

2004 No. 337

SUPREME COURT

**The Supreme Court Fees (Amendment) Order
(Northern Ireland) 2004**

Made - - - - - *4th August 2004*

Coming into operation *1st September 2004*

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 Supreme Court Fees (Amendment) Order (Northern Ireland) 2004 and shall come into operation on 1st September 2004.

Fees to be taken in proceedings in the Supreme Court

2. For the Schedule to the Supreme Court Fees Order (Northern Ireland) 1996(b) there shall be substituted the new Schedule set out in the Schedule to this Order.

Signed by the authority of the Lord Chancellor

I concur

Christopher Leslie

Parliamentary Under-Secretary of State, Department for Constitutional Affairs

Dated 1st August 2004

We concur

John Heppell

Joan Ryan

Two of the Lords Commissioners of Her Majesty's Treasury

Dated 4th August 2004

(a) 1978 c. 23

(b) S.R. 1996 No. 100 as amended by S.R. 1997 No. 175, S.R. 1998 No. 407 and S.R. 2002 No. 341

SCHEDULE
“SCHEDULE

Article 2
Article 4

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 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
A. COMMENCEMENT OF A CAUSE OR MATTER		
1. On sealing –		
(a) a writ of summons, or	175-00	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	175-00	The filed copy
(c) a writ of summons or an originating summons under Order 88, or	155-00	The filed copy
(d) an originating notice of motion, except a notice of appeal to the High Court, or	175-00	The filed copy
(e) a petition, except where a fee under section 4 or 6 of this Schedule is payable	175-00	The filed copy
2. On sealing an originating summons –		
(a) On approval of a minor settlement	45-00	The filed copy
(b) under section 31 or 32(1) of the Administration of Justice Act 1970 for discovery before commencement of proceedings.	41-00	The filed copy
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.	52-00	The application
B. PROGRESS OF PROCEEDINGS		
<i>Interlocutory applications</i>		
4. On sealing a summons, a notice of appointment, or notice of motion	52-00	The notice or summons
5. (a) On an ex parte application to a Judge for an injunction	57-00	Ex parte docket or summons or affidavit in support of the application

Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
(b) On an ex-parte application to a Judge for approval of a minor settlement	57.00	The ex parte docket
(c) On an application to a Master for payment out of monies invested on behalf of a minor	11.00	The application
(d) On an ex parte application before a Master	52.00	The ex parte docket
<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 for in this Schedule	98.00	The setting down docket
7. (a) On setting down a cause on motion for judgment	52.00	The motion or summons
(b) where the motion is treated as the trial of the action, in addition to the fee paid on the notice of motion	45.00	The praecipe
<i>Examination of witness before trial</i>		
8. On the examination of a witness before trial	18.00	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	45.00	The order, judgment or certificate
(b) On an assessment of interest before a Master	52.00	The judgment
<i>Appeals to Judge in Chambers</i>		
10. On sealing a notice of appeal from a Master or Admiralty Registrar or District Judge to Judge in Chambers	57.00	The notice filed
<i>Appeals to High Court</i>		
11. On filing –		
(a) a notice of appeal to the High Court, or	57.00	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	57.00	The case
(c) a notice of cross-appeal to the High Court, or	57.00	The notice filed
(d) a respondent's notice of appeal to the High Court	57.00	The notice
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	11.00	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 –		

Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
(i) on an ex parte application to register an incoming judgment or order	29-00	The affidavit in support of the application
(ii) on providing a certified copy of a judgment or order for use abroad	29-00	The affidavit in support of the application
(b) Under the Maintenance Orders Act 1950 or the Maintenance and Affiliation Orders Act (Northern Ireland) 1966 –		
(i) on an ex parte application to register an outgoing order	6-00	The affidavit in support of the application
(ii) on processing an incoming registration	6-00	The affidavit or order
(c) Under the Maintenance Orders (Facilities for Enforcement) Act 1920 –		
(i) on an ex parte application to register an outgoing order	29-00	The affidavit in support of the application
(ii) on processing an incoming registration	29-00	The affidavit or order
(d) Under the Maintenance Orders (Reciprocal Enforcement) Act 1972 on an ex parte application to register an outgoing order	29-00	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	29-00	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	1-50	The requisition
16. For any other copy document per page, whether or not issued as an office copy	1-50	The requisition
17. For examining a plain copy and marking the same as an office copy – for each sheet	2-50	The requisition
18. For a certified copy of a written judgment	8-00	The requisition
19. For any other stencilled copy and marking the same as an office copy, first copy per page	1-50	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	18-00	The document filed
(b) fiat of satisfaction	18-00	The application
21. (a) For an official certificate of the result of a search in one name in any register	11-00	The requisition for search

Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
or index under the custody of the Registrar of Bills of Sale		
for every additional name if included in the same certificate	6-00	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)	6-00	The requisition for search
<i>Taking affidavits</i>		
22. (a) On taking an affidavit or an affirmation or a declaration	6-00	The affidavit, affirmation or declaration
(b) In addition thereto for each exhibit referred to and required to be marked	2-50	The affidavit, affirmation or declaration
<i>Searches</i>		
23. On a search of court documents, except where item 21 or 33 applies	6-00	The requisition
<i>Writs of Subpoena</i>		
24. On sealing a writ of subpoena per person	7-00	The requisition
<i>Warrants of arrest</i>		
25. On an application for a warrant of arrest under Article 5(3) of the Protection from Harassment (Northern Ireland) Order 1997	34-00	The application

SECTION 2

Fees payable in the Central Office

Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
<i>Review of Taxing Master's Decision</i>		
26. On an application to a Judge to review the Taxing Master's decision.	52-00	The summons
<i>Admiralty</i>		
27. (a) On lodging with the Marshall an instrument under Order 75, rule 5(1)	93-00	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	2-00	(Paid by transfer)
(ii) for every £100 or fraction of £100 of the price exceeding £100,000	1-00	(Paid by transfer)
(c) On entering a reference for hearing by the Registrar	45-00	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	10-00	(Paid by Transfer)

Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
<i>Court of Appeal</i>		
28. (a) On filing a notice of appeal or case stated	180-00	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)	93-00	The notice
<i>Transcript of Trial</i>		
29. A transcript of the shorthand or stenographic notes or of a recording taken by mechanical means of the whole or any part of any proceedings in respect of which –		
(a) an appeal lies to the Court of Appeal, for each page	1-00	The requisition
(b) leave has been given by a Judge, –		
(i) in a criminal trial for each folio	0-78	The requisition
(ii) in a civil trial for each folio	0-68	The requisition
(iii) for each page of a second or subsequent transcript	1-00	The requisition

SECTION 3

Fees payable in the Office of the Lord Chief Justice

Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
30. On presenting a memorial for appointment as commissioner for oaths or notary public	23-00	The memorial
31. For every certificate of such appointment	9-00	The certificate

SECTION 4

Fees payable in the Bankruptcy and Companies Office

Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
UNDER THE COMPANIES (NORTHERN IRELAND) ORDER 1986 OR THE INSOLVENCY (NORTHERN IRELAND) ORDER 1989		
32. (a) On sealing a petition for the winding up of a company by the court or for an order under Article 452 or 453 of the Companies (Northern Ireland) Order 1986	82-00	The petition
(b) On sealing a bankruptcy petition:		
(i) if presented by a debtor or by the personal representative of a deceased debtor	62-00	The petition
(ii) if presented by a creditor or other person	108-00	The petition
(c) On sealing any other petition (one fee only is payable where more than one petition is presented in relation to a partnership)	82-00	The petition
(d) On the hearing of a public examination	41-00	The application

Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
33. (a) On sealing any originating application	82.00	The application
(b) On sealing any other application	45.00	The application
The fees in Items 30(a) and (b) are not payable on an application to set aside a statutory demand or an application by the Official Receiver when applying only in that capacity		
UNDER THE BANKRUPTCY ACTS (NORTHERN IRELAND) 1857 TO 1980		
34. On a notice of a sitting of the court or an application to the court except by the Official Receiver when applying otherwise than as receiver of the property of a bankrupt, deceased insolvent or arranging debtor.	41.00	The notice, summons, affidavit or report
35. On a bond	11.00	The bond
MISCELLANEOUS		
36. On any search in the office (including an inspection) other than by a bankrupt, director proposing a company voluntary arrangement, a debtor proposing an individual voluntary arrangement, or the Official Receiver when acting as such	6.00	The search docket

SECTION 5

Fees payable in the Taxing Office

Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
37. On an application for taxation under the Solicitors (Northern Ireland) Order 1976	33.00	The requisition
38. (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	0.30	The account
(b) On the taxation of a bill of costs –		
(i) where the amount allowed does not exceed £500	60.00	The bill
(ii) where the amount exceeds £500, for every £1 or fraction of £1 of the amount allowed	0.15	The bill
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)		
(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	

Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
	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	0.10	The bill
(e) On an application to the Taxing Master to review his decision	33-00	The written objection

SECTION 6

Fees payable in the Office of Care and Protection

Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
WARDSHIP, ADOPTION AND PARENTAL ORDERS		
39. On an application by way of petition or originating summons for wardship, adoption or a parental order under section 30 of the Human Fertilisation and Embryology Act 1990	79-00	The filed copy
FAMILY LAW ACT		
40. On an application under section 27 of the Family Law Act 1986 for the registration of a custody order	23-00	The filed copy of the order
ENDURING POWERS OF ATTORNEY		
41. On an application for registration of an enduring power of attorney	103-00	The filed copy
42. On an application made pursuant to a direction of the Court under rule 4 of Order 109A	103-00	The filed copy
43. On an application for a search of the register of enduring powers of attorney	6-00	The requisition
PATIENT'S AFFAIRS		
<i>Commencement Fee</i>		
44.—(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	113-00	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	5-00	

Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
administered by the court	but not exceeding a total of £90-00	
<i>Annual administration fee</i>		
45. On a certificate issued by the Office	in accordance with Table 1	The requisition
<i>Transaction fee</i>		
46.—(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)		
(d) (settlement of 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);	80-00 or, in a “special case” 1/4% of the pecuniary consideration as defined in Note 4 if greater than 80-00	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 and no such fee shall exceed £500		
(2) On the making by the court of any order or authority under Article 99(1)(e) of the Order (execution of will)	196-00	The requisition
<i>Control fees</i>		
47. On the appointment of an officer of the court including the Official Solicitor, as controller, except where it appears that the patient’s clear annual income is less than £1,000	283-00	The requisition
48. On passing an account where an officer of the court other than Official Solicitor is appointed	In accordance with Table 2	

TABLE 1 (Fee No. 45)

<i>Income Band</i>	<i>Clear Annual Income</i>		<i>Fee</i>	
	<i>Exceeding</i>	<i>Not Exceeding</i>	<i>Exceeding</i>	<i>Not Exceeding</i>
(i)		£ 1,000	None	
(ii)	£ 1,000	£ 2,000	£ 80	
(iii)	£ 2,000	£ 3,000	£155	
(iv)	£ 3,000	£ 5,000	£230	
(v)	£ 5,000	£ 7,000	£385	
(vi)	£ 7,000	£10,000	£620	
(vii)	£10,000	£15,000	£875	
(viii)	£15,000		£875 plus 5% of income exceeding £15,000	

TABLE 2 (Fee No. 48)

<i>Income Band</i>	<i>Clear Annual Income</i>		<i>Fee</i>	
	<i>Exceeding</i>	<i>Not Exceeding</i>	<i>Exceeding</i>	<i>Not Exceeding</i>
(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 number 45 and 48, 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 number 45 on a clear annual income of (£2,050) which exceeds the lower limit (£2,000) on Band (iii) by less than the difference (£80) between the fee (£155) on Band (iii) and the fee (£80) on Band (ii), the fee payable is –

£ 80 (the fee on Band (ii))

+£ 50 (the amount by which the income exceeds £2,000)

£130

2. In relation to fee number 45 –

- (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 accrued 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 number 44 and 45 are not payable where an officer of the court is acting as controller for the patient.

4. In relation to fee number 46 –

(1) “special case” means an order made by the court –

- (a) under paragraph (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 46, 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 46 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.—(1) In relation to fee number 47, the clear annual income at the patient’s disposal for the purpose of this fee does not include income which accrued 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) In relation to fee number 48, 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 number 44(2), 45, 46 and 47, 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 Pension (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 amends the Supreme Court Fees Order (Northern Ireland) 1996 so as to increase a number of fees to be taken in proceedings in the Supreme Court.

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