
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 381

FAMILY PROCEEDINGS

SUPREME COURT

COUNTY COURT

**The Family Proceedings 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(1), 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 Family Proceedings Fees (Amendment) Order (Northern Ireland) 2007 and shall come into operation on 24th September 2007.

(2) In this Order “the 1996 Order” means the Family Proceedings Fees Order (Northern Ireland) 1996(2).

Amendments to the principal Order

2. After Article 7 of the principal Order insert the following new Articles—

“Exemptions and refunds

8.—(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(3) for the purposes of the proceedings.

(1) 1978 c. 23 as amended by the Courts Act 2003 (c. 39)

(2) S.R. 1996 No. 495 as amended by S.R. 1997 No. 177, S.R. 1998 No. 408, S.R. 2002 No. 344, S.R. 2004 No. 340 and S.R. 2005 No. 560

(3) S.I. 1981/228 (N.I. 8)

- (2) The following are qualifying benefits for the purposes of paragraph (1)(a) above—
- (a) income support under the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽⁴⁾;
 - (b) income-based jobseeker's allowance under the Jobseekers (Northern Ireland) Order 1995⁽⁵⁾;
 - (c) guarantee credit under the State Pension Credit Act (Northern Ireland) 2002⁽⁶⁾;
 - (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 2002⁽⁷⁾) 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.

- 9.—(1) Subject to paragraph (2), where a fee has been paid at a time—
- (a) when, under Article 8, 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(3), 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.”.

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

Signed by the authority of the Lord Chancellor

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

(4) 1992 c. 7
(5) S.I. 1995/2705 (N.I. 15)
(6) 2002 c. 14
(7) 2002 c. 21

Dated 16th August 2007
We concur

Dated 30th August 2007

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 3

“SCHEDULE

Article 4

Fees to be taken in Family Proceedings

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Family Proceedings Fees Order (Northern Ireland) 1996 so as to—

- (a) introduce the following new fees in the Schedule:—
 - in proceedings under the Family Homes and Domestic Violence (Northern Ireland) Order 1998 (Fee No.5(a)-(j));
 - on an ex parte application to remove a petitioner’s address from the petition (Fee No.7(b));
 - on copies of orders, decrees or audio recordings produced on compact disc (Fee No.9(b)-(d));
 - where a search is carried out by an officer of the court (Fee No.10(b)(ii));
 - on lodgement of a bill of costs (Fee No.13(a));
- (b) increase a number of fees;
- (c) decrease the on making a search in the index of Parental Responsibility Agreements (Fee No.10(a)); and
- (d) to provide for exemptions from fees payable in the circumstances as outlined in Article 2 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.