

1976 No. 206

**THE PATIENTS' AFFAIRS (AMENDMENT) ORDER
(NORTHERN IRELAND) 1976**

I, THE RIGHT HONOURABLE ROBERT LYND ERSKINE LOWRY, Lord Chief Justice of Northern Ireland, intrusted by virtue of Her Majesty the Queen's Sign Manual with the care and commitment of the custody of the persons and estates of persons found idiot or of unsound mind, in exercise of the powers conferred upon me by the Lunacy Regulation (Ireland) Act 1871(a), as this enactment has effect in Northern Ireland(b), and section 8 of the Northern Ireland (Miscellaneous Provisions) Act 1945(c) and of all other powers enabling me in this behalf, do hereby, with the concurrence of the Treasury, order as follows:—

1.—(1) This Order may be cited as the Patients' Affairs (Amendment) Order (Northern Ireland) 1976, and shall be construed as one with the Mental Patients' Affairs Order (Northern Ireland) 1949, as amended(d), in this Order referred to as "the Principal Order").

(2) This Order shall come into operation on 1st day of September 1976.

2. There shall be substituted for the scale of fees set out in Article 173 of the Principal Order the following scale:—

"ORDERS

On every Order other than—	£
(i) the primary order for inquiry to be endorsed on a petition, or	
(ii) the primary order on a report of a Visitor under section 12 or section 22 of the Act	4.00

REPORTS OF THE REGISTRAR

On every Report of the Registrar	1.00
(Report Orders shall be stamped both as Reports and Orders)	

CERTIFICATES

On every Certificate of the Registrar other than—	
(i) a certificate relating to the payment of percentage, or	
(ii) a certificate that security has been entered into, or	
(iii) a certificate that a sum is payable out of the account of a patient	2.00

ATTENDANCES

On an application, with or without subpoena, for any officer to attend as a witness or to produce documents (in addition to the reasonable expenses of the officer), for each day or part of a day he shall necessarily be absent from the Department	5.00
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(a) 34 & 35 Vict. c. 22

(c) 8 & 9 Geo. 6 c. 12

(b) S.R. & O. 1921 No. 1802 (p. 1332)

(d) S.R. & O. (N.I.) 1963 No. 173 (p. 604)

SCRIVENERY FEES

For a copy of any document other than an Authority Ruling or Direction—for a photographic copy of all or part of any document, for each photographic sheet	0.25
for a typewritten copy of any document, for each page	0.50
and for each page of any additional carbon copy of a typewritten copy bespoken, half the fee specified above.	

OTHER FEES

Exemplified Copies of all documents (in addition to the above fees), per document	1.00
Commissions, Inquisitions and Precepts (used in connection with a Commission in Lunacy) per document	1.00
Searches in the Department, for every search	0.20

3. There shall be substituted for Article 174 the following Article—

“174—(1) The following fees shall be payable in respect of all applications made under section 68, 69 or 70 of the Act through the Personal Application Branch of the Department—

- (a) On all originating proceedings where it is made to appear to the Registrar that the annual income of the estate to be dealt with—
- (i) does not exceed £40.00, a fee equivalent to 10 per cent on such annual income subject to a minimum fee of 50p (fraction of 5p not being levied);
 - (ii) exceeds £40.00, a fee equivalent to 4 per cent. on such annual income subject to a minimum fee of £4.00 and a maximum fee of £50 (fraction of 5p not being levied).

Provided that in the case of a patient whose annual income consists of or includes a pension or superannuation or other annual allowance payable by a Government Department or by a public authority the fee payable under paragraph (1)(a) of this Article shall be limited in respect of the amount of such pension, superannuation or other allowance to the sum of 25p.

- (b) On application for an order determining proceedings on recovery, 50p.
(c) On all other applications for orders, £1.00

(2) The fees payable under this Article in respect of originating proceedings shall, unless the Registrar otherwise directs, be paid at the date of the issue of the summons or the filing of the petition.

(3) The fees payable under this Article shall, unless the Registrar otherwise directs, be paid by means of impressed stamps as hereinbefore mentioned and shall be additional to the fees payable under Article 173 of this Order, but shall be deemed to include the actual cost of the draft order and two office copies of the order.

(4) The fees payable under this Article shall be payable in all cases including those cases coming under Article 161 of this Order.

(5) In this Article “income” means the income which a patient’s estate might be expected to yield if duly administered by the Judge in Lunacy or the Registrar.

(6) Sums less than 5p shall be disregarded in assessing the fees payable under this Part of this Schedule and any fraction of 1p in the total amount of the fee assessed shall be disregarded.

Dated this 7th day of July 1976.

(Signed) *Robert Lowry*
Lord Chief Justice

We concur in this Order

(Signed) *Donald R. Coleman*
David Stoddart
Lord Commissioners of Her Majesty's
Treasury

EXPLANATORY NOTE

(This note is not part of the Order but is intended to indicate its general purport.)

This Order revises the present scale of Court fees set out in the Mental Patients' Affairs Order (Northern Ireland) 1949 as amended by the Mental Patients' Affairs (Amendment) Order (Northern Ireland) 1963 and the Mental Patients' Affairs (Amendment) Order (Northern Ireland) 1971.