

1991 No. 292

MATRIMONIAL CAUSES

SUPREME COURT

COUNTY COURTS

**The Matrimonial Causes Fees Order
(Northern Ireland) 1991**

Made 3rd July 1991

Coming into operation 1st August 1991

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

Citation and commencement

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

Interpretation

2. In this Order—

- (a) expressions used in the Matrimonial Causes Rules (Northern Ireland) 1981(b), have the same meaning as in those Rules;
- (b) a rule referred to by number means the rule so numbered in the Matrimonial Causes Rules (Northern Ireland) 1981;
- (c) “the County Court Fees Order” means the County Court Fees Order (Northern Ireland) 1991(c).

Revocation

3. The Matrimonial Causes Fees Order (Northern Ireland) 1989(d) is hereby revoked.

Fees payable in all matrimonial proceedings

4.—(1) The fees set out in column 2 of the Schedule to this Order shall be payable in all matrimonial proceedings, whether in the High Court or a divorce county court, in respect of the items set out in column 1 of the Schedule.

(a) 1978 c. 23

(b) S.R. 1981 No. 184; as amended by S.R. 1989 No. 246

(c) S.R. 1991 No. 121

(d) S.R. 1989 No. 433

(2) If any question arises with regard to the payment of a fee, the proper officer or the chief clerk, as the case may be, may report the matter to the Lord Chancellor and obtain his directions thereon.

(3) 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.

Manner in which fees are to be taken

5.—(1) Subject to Article 7 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 of the Schedule) 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).

Application of fees

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

Transitional

7. Notwithstanding the revocation by this Order of the Matrimonial Causes Fees Order (Northern Ireland) 1989, payment of any fee prescribed in the Schedule to this Order:—

(a) if payable in respect of proceedings in the High Court, and

(b) if paid on or before 31st December 1991 in respect of proceedings commenced on or before that date,

may be made in the same manner as under that Order and in any such case Article 5 of this Order shall not apply.

Disapplication of county court fees

8. Fees numbered 5, 14, 19, 23, 25, 28 and 29 in Schedule 1 to the County Court Fees Order shall not apply to matrimonial proceedings in a divorce county court.

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

SCHEDULE

Fees to be taken in all Matrimonial Proceedings

| Column 1 | Column 2 | Column 3 |
|---|------------|--------------------------------|
| <i>Item</i> | <i>Fee</i> | <i>Document to be endorsed</i> |
| | £ | |
| <i>Commencement of Proceedings</i> | | |
| 1. On sealing an originating summons | 25·00 | The filed copy |
| 2. On presenting any petition other than a second petition presented with leave granted under rule 10(3)— | | |
| (a) when the petition is presented to the High Court | 55·00 | The filed copy |
| (b) when the petition is presented to a divorce county court | 40·00 | The filed copy |
| <i>Applications for Ancillary Relief</i> | | |
| 3. On filing a notice of application for ancillary relief | 15·00 | The filed copy |
| <i>Applications concerning Children</i> | | |
| 4. On an application for an order relating to the custody or education, access, committal to care of, or provision of supervision for, a child, except where the application is for an order by consent | 15·00 | The filed copy |
| <i>Other Applications in Proceedings</i> | | |
| 5. On any application in matrimonial proceedings, except where it is otherwise provided in this Schedule, or is for an order by consent, made | | |
| (i) to a Master or registrar | 10·00 | The filed copy |
| (ii) to a judge | 15·00 | The filed copy |
| <i>Writs of Subpoena and Witness Summonses</i> | | |
| 6. On sealing a writ of subpoena or issuing a witness summons, per person | 2·00 | The filed copy |
| <i>Copies of documents</i> | | |
| (i) Personal Applications | | |
| 7. (a) For a copy of all or part of any document, issued as an office copy, for each page | 0·25 | The requisition |

| Column 1 | Column 2 | Column 3 |
|---|------------|-------------------------------------|
| <i>Item</i> | <i>Fee</i> | <i>Document to be endorsed</i> |
| | £ | |
| (b) For a certified copy of any document | 0.50 | The requisition |
| And for each page after the first, an additional fee of | 0.25 | |
| (c) For a sealed and certified copy of any document | 1.00 | The requisition |
| And for each page after the first, an additional fee of | 0.25 | |
| (ii) Postal Applications | | |
| For the first four pages of any document, issued as an office copy | 1.00 | The requisition |
| And for each page after the fourth, an additional fee of | 0.25 | |
| <i>Searches and Inspections</i> | | |
| 8. On a search (including inspection) | 0.50 | The search docket |
| 9. For an official certificate of the result of a search in any index, for the first name | 1.00 | The requisition |
| For every other name | 0.50 | |
| <i>Miscellaneous</i> | | |
| 10. For signing, settling or approving an advertisement | 3.00 | The requisition |
| <i>Appeals</i> | | |
| 11. On filing a notice of appeal from a registrar to a judge in chambers | 15.00 | The filed copy |
| 12. On entering any appeal (including an interlocutory appeal) to the Court of Appeal | 30.00 | The notice of appeal or requisition |
| <i>Taxation</i> | | |
| 13. On the taxation of a bill of costs: where the amount allowed does not exceed £5.00 | 0.50 | The bill |
| Where the amount allowed exceeds £5 but does not exceed £100, for every £1 or fraction thereof: | 0.07 | The bill |

| Column 1 | Column 2 | Column 3 |
|---|---|--------------------------------|
| <i>Item</i> | <i>Fee</i> | <i>Document to be endorsed</i> |
| | £ | |
| Where the amount allowed exceeds £100— | | |
| (i) for the first £100 | 7·00 | |
| (ii) for every £2 or fraction thereof over £100 | 0·07 | The bill |
| 14. On withdrawal of a bill of costs which has been lodged for taxation | Such fee (not exceeding the amount which would have been payable under Fee No. 13 if the bill had been allowed in full) as shall appear to the taxing master to be fair and reasonable. Provided that the taxing 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. | The bill |
| <i>Enforcement</i> | | |
| 15. On any application for enforcement of a matrimonial order | 10·00 | The filed copy |

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order, which revokes and replaces the Matrimonial Causes Fees Order (Northern Ireland) 1989, fixes the fees to be taken in all matrimonial proceedings, whether in the High Court or a divorce county court and provides for the manner in which all such fees are to be taken and applied.

Article 5 provides for all fees in matrimonial proceedings to be taken in cash and payment of same to be endorsed by mechanical means. Article 7 contains a transitional arrangement to allow continued payment of fees in the High Court by adhesive or impressed stamp until 31st December 1991.

In the Schedule to the Order:—

- (a) the fee in respect of applications for ancillary relief is increased (from £10 to £15);
- (b) a new fee is introduced in respect of applications concerning children (£15);
- (c) a new fee is introduced in respect of postal applications for copy documents (£1);
- (d) a new fee is introduced to cover applications not otherwise provided for (£10 where the application is to a master or circuit registrar and £15 where the application is to a judge);
- (e) the fee on filing a notice of appeal from a master or circuit registrar to a judge is increased (from £5 to £15);
- (f) all entries of appeals to the Court of Appeal attract an increased fee (£30).