

2007 No. 379

MAGISTRATES' COURTS

The Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 2007

Made - - - - *30th August 2007*

Coming into operation - *24th September 2007*

The Lord Chancellor, in exercise of the powers conferred on him by section 116(1) and (1A) 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 Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 2007 and shall come into operation on 24th September 2007.

(2) In this Order “the principal Order” means the Magistrates' Courts Fees Order (Northern Ireland) 1996(b).

Amendments to the principal Order

2. After Article 4(4) of the principal Order insert the following:—

“(5) Where it appears to the Lord Chancellor that the payment of any fee specified in Schedule 1 would, owing to the exceptional circumstances of the particular case, involve undue hardship, he may reduce or remit the fee in that case.”

3. After Article 9 of the principal Order insert the following new Articles:—

“Exemptions and refunds

10.—(1) No fee shall be payable under this Order by a party who, at the time when a fee would otherwise become payable—

- (a) is in receipt of any qualifying benefit, and
- (b) is not in receipt of legal aid under Part II of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(c) for the purposes of the proceedings.

(2) The following are qualifying benefits for the purposes of paragraph (1)(a) above—

(a) 1978 c. 23 as amended by the Courts Act 2003 (c. 39)
(b) S.R. 1996 No. 102 as amended by S.R. 1996 No. 494, S.R. 1997 No. 179, S.R. 1998 No. 410, S.R. 2002 No. 343, S.R. 2004 No. 339 and S.R. 2004 No. 527
(c) S.I. 1981/228 (N.I. 8)

- (a) income support under the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a);
- (b) income-based jobseeker's allowance under the Jobseekers (Northern Ireland) Order 1995(b);
- (c) guarantee credit under the State Pension Credit Act (Northern Ireland) 2002(c);
- (d) working tax credit, provided that—
 - (i) child tax credit is being paid to the party or otherwise following a claim for child tax credit made jointly by the members of a married couple or an unmarried couple (as defined respectively in section 3(5) and (6) of the Tax Credits Act 2000(d)) which includes the party; or
 - (ii) there is a disability element or severe disability element (or both) to the tax credit received by the party;
 and that the gross annual income taken into account for the calculation of the working tax credit is £16,017 or less.

11.—(1) Subject to paragraph (2), where a fee has been paid at a time—

- (a) when, under Article 10, it was not payable, the fee shall be refunded;
- (b) where the Lord Chancellor, if he had been aware of all the circumstances, would have reduced the fee, the amount by which the fee would have been reduced shall be refunded; and
- (c) where the Lord Chancellor, if he had been aware of all the circumstances, would have remitted the fee under Article 4(5), the fee shall be refunded.

(2) No refund shall be made under paragraph (1) unless the party who paid the fee applies within 6 months of paying the fee.

(3) The Lord Chancellor may extend the period of 6 months referred to in paragraph (2) if he considers that there is good reason for an application being made after the end of the period of 6 months.”.

4. For Schedules 1 and 2 to the principal Order there shall be substituted the new Schedules 1 and 2 set out in the Schedule to this Order.

(a) 1992 c. 7
 (b) S.I. 1995/2705 (N.I. 15)
 (c) 2002 c. 14
 (d) 2002 c. 21

Signed by the authority of the Lord Chancellor

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

Dated 16th August 2007

We concur

Steve McCabe
Claire Ward
Two of the Lords Commissioners
of Her Majesty's Treasury

Dated 30th August 2007

SCHEDULE

Article 4

“SCHEDULE 1

Article 4

Court Fees

A. In proceedings to which Part VI of the Order applies

	<u>Fee</u>
<u>Debt Proceedings</u>	
1. Process (ordinary, enforcement or committal)	£30.00
2. Set-off, counterclaim, decree (including an order made on application under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981) or dismiss	£20.00
<u>Ejectment Proceedings</u>	
3. Process (including proceedings where a claim for rent or sum due under Article 69 of the Order is joined with a claim for possession ...	£30.00
4. Decree or dismiss	£20.00
<u>Duplicate Orders and Extracts from Register</u>	
5. Notice for duplicate orders	£30.00
6. Duplicate order.....	£30.00
7. Certified extract from register.....	£30.00
B. In proceedings to which Part VII of the Order applies	
8. Notice of application or notice of appeal to a magistrates' court	£100.00
C. Appeals and case stated	
9. Copy notice of appeal lodged with Clerk of Petty Sessions or process in relation to civil proceedings	£100.00
10. Copy notice of appeal lodged with Clerk of Petty Sessions for a complaint, application, appeal or process (except where appellant in prison or in respect of civil proceedings), subject to a maximum fee of £150	£30.00
11. Written application for case stated	£100.00
12. Case stated	£100.00

D. Notices of application under the Licensing (Northern Ireland) Order 1996

13.	(a)	Application for renewal	£272.00
	(b)	Application for protection order under Article 26	£68.00
	(c)	Application for temporary continuance of business in other premises under Article 29	£68.00
	(d)	Application for transfer	£272.00
	(e)	Application for transfer and renewal	£544.00
	(f)	Application for order for alternative permitted hours under Article 43	£272.00
	(g)	Application for order for additional permitted hours under Article 44	£272.00
	(h)	Application for order under Article 48 (suitability of certain premises for functions)	£272.00
	(i)	Additional fee for application out of time under Article 16 for each month or part of a month	£114.00
	(j)	Application for the grant of each occasional licence under Article 30 –	
		(i) for the first day	£82.00
		(ii) for each additional day	£20.00
	(k)	Application for the grant of an extension licence	£68.00
	(l)	Application for the grant of a children’s certificate	£158.00
	(m)	Children’s certificate	£30.00
	(n)	Application to vary/remove conditions with respect to a licence for an indoor arena under Article 77A.....	£272.00
14.	(a)	For each inspection of the register of licences as provided for under Article 35.....	£22.00
	(b)	For each copy of all or any part of any entry taken from the register of licences as provided for under Article 35 – in respect of each licensed premises	£10.00
15.		A duplicate licence, being a certified copy of particulars recorded in the register of licences, issued under Article 38(2)	£150.00

E. Applications under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985

Bookmakers’ Licences and Bookmaking Office Licences

16.		A notice of application for the grant of a bookmaker’s licence under Article 8(1)	£258.00
17.		A notice of application for renewal of a bookmaker’s licence under Article 16(1)	£186.00

18.	A notice of application for renewal out of time of a bookmaker's licence under Article 20(1)	£298.00
19.	A notice of application for renewal of a bookmaking office licence under Article 18(1)	£186.00
20.	A notice of application for renewal out of time of a bookmaking office licence under Article 20(1)	£298.00
21.	A notice of application for transfer of a bookmaking office licence under Article 23(1)	£186.00
22.	A notice of application for concurrent transfer and renewal of a bookmaking office licence under Article 24(1)	£350.00
23.	Application for temporary continuance of business in other premises under Article 26	£68.00
24.	A notice of application for revocation of a bookmaker's licence under Article 27(1)	£186.00
25.	A notice of application for revocation of a bookmaking office licence under Article 28(1)	£186.00

Bingo Club Licences

26.	A notice of application for the grant of a bingo club licence under Article 63(1)	£186.00
27.	A notice of application for the provisional grant of a bingo club licence under Article 65(1)	£186.00
28.	A notice of application for the renewal of a bingo club licence under Article 67(1)	£186.00
29.	A notice of application for the renewal out of time of a bingo club licence under Article 69(1)	£298.00
30.	Bingo club grant declared final	£100.00

Gaming Machine Certificates and Permits

31.	A notice of application for the grant of a gaming machine certificate under Article 85(1)	£186.00
32.	A notice of application for the renewal of a gaming machine certificate under Article 87(1)	£186.00
33.	A notice of application for the renewal of a gaming machine certificate out of time under Article 89(1)	£298.00
34.	A notice of application for the grant of a gaming machine permit under Article 85(3)	£186.00

Registration of Clubs

35.	A notice of application for the registration of a club under Article 96(1)	£186.00
36.	A notice of application for the renewal of registration of a club under Article 98(1)	£186.00
37.	A notice of application for the renewal of registration of a club out of time under Article 100(1)	£298.00

Lottery Certificates

38.	A notice of application for the grant of a lottery certificate under Article 142(1)	£226.00
39.	A notice of application for renewal of a lottery certificate under Article 144(1)	£186.00
40.	A notice of application for renewal out of time of a lottery certificate under Article 146(1)	£298.00
41.	A notice of application for revocation of a lottery certificate under Article 149(1)	£186.00

Supplementary

42.	(a) For each inspection of the register of licences, certificates and permits kept under Article 174(1)	£22.00
	(b) For each copy of all or any part of an entry taken from the register of licences, certificates and permits kept under Article 174(1)	£10.00
43.	(a) For each inspection of the register of clubs kept under Article 175(1)	£22.00
	(b) For each copy of all or part of an entry taken from the register of clubs kept under Article 175(1).....	£10.00
44.	A duplicate of any licence, certificate or permit referred to in Article 179(1) being a certified copy of particulars recorded in the register kept under Article 174(1) or 175(1), as the case may be, and issued under Article 179(2).....	£150.00

F. Applications under the Registration of Clubs (Northern Ireland) Order 1996

45.	On every application for the renewal of registration of a club under Article 7	£272.00
46.	Additional fee for application out of time under Article 9 for each month or part of month	£104.00
47.	Application for continuance of club in other temporary premises under Article 12	£68.00
48.	Application for a children's certificate	£158.00

49.	Children's certificate	£30.00
50.	(a) For each inspection of the register of clubs as provided for under Article 17	£22.00
	(b) For each copy of all or any part of any entry taken from the register of clubs as provided for under Article 17.....	£10.00
51.	A duplicate certificate of registration being a certified copy of particulars recorded in the register of clubs, issued under Article 20(2)	£150.00
G. Miscellaneous		
52.	A certificate of conviction or order	£30.00
53.	A certificate authorising the grant of game dealer's licence	£100.00
54.	A notice of application for a licence under section 1 of the General Dealers (Ireland) Act 1903.....	£100.00
55.	A notice of application to a magistrates' court (other than an application under Article 91(3) or (4) of the Order) not otherwise provided for	£100.00
56.	a) A copy document (5 sheets or less) not otherwise provided for	£5.00
	b) Additional copy per page	£0.50
	c) On a copy order/decreed including certified or sealed	£10.00
	d) On a copy order/decreed produced online.....	£8.00
H. Applications under the Child Support (Northern Ireland) Order 1991		
57.	A notice of application for a declaration of parentage under Article 28	£50.00
58.	A summons on an application for a liability order under Article 33(2)	£50.00
59.	An application for a summons or warrant under regulation 29 of the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992	£50.00
I. Applications under the Children (Northern Ireland) Order 1995		
60.	An application for an order under Parts II or III not otherwise provided for	£50.00
61.	An application for an order under Article 50 (care or supervision order) 55, (education supervision order) or 62 (child assessment order)	£50.00

62.	An application for an order under Article 53 (contact or refusal of contact with a child in care) or 13 (change of child's surname or removal from the jurisdiction)	£50.00
63.	An application for a financial provision order under Schedule 1	£50.00
64.	An application to vary, extend or discharge an order made under any of the provisions of the Order mentioned at items 54, 55, 57 and 58 above	£37.50
65.	An application under Article 129 (affecting the registration of a child-minder) or an appeal under Article 131 (appeal in relation to registration of child-minder)	£50.00
66.	An appeal under Article 113 (appeal in relation to foster parenting) ...	£50.00
67.	An appeal under Article 145 (appeal in relation to licence to take part in public performance)	£50.00
68.	Any ex-parte (emergency) application	£0:00
69.	Full application	£0:00
70.	Application for a maintenance order to be sent outside Northern Ireland for enforcement	£50.00
71.	On a C2 application	£50.00
72.	Application for leave to apply under Article 44 (secure accommodation).....	£50.00

Note: Where an application under the Children (Northern Ireland) Order 1995 requires the leave of the Court the relevant fee applies where leave is sought but no further fee may be charged if leave is granted and the application is made.

J. Applications under the Family Homes & Domestic Violence (Northern Ireland) Order 1998

73.	Any ex-parte (emergency) application	£0.00
74.	Full application	£0.00
75.	On a C2 application	£0.00
76.	Any other application under the Family Homes and Domestic Violence (Northern Ireland) Order 1998, not otherwise provided for .	£0.00

K. Applications under the Domestic Proceedings (Northern Ireland) Order 1980

77.	Registration of an incoming maintenance order under the Maintenance Orders (Reciprocal Enforcement) Act 1972.....	£50.00
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78.	Any other application under the Domestic Proceedings (Northern Ireland) 1980 and Article 98 of the Magistrates' Court (Northern Ireland) Order 1981	£50.00
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SCHEDULE 2

Article 3

Fees Payable for Service of a Summons or Process

	<u>Fee</u>
1. (1) Subject to sub-paragraph (2) and paragraph 3, for the service of a summons or process or document	£10.00
(2) Where service of a summons or process is required to be personal.....	£13.00
2. For the service of a summons or process where there are two or more defendants or witnesses in the same proceedings there shall be a separate fee for each defendant or witness.....	No change
3. Where a document relating to a summons is served together with the summons, for each document served	£3.00”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Magistrates' Courts Fees Order (Northern Ireland) 1996 so as to:

- (a) introduce the following new fees in Schedule 1:—
 - on a copy notice of appeal lodged with a Clerk of Petty Sessions or process in relation to civil proceedings (Fee No.9) ;
 - on copy orders, decrees or documents not otherwise provided for including certified, sealed or produced online (Fee No.56);
 - under the Children (Northern Ireland) Order 1995 (Fee Nos.68-72);
 - under the Family Homes and Domestic Violence (Northern Ireland) Order 1998 (Fee Nos.73-76);
 - under the Domestic Proceedings (Northern Ireland) Order 1980 (Fee Nos.77 and 78);
- (b) increase a number of fees to be taken in respect of proceedings in magistrates' courts; and
- (c) provide for exemptions from fees payable in the circumstances as outlined in Article 3 and refunds where appropriate.

A Regulatory Impact Assessment of the costs and benefits of this Order (and other Orders relating to court fees) was placed in the libraries of both Houses of Parliament and is available on the Court Service's web-site at www.courtsni.gov.uk.

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