

1991 No. 291

SUPREME COURT

Supreme Court Fees Order (Northern Ireland) 1991

Made 3rd July 1991

Coming into operation 1st August 1991

The Lord Chancellor, after consultation with the Lord Chief Justice and with the concurrence of the Treasury, in exercise of the powers conferred on him by section 116(1) and (4) of the Judicature (Northern Ireland) Act 1978(a), hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Supreme Court Fees Order (Northern Ireland) 1991 and shall come into operation on 1st August 1991.

Interpretation

2. In this Order, unless the context otherwise requires—

- (a) an Order or rule referred to by number means an Order or rule so numbered in the Rules of the Supreme Court (Northern Ireland) (Revision) 1980(b) and expressions defined in those Rules shall have the same meaning in this Order; and
- (b) a fee or column referred to by number means the fee or column so numbered in the Schedule.

Revocation

3. The Supreme Court Fees Order (Northern Ireland) 1990(c) is hereby revoked.

Fees to be taken in proceedings in the Supreme Court

4.—(1) The fees set out in column 2 shall be payable in proceedings in the Supreme Court in respect of the items set out opposite thereto in column 1.

(2) Where it appears to the Lord Chancellor that the payment of any fee specified in the Schedule would, owing to the exceptional circumstances of the particular case, involve undue hardship, he may reduce or remit the fee in that case.

Provisions of Order not to apply

5. The provisions of this Order shall not apply to—

- (a) non-contentious probate business;

(a) 1978 c. 23

(b) S.R. 1980 No. 346

(c) S.R. 1990 No. 109

- (b) criminal proceedings (except proceedings on the Crown side of the Queen's Bench Division to which the scale contained in the Schedule is applicable); and
- (c) matrimonial proceedings.

Fees in foreign convention proceedings

6. Where by any convention entered into by Her Majesty with any foreign power it is provided that no fee shall be required to be paid in respect of any proceedings, the fees specified in this Order shall not be taken in respect of those proceedings.

Manner in which fees are to be taken

7.—(1) Subject to paragraph (4) and Article 9, the fees prescribed in the Schedule shall be taken in cash.

(2) Payment of the appropriate court fee shall be endorsed on the relevant document (that is, the document indicated in column 3) by mechanical means or, where this means is not available, the person to whom the fee is paid shall endorse the relevant document by writing thereon the amount and date of payment and shall sign the endorsement.

(3) Where fees are payable under this Order in respect of any item and there is no document in reference to that item on which an endorsement can be made, the person requesting the action to which the item relates shall make the request by a requisition or note in writing which shall be endorsed as to payment of the appropriate fee in accordance with paragraph (2).

(4) Fees No. 24(b) and (d) (being certain fees payable in an Admiralty matter) shall be taken by transfer from money in court.

Application of fees

8. All fees received by virtue of the Schedule shall, unless otherwise appropriated in aid, be paid into the Consolidated Fund.

Transitional

9. Notwithstanding the revocation by this Order of the Supreme Court Fees Order (Northern Ireland) 1990, payment of the fees prescribed in the Schedule may be made in the same manner as under that Order if paid on or before 31st December 1991 in relation to proceedings commenced on or before that date and in any such case Article 7 of this Order shall not apply.

Dated 3rd July 1991

Mackay of Clashfern, C.

We concur

*Sydney Chapman
Nicholas Baker*

Dated 5th July 1991

Two of the Lords Commissioners
of Her Majesty's Treasury

Section 1	Fees payable in every Department of the Supreme Court
Section 2	Fees payable in the Central Office
Section 3	Fees payable in the Office of the Lord Chief Justice
Section 4	Fees payable in the Bankruptcy and Companies Office
Section 5	Fees payable in the Taxing Office
Section 6	Fees payable in the Office of Care and Protection

SECTION 1

FEES PAYABLE IN EVERY DEPARTMENT OF THE SUPREME COURT

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee £</i>	<i>Document to be endorsed</i>
A. COMMENCEMENT OF A CAUSE OR MATTER		
1. On sealing—		
(a) a writ of summons, or	70·00	The filed copy
(b) an originating summons, except for the payment out of court of a sum not exceeding £1,500 or where a fee under Section 6 is payable and where no other fee is specifically provided, or	70·00	The filed copy
(c) an originating notice of motion, except a notice of appeal to the High Court, or	70·00	The filed copy
(d) a petition, except where a fee under section 4 or 6 of this Schedule is payable	70·00	The filed copy
2. On sealing an originating summons—		
(a) on approval of a minor settlement	10·00	The filed copy
(b) under section 31 or 32(1) of the Administration of Justice Act 1970 for discovery before commencement of proceedings	10·00	The filed copy

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee £</i>	<i>Document to be endorsed</i>
3. On an application for leave to apply for judicial review under Order 53: Provided that where the applicant obtains leave to move, credit for this fee is to be given against the fee payable in item 1	10·00	The application
B. PROGRESS OF PROCEEDINGS		
<i>Interlocutory applications</i>		
4. On sealing a notice of appointment, summons, or notice of motion	10·00	The notice or summons
5. On an ex parte application to a Judge for an injunction	15·00	Ex parte docket or summons or affidavit in support of the application
<i>Entering and setting down for trial in court</i>		
6. On entering or setting down any cause or matter for trial, hearing or further consideration in court, except where it is otherwise provided in this Schedule	30·00	The setting down docket
7. On setting down a cause on motion for judgment	10·00	The motion or summons
<i>Examination of witness before trial</i>		
8. On the examination of a witness before trial	5·00	The order
<i>Inquiries, trials and assessment of damages or interest by Master</i>		
9. (a) On an inquiry, reference for trial or assessment of damages before a Master or Admiralty Registrar	15·00	The order, judgment or certificate
(b) On an assessment of interest before a Master	2·00	The judgment

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee £</i>	<i>Document to be endorsed</i>
<i>Appeals to Judge in Chambers</i>		
10. On sealing a notice of appeal from a Master or Admiralty Registrar or Circuit Registrar to Judge in Chambers	15·00	The notice filed
<i>Appeals to High Court</i>		
11. On filing—		
(a) a notice of appeal to the High Court, or	15·00	The notice filed
(b) a case stated or a special case for the opinion of the High Court pursuant to statute and setting the appeal or case down for hearing, or	15·00	The case
(c) a notice of cross-appeal to the High Court, or	10·00	The notice filed
(d) a respondent's notice of appeal to the High Court	10·00	The notice filed
C. ENFORCEMENT OF JUDGMENTS		
<i>Application in aid of enforcement</i>		
12. On an application for an attachment of earnings order to secure maintenance payments	2·00	The affidavit in support of the application
<i>Registration of Foreign and Commonwealth Judgments</i>		
13. (a) Under Part II of the Administration of Justice Act 1920 or the Foreign Judgments (Reciprocal Enforcement) Act 1933—		
(i) on an <i>ex parte</i> application to register an incoming judgment or order	10·00	The affidavit in support of the application
(ii) on providing a certified copy of a judgment or order for use abroad	10·00	The affidavit in support of the application

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee</i> £	<i>Document to</i> <i>be endorsed</i>
(b) Under the Maintenance Orders Act 1950 or the Maintenance and Affiliation Orders Act (Northern Ireland) 1966—		
(i) on an <i>ex parte</i> application to register an outgoing order	2·00	The affidavit in support of the application
(ii) on processing an incoming registration	2·00	The affidavit or order
(c) Under the Maintenance Orders (Facilities for Enforcement) Act 1920—		
(i) on an <i>ex parte</i> application to register an outgoing order	10·00	The affidavit in support of the application
(ii) on processing an incoming registration	10·00	The affidavit or order
(d) Under the Maintenance Orders (Reciprocal Enforcement) Act 1972—		
on an <i>ex parte</i> application to register an outgoing order	10·00	The affidavit or statement in support of the application
<i>Enforcement of Arbitration Award</i>		
14. On an application for leave to enforce an arbitration award	10·00	The application
D. MISCELLANEOUS PROCEEDINGS OR MATTERS		
<i>Copy Documents</i>		
15. For a photographic copy of or part of any document, whether or not issued as an office copy, for each photographic sheet	0·25	The requisition

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee £</i>	<i>Document to be endorsed</i>
16. For a typewritten copy document, per page, whether or not issued as an office copy, and for each page of any additional carbon copy bespoken, half of this fee	0·50	The requisition
17. For examining a plain copy and marking the same as an office copy — for each sheet	0·25	The requisition
18. For a certified copy of a written judgment, per page	0·25	The requisition
19. For any other stencilled copy and marking the same as an office copy, first copy per page	0·25	The requisition
<i>Bills of sale</i>		
20. On filing—		
(a) any document under the Bills of Sale (Ireland) Acts, 1879 and 1883, other than a fiat of satisfaction	5·00	The document filed
(b) fiat of satisfaction	5·00	The application
21. (a) For an official certificate of the result of a search in one name in any register or index under the custody of the Registrar of Bills of Sale	2·00	The requisition for search
for every additional name if included in the same certificate	1·00	The requisition for search
(b) for a continuation of search, if made within one calendar month of date of official certificate (the result to be endorsed on each certificate)	1·00	The requisition for search
<i>Taking affidavits</i>		
22. (a) On taking an affidavit or an affirmation or a declaration	3·50	The affidavit, affirmation or declaration

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee £</i>	<i>Document to be endorsed</i>
(b) In addition thereto for each exhibit referred to and required to be marked	1·00	The affidavit, affirmation or declaration
<i>Searches</i>		
23. On a search of court documents, except where item 21 or 34 applies	1·00	The requisition

SECTION 2

FEES PAYABLE IN THE CENTRAL OFFICE

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee £</i>	<i>Document to be endorsed</i>
<i>Admiralty</i>		
24. (a) On lodging with the Marshal an instrument under Order 75, rule 5(1)	20·00	The praecipe
(b) On the sale of a ship or goods—		
(i) for every £100 or fraction of £100 of the price up to £100,000	1·00	Paid by transfer
(ii) for every £100 or fraction of £100 of the price exceeding £100,000	0·50	Paid by transfer
(c) On entering a reference for hearing by the Registrar	15·00	The notice for hearing
(d) On retaining possession of a ship with or without cargo, or of a ship's cargo without a ship, per day	0·50	Paid by transfer

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee £</i>	<i>Document to be endorsed</i>
<i>Court of Appeal</i>		
25. (a) On filing a notice of appeal or case stated	30-00	The notice of appeal or requisition
(b) On filing a notice of cross-appeal or a respondent's notice under Order 59, rule 6(1)	15-00	The notice

SECTION 3

FEES PAYABLE IN THE OFFICE OF THE LORD CHIEF JUSTICE

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee £</i>	<i>Document to be endorsed</i>
26. On presenting a memorial for appointment as commissioner for oaths or notary public	5-00	The memorial
27. For every certificate of such appointment	2-00	The certificate

SECTION 4

FEES PAYABLE IN THE BANKRUPTCY AND COMPANIES OFFICE

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee £</i>	<i>Document to be endorsed</i>
28. (a) On sealing a petition for the winding-up of a company by or under the supervision of the court, or for an order under Articles 452 or 453 of the Companies (Northern Ireland) Order 1986	40-00	The filed copy
(b) On sealing any other petition under the Companies (Northern Ireland) Order 1986	50-00	The filed copy

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee £</i>	<i>Document to be endorsed</i>
29. On sealing a debtor's summons	25·00	The filed copy
30. On filing a declaration of inability to pay debts	1·00	The declaration
31. On sealing a petition under the Bankruptcy Acts (Northern Ireland) 1857 to 1980—		
(a) by a debtor or the personal representative of a deceased debtor	25·00	The petition or filed copy
(b) by any other person	35·00	The petition or filed copy
32. On a notice of a sitting of the court or an application to the court under the Bankruptcy Acts (Northern Ireland) 1857 to 1980, except by the Official Assignee when applying otherwise than as assignee of the property of a bankrupt, deceased insolvent or arranging debtor	10·00	The notice, summons, affidavit or report
33. On a bond	2·00	The bond
34. On a search (including an inspection) other than by the petitioner, bankrupt, arranging debtor, trustee, liquidator, Official Assignee or other officer of the court	1·00	The search docket

SECTION 5

FEES PAYABLE IN THE TAXING OFFICE

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee £</i>	<i>Document to be endorsed</i>
35. On an application for taxation under the Solicitors (Northern Ireland) Order 1976	10·00	The application

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee £</i>	<i>Document to be endorsed</i>
36. (a) On taking a cash account between solicitor and own client under the Solicitors (Northern Ireland) Order 1976— for every £50 or fraction of £50 of the amounts found to have been received and paid	0·05	The account
(b) On the taxation of a bill of costs—		
(i) where the amount allowed does not exceed £500	25·00	The bill
(ii) where the amount exceeds £500, for every £1 or fraction of £1 of the amount allowed:	0·05	The bill
<p>Provided that the Master may in any case require the bill of costs to be stamped before taxation with the whole or part of the amount of fees which would be payable if the bill were allowed by him at the full amount thereof (including in cases under the Solicitors (Northern Ireland) Order 1976, the fee payable in respect of the cash account)</p>		

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee £</i>	<i>Document to be endorsed</i>
(c) On the withdrawal of a bill of costs which has been lodged for taxation	Such fee (not exceeding the amount which would have been payable under paragraph (b) if the bill had been allowed in full) as shall appear to the Master to be reasonable having regard to the amount of work done in the Office	
(d) On assessing costs in the Chancery Division for every £1 or fraction of £1 of the sum assessed	0.05	The bill
(e) On an application to the Taxing Master to review his decision	10.00	The written objection
(f) On an application to a Judge to review the Taxing Master's decision	15.00	The summons

SECTION 6

FEES PAYABLE IN THE OFFICE OF CARE AND PROTECTION

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee £</i>	<i>Document to be endorsed</i>
WARDSHIP AND ADOPTION		
37. On an application by way of petition or originating summons for wardship or adoption	45.00	The filed copy
FAMILY LAW ACT 1986		
38. On an application under section 27 of the Family Law Act 1986 for the registration of a custody order	10.00	The filed copy of the order

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee £</i>	<i>Document to be endorsed</i>
ENDURING POWERS OF ATTORNEY		
39. On an application for registration of an enduring power of attorney	50.00	The filed copy
40. On an application made pursuant to a direction of the Court under rule 4 of Order 109A	50.00	The filed copy
41. On an application for a search of the register of enduring powers of attorney	5.00	The requisition
PATIENTS' AFFAIRS		
<i>Commencement fee</i>		
42.—(1) On a first application for the appointment of a controller or other originating process, except where it appears that the patient's clear annual income is less than £1,000	50.00	The requisition
(2) On commencement pursuant to a request by a personal applicant, in addition to Fee (1) above, for every £100 or fraction of £100 above £1,000 of the income which the patient's estate might be expected to yield if duly administered by the court	4.00 but not exceeding a total of £50.00	
<i>Annual administration fee</i>		
43. On a certificate issued by the Office.	in accordance with Table 1	The certificate
<i>Transaction fee</i>		
44.—(1) On any order (or, as the case may be, on any approval given by the court under an order) made by the court in the exercise of powers conferred by—		
(i) Article 99(1)—		
(b) (sale, exchange, etc. of property)		
(c) (acquisition of property)		

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee</i> £	<i>Document to</i> <i>be endorsed</i>
(d) (settlement or gift of property)		
(h) (carrying out of contract) or		
(k) (exercise of powers as guardian or trustee)— of the Mental Health (Northern Ireland) Order 1986 (“the Order”)		
(ii) Article 102 of the Order (vesting of stock in curator appointed outside Northern Ireland);		
(iii) section 35(9) of the Trustee Act (Northern Ireland) 1958 (appointment of new trustee);	£50·00 or, in a “special case” ¼% of the pecuniary consideration as defined in Note 4 if greater than £50	The requisition
(iv) section 57(3) of the Trustee Act (Northern Ireland) 1958 (variation of trusts for benefit of patient), provided that no fee under this item shall be taken if the property is worth less than £50·00 and no such fee shall exceed £500·00		
(2) On the making by the court of any order or authority under Article 99(1)(e) of the Order (execution of will)	100·00	The requisition
<i>Control fees</i>		
45. On the appointment of an officer of the court as controller, except where it appears that the patient’s clear annual income is less than £1,000	150·00	The requisition
46. On passing an account	In accordance with Table 2	

TABLE 1 (Fee No. 43)

Income Band	Clear Annual Income		Fee
	Exceeding	Not Exceeding	
(i)		£ 1,000	None
(ii)	£ 1,000	£ 2,000	£ 75
(iii)	£ 2,000	£ 3,000	£150
(iv)	£ 3,000	£ 5,000	£225
(v)	£ 5,000	£ 7,000	£375
(vi)	£ 7,000	£10,000	£600
(vii)	£10,000	£15,000	£850
(viii)	£15,000		£850 plus 5% of income exceeding £15,000

TABLE 2 (Fee No. 46)

Income Band	Clear Annual Income		Fee
	Exceeding	Not Exceeding	
(i)		£ 1,000	None
(ii)	£ 1,000	£ 2,000	£ 200
(iii)	£ 2,000	£ 3,000	£ 400
(iv)	£ 3,000	£ 5,000	£ 600
(v)	£ 5,000	£ 7,000	£1,000
(vi)	£ 7,000	£10,000	£1,475
(vii)	£10,000	£15,000	£2,100
(viii)	£15,000		£2,100 plus 5% of income exceeding £15,000

NOTES

1. In relation to fees numbers 43 and 46, and their corresponding Tables, where income exceeds the lower limit of a band by less than the difference between the fees for that band and the next lower band, the fee charged shall be the fee for the lower band plus the amount by which the income exceeds the upper limit of the band. For example, in calculating fee No. 43 on a clear annual income of (£2,050) which exceeds the lower limit (£2,000) on Band (iii) by less than the difference (£75) between the fee (£150) on Band (iii) by less than the difference (£75) between the fee (£150) on Band (iii) and the fee (£75) on Band (ii), the fee payable is—

£ 75 (the fee on Band (ii))
+ £ 50 (the amount by which the income exceeds £2,000)

£125

2. In relation to fee number 43—

(1) The annual administration fee shall be payable in respect of the clear annual income at the disposal of the patient from the date of issue of the first application for the appointment of a controller or other originating process until the termination of the proceedings.

- (2) In any case in which it appears to the court that the amount certified has been wrongly assessed, the court may direct that the fee is to be adjusted upon the passing of the controller's accounts or at such other time as appears to the court to be convenient.
 - (3) No administration fee may be taken where the proceedings are terminated before any order is made.
 - (4) The clear annual income at the patient's disposal, for the purposes of this fee does not include income which occurred and became payable to him more than six months prior to the date of the first application for the appointment of a controller or other originating process but which was received after that date.
3. Fees numbered 43 and 44 are not payable where an officer of the court is acting as controller for the patient.
4. In relation to fee number 44—
- (1) "special case" means an order made by the court—
 - (a) under paragraphs (b), (c), (d) and (h) of Article 99(1) of the Order;
 - (b) relating to the sale or purchase by the patient in exercise of his powers as a tenant for life under the Settled Land Acts 1882 to 1890;
 - (c) under section 57(3) of the Trustee Act (Northern Ireland) 1958.
 - (2) In a special case, the standard fee payable shall be increased where there is readily ascertainable pecuniary consideration in the nature of capital arising to or provided by the patient (otherwise than by way of loan to, or repayment of a loan by the patient), no account being taken of the possible capitalisation of the value of rents or interest or other income payments.
 - (3) Where a transaction is to be approved under an order mentioned in fee number 44, the fee shall be taken on the approval of the transaction and the Office shall issue a certificate stating the amount payable.
 - (4) Except when the court otherwise directs, no fee shall be payable under fee number 44 upon the sale or purchase of personal chattels or any investment for the time being authorised by law for the investment of trust property or in securities quoted in any stock exchange in the United Kingdom.
5. In relation to fee number 45—
- (1) The clear annual income at the patient's disposal for the purpose of this fee does not include income which occurred and became payable to him more than six months prior to the date when the court's jurisdiction was first exercised in relation to him.
 - (2) No annual fee shall be taken where the proceedings are terminated less than four weeks from the date of issue of the first application for the appointment of a controller.
6. In relation to fees numbered 42(2), 43, 45 and 46, no fee shall be payable on any income by way of a war pension or war injuries (civilian) pension in respect of—
- (a) service in the armed forces of the Crown to which section 2 of the War Pensions Act 1920 applies; or
 - (b) service in the armed forces of the Crown after 2nd September 1939; or
 - (c) service before the 15th August 1945 to which the Pensions (Polish Forces) Scheme 1964 applies; or

- (d) detention, capture, war injury or war risk injury within the meaning of any scheme (other than that mentioned in paragraph (c) above) made under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, or under that Act as amended and applied by the Pensions (Mercantile Marine) Act 1942; or
- (e) war service injury within the meaning of the Personal Injuries (Civilians) Scheme 1983 as amended in the case of a civil defence volunteer to whom that Scheme applied.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order fixes the fees to be taken in the Supreme Court of Northern Ireland in all proceedings, other than:

- (a) non-contentious probate business;
- (b) criminal proceedings (other than proceedings on the Crown side of the Queen's Bench Division); and
- (c) matrimonial proceedings.

The number and amount of fees fixed in the Schedule are the same as those prescribed in Schedule 1 to the Supreme Court Fees Order (Northern Ireland) 1990, which is revoked.

Article 7 prescribes a new system of payment and endorsement of fees by providing for the fees prescribed in the Schedule to be taken in cash and endorsed by mechanical means.

Article 9 contains a transitional arrangement to allow continued payment of fees by adhesive or impressed stamp until 31st December 1991.