |
|--|------------------|
| Miscellaneous outlays to include postage, photocopying, registered post, fax and sundries to be allowed in accordance with Order 53, rule 2. | |
| <u>Amount due at the date of issue of claim notice</u> | — |
| —(in the case of debt claims) | |
| —(in the case of Instalment Orders) | |
| <u>Amount awarded</u> | — |
| —(in cases of contract, breach of contract and tort proceedings and in claims for damages unconnected with contract) | |
| <u>Annual rent</u> | — |
| —(in the case of landlord and tenant (ejectment) proceedings begun by claim notice) | |
| —(in proceedings for the recovery of possession under section 16 of the <i>Housing (Private Rented Dwellings) Act 1982</i>) | |
| <u>Amount of compensation awarded</u> | — |
| —(in proceedings for compensation under section 15 of the <i>Housing (Private Rented Dwellings) Act 1982</i>) | |
| <u>Amount of compensation claimed</u> | — |
| —(in cases under the <i>Malicious Injuries Acts 1981 and 1986</i>) | |
| <u>Amount sued for</u> | — |
| —(in summary proceedings for the recovery of rates) | |
| Not exceeding €5,000 | €52.50 plus VAT |
| Exceeding €5,000 and not exceeding €10,000 | €105.00 plus VAT |
| Exceeding €10,000 and not exceeding €15,000 | €157.50 plus VAT |

| 13. Counsel's Fees | |
|--|----------|
| (1) in any defended case of contract, breach of contract, tort and claims for damages unconnected with contract | |
| (2) in any defended case of ejectment for overholding or non-payment of rent | |
| (3) where awarded under the <i>Malicious Injuries Acts 1981 and 1986</i> to a respondent or to or against a ratepayer | |
| Part 1: Brief fee in respect of preparation for and attending on the trial or hearing of the claim | |
| To the claimant's counsel when the amount recovered, or to the respondent's counsel when the amount claimed, in any defended case of contract, breach of contract, tort and claims for damages unconnected with contract - | |
| To the claimant's or respondent's counsel when the annual rent in any defended case of ejectment for overholding or non-payment of rent - | |
| When the amount of compensation claimed under the <i>Malicious Injuries Acts 1981 and 1986</i> – | |
| | € |
| Exceeds €2,000 and does not exceed €3,000 | 525.00 |
| Exceeds €3,000 and does not exceed €4,000 | 577.00 |
| Exceeds €4,000 and does not exceed €5,000 | 630.00 |
| Exceeds €5,000 and does not exceed €7,000 | 788.00 |
| Exceeds €7,000 and does not exceed €9,000 | 840.00 |
| Exceeds €9,000 and does not exceed €11,000 | 892.00 |
| Exceeds €11,000 and does not exceed €13,000 | 998.00 |
| Exceeds €13,000 and does not exceed €15,000 | 1,102.00 |
| Part 2: Additional counsel's fees for particular work undertaken by counsel, where certified | |
| | € |
| Drafting Claim Notice or Defence | 175.00 |
| Drafting Notice of Motion | 50.00 |
| Drafting Affidavit | 125.00 |
| Brief on hearing of Motion | 150.00 |
| Advice on Proofs | 150.00 |
| Consultation | 150.00 |
| Drafting Notice for Particulars | 100.00 |
| Drafting Reply to Notice for Particulars | 100.00 |

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These rules substitute the Schedule of Costs in the District Court Rules to prescribe an increase and prescribe additional charges in respect of solicitors' costs for requests for Discovery and Particulars in Table 9 and additional counsel's fees for particular drafting work undertaken, where certified, in a new Part 2 to Table 13.

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DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD,
KILMAINHAM, DUBLIN 8,
D08 XAO6

Tel: 046 942 3100
E-mail: publications@opw.ie

ISBN 978-1-3993-2569-1



€ 3.50

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