

2002 No. 342

COUNTY COURTS

**The County Court Fees (Amendment) Order
(Northern Ireland) 2002**

Made - - - - - 5th November 2002

Coming into operation in accordance with Article 1

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, commencement and interpretation

1.—(1) This Order may be cited as the County Court Fees (Amendment) Order (Northern Ireland) 2002 and, subject to paragraph (2), shall come into operation on 2nd December 2002.

(2) Articles 3 and 4 shall come into operation on 3rd March 2003.

2. In this Order “the principal Order” means the County Court Fees Order (Northern Ireland) 1996(b).

Interpretation of the principal Order

3. After Article 2(f) of the principal Order there shall be added the following –

“(g) “credit card” means a card which –

(i) may be used on its own to pay for goods or services or to withdraw cash, and

(ii) enables the holder to make purchases and to draw cash up to a prearranged limit;

(h) “debit card” means a card which may be used as a means of payment under arrangements which do not provide for the extension of credit to the cardholder, but provide for amounts paid by means of the card to be debited to a specified account in his name (or in his name jointly with one or more others); and

(i) “payment instrument” means a cheque or payable order.”.

Manner in which fees are to be taken

4. For paragraph (1) of Article 5 of the principal Order there shall be substituted the following new paragraph –

“(1) The fees prescribed in Schedule 1 shall be taken –

(a) in cash; or

(b) by credit card payment; or

(a) 1978 c. 23

(b) S.R. 1996 No. 103, to which the most recent relevant amendments were effected by S.R. 1998 No. 409 and S.R. 1999 No. 136

- (c) by debit card payment; or
- (d) by payment instrument.”.

Fees to be taken in proceedings in county courts

5. For Schedule 1 to the principal Order there shall be substituted the new Schedule 1 set out in the Schedule to this Order.

Dated 29th October 2002

Irvine of Lairg, C.

We concur,

Jim Fitzpatrick

John Heppell

Dated 5th November 2002

Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE

Article 5

SCHEDULE 1

Article 4

FEES TO BE TAKEN IN PROCEEDINGS IN COUNTY COURTS

- Section I – Fees in respect of proceedings not otherwise specifically provided for in any subsequent section of this Schedule.
- Section II – Fees for specified proceedings within the equity and probate jurisdiction.
- Section III – Fees to be taken in respect of proceedings under the Licensing (Northern Ireland) Order 1996 and the Registration of Clubs (Northern Ireland) Order 1996.
- Section IV – Miscellaneous fees relating to civil proceedings and matters.
- Section V – Fees in respect of applications for arbitration under Article 30(3) of the Order.
- Section VI – Fees to be taken in respect of proceedings under the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 (“the Criminal Injuries Order”) and the Criminal Damage (Compensation) (Northern Ireland) Order 1977 (“the Criminal Damage Order”).
- Section VII – Fees to be taken in respect of proceedings under the Family Law Act 1986.

SECTION I

FEES TO APPLY IN RESPECT OF PROCEEDINGS NOT OTHERWISE SPECIFICALLY PROVIDED FOR IN ANY SUBSEQUENT SECTION OF THIS SCHEDULE

Column 1 <i>No. of Fee</i>	Column 2 <i>Item</i>	Column 3 <i>Amount of Fee</i>
1	On any affidavit	... No fee
2	On an attendance of an officer to produce records (in addition to the officer’s expenses) for each day or part thereof	... £15-00
3	On a bond or recognizance	... £5-50
4	On a case stated	... £55-00
5	On a certificate of taxation of costs	... £13-00
6	On a certificate by a court officer (inclusive of search)	... £11-00
7	On a civil bill, application or notice claiming (whether on foot of a contract or tort or by virtue of any enactment or otherwise) a sum of money or goods or chattels or any combination thereof of a value –	
	not exceeding £500	... £100-00
	exceeding £500 but not exceeding £2,000	... £120-00
	exceeding £2,000	... £135-00
8	On a civil bill in an ejectment action	... £115-00
9	On any other civil bill	... £115-00
10	On a third party notice	... the same fee as on the civil bill in the action
11	On a counterclaim or set-off where the amount thereof –	
	does not exceed £500	... £50-00
	exceeds £500 but does not exceed £2,000	... £60-00
	exceeds £2,000	... £67-50

Column 1 <i>No. of Fee</i>	Column 2 <i>Item</i>	Column 3 <i>Amount of Fee</i>
12	On a copy, including a photographic copy, of all or any part of any document filed or any record kept in the office (including comparison) –	
	(a) for five sheets or less	£5.50
	(b) for each sheet thereafter	£0.30
13	On a comparison of a document filed in the Office — per page	£3.00
14	On a decree, award, judgment, order or dismiss (other than an interlocutory order)	£60.00
15	On an interlocutory order, including an order for payment out of, or transfer or investment of, funds in court	No fee
16	On a Certificate of Readiness	£28.00
17	On a notice of appeal to a county court (not otherwise provided for)	£44.00
18	On a notice of application to the Judge for payment of funds out of court	£6.00
19	On any notice or other document in an application to the Accountant General for payment out or transfer of funds and securities in court	No fee
20	In any proceedings under the Adoption (Northern Ireland) Order 1987, under that Order as modified by the Parental Orders (Human Fertilisation and Embryology) Regulations 1994 or under section 30 of the Human Fertilisation and Embryology Act 1990	£44.00
21	On a notice, petition, summons or other form of application (not otherwise provided for) initiating any proceedings	£80.00
22	On a notice of application for a review by the Judge	£28.00
23	On any notice of application, summons, notice of motion or other form of application to the Judge or to the District Judge (not otherwise exempted or specifically provided for)	£33.00
24	On a notice of lodgment of money in court	£11.00
25	On a notice of acceptance of money lodged in court	£11.00
26	On a search or inspection	£10.00
27	On a witness summons	£13.00
28	On a certificate of application for discovery	£11.00
	<i>Note:</i>	
	In the application of item 7 to proceedings under the Judgments Enforcement (Northern Ireland) Order 1981 the fee on an Enforcement Civil Bill shall be the same as is payable on a civil bill for the amount claimed; and on a Committal Civil Bill shall be the same as for a civil bill for the amount of the instalment.	

SECTION II

FEES FOR SPECIFIED PROCEEDINGS WITHIN THE EQUITY AND PROBATE JURISDICTION

Column 1 <i>No. of Fee</i>	Column 2 <i>Item</i>	Column 3 <i>Amount of Fee</i>
1	On a civil bill or petition, where the property or estate of the subject matter of the proceedings – (a) either insofar as it consists of lands or premises does not exceed £300 in annual value or insofar as it consists of personalty does not exceed £500 in amount or value ...	£105-00
	(b) either insofar as it consists of lands or premises exceeds £300 in annual value or insofar as it consists of personalty exceeds £500 in amount or value ...	£120-00
	Provided that in the case of a mortgage suit or creditor's administration suit where the amount claimed does not exceed £300 the fee on the civil bill shall be £72	
2	On a primary or final decree, order or dismiss ...	£55-00
3	On a decree or order not otherwise provided for (including an interlocutory order) ...	£55-00
4	On the taking of an account or the holding of an inquiry by an officer pursuant to an order of the Judge, for each hour or part thereof ...	£60-00
5	On the officer's certificate thereof ...	£14-00
6	On an affidavit for the lodgment in court of a sum of money (fee to cover all necessary notices and certificates by the chief clerk) ...	£55-00
	<i>Note:</i> The fees prescribed above at items 1 and 2 cover, in the case of a probate suit, the Certificate of Decree to be transmitted to the Probate Registry.	

SECTION III

FEES TO BE TAKEN IN RESPECT OF PROCEEDINGS UNDER THE LICENSING (NORTHERN IRELAND) ORDER 1996 AND THE REGISTRATION OF CLUBS (NORTHERN IRELAND) ORDER 1996

Column 1 <i>No. of Fee</i>	Column 2 <i>Item</i>	Column 3 <i>Amount of Fee</i>
1	On a notice of application to the court in relation to a licence, including notice of application for a declaration under Article 10 of the Licensing (Northern Ireland) Order 1996 or for an order under Article 31 of that Order ...	£210-00
2	On a notice of an application under Article 44 ...	£132-00
3	On a notice of application to the court for the grant of registration of a club under Article 5 of the Registration of Clubs (Northern Ireland) Order 1996 ...	£210-00
4	Children's certificate (under Article 59 of the Licensing (Northern Ireland) Order 1996 or Article 33 of the Registration of Clubs (Northern Ireland) Order 1996) ...	£11-00

SECTION IV

MISCELLANEOUS FEES RELATING TO CIVIL PROCEEDINGS AND MATTERS

Column 1 <i>No. of Fee</i>	Column 2 <i>Item</i>	Column 3 <i>Amount of Fee</i>
	UNDER PART V (ENFORCEMENT OF COUNTY COURT DECREES OUTSIDE NORTHERN IRELAND) OF ORDER 40	
1	On a certified copy of a decree, or a certificate in respect of a money provision, issued under Part V of Order 40 ... This fee includes provision of the appropriate certificate in Forms 295-298	£33-00
	UNDER THE PARLIAMENTARY DOCUMENTS DEPOSIT ACT 1837	
2	On a search in papers deposited under Standing Orders of Parliament, for each hour or part thereof ...	£11-00
3	On an extract from papers so deposited — per page ...	£3-00
	UNDER ARTICLE 5 OF THE PROTECTION FROM HARRASSMENT (NORTHERN IRELAND) ORDER 1997	
4	On an application for a warrant of arrest ...	£11-00

SECTION V

FEES TO APPLY IN RESPECT OF APPLICATIONS FOR ARBITRATION UNDER ARTICLE 30(3) OF THE ORDER

Column 1 <i>No. of Fee</i>	Column 2 <i>Item</i>	Column 3 <i>Amount of Fee</i>
1	On lodging an application in which the amount claimed, or the value of the specific chattels claimed— does not exceed £150 ... exceeds £150 but does not exceed £300 ... exceeds £300 but does not exceed £500 ... exceeds £500 ...	£15-00 £34-00 £50-00 £60-00
2	On a counterclaim or set-off where the amount thereof— does not exceed £150 ... exceeds £150 but does not exceed £300 ... exceeds £300 but does not exceed £500 ... exceeds £500 ...	£7-50 £17-00 £25-00 £30-00

SECTION VI

FEES TO BE TAKEN IN RESPECT OF PROCEEDINGS UNDER THE CRIMINAL INJURIES (COMPENSATION) (NORTHERN IRELAND) ORDER 1988 ("THE CRIMINAL INJURIES ORDER") AND THE CRIMINAL DAMAGE (COMPENSATION) (NORTHERN IRELAND) ORDER 1977 ("THE CRIMINAL DAMAGE ORDER")

Column 1 <i>No. of Fee</i>	Column 2 <i>Item</i>	Column 3 <i>Amount of Fee</i>
1	On a notice of appeal to a county court under Article 16 of the Criminal Injuries Order	... £121.00
2	On a notice of application under Article 14 of the Criminal Injuries Order	... £28.00
3	On a notice of appeal to a county court under Article 15 of the Criminal Damage Order	... £121.00

SECTION VII

FEES TO BE TAKEN IN RESPECT OF PROCEEDINGS UNDER THE FAMILY LAW ACT 1986

Column 1 <i>No. of Fee</i>	Column 2 <i>Item</i>	Column 3 <i>Amount of Fee</i>
1	On an application under section 27 of the Family Law Act 1986 for the registration of a custody order	... £28.00

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the County Court Fees Order (Northern Ireland) 1996 so as to –

- (a) increase a number of court fees to be taken in proceedings in county courts; and
- (b) allow fees to be taken by a range of payment methods including credit or debit card.

Published and printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly
Dd. N658. C2. 11/02. Gp. 130. 14567.
£2.00

ISBN 0-337-94393-1



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