

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(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 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(b).

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(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. 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
(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 2002^(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.

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.

(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 3

“SCHEDULE

Article 4

Fees to be taken in Family Proceedings

Column 1	Column 2	Column 3
Item	Fee £	Document to be endorsed
1. <u>Commencement of Proceedings</u>		
(a) On sealing an originating summons	200.00	The filed copy
(b) On sealing any petition other than a second petition presented with leave granted under rule 2.6(3) or (3A) –		
(i) When the petition is presented to the High Court	200.00	The filed copy
(ii) When the petition is presented to a divorce county court or a civil partnership proceedings county court	200.00	The filed copy
NOTE: Fees to include provision for the number of initial copies required for service		
2. <u>Entering and Setting Down for trial in court</u>		
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		
(a) High Court petition	300.00	The setting down docket
(b) County Court petition	250.00	The setting down docket
3. <u>Certificate of Decree Absolute or Final Order</u>		
On filing an application for a certificate of Decree Absolute or Making Conditional Order Final	75.00	The filed copy

Column 1	Column 2	Column 3
Item	Fee £	Document to be endorsed
4. <u>Proceedings under the Children (Northern Ireland) Order 1995</u>		
On filing an application or requesting leave under the following provisions of the Children (Northern Ireland) Order 1995 –		
<u>Parental Responsibility, Guardians, Article 8 orders</u>		
(a) Article 7(1)(a) or (4), 10(1) or (2), 159(1);		
(i) High Court	100.00	
(ii) County Court	75.00	The filed copy
(b) Article 13(1) or 163(1)		
(i) High Court	75.00	
(ii) County Court	57.50	The filed copy
<u>Financial Provision for Children</u>		
(c) paragraph 2(1), 3(1), 7(5), 16(1) of Schedule 1		The filed copy
(i) High Court	100.00	
(ii) County Court	75.00	
(d) paragraph 2(4), 3(5), 6(6), 7(7), 7(8), 10(2), 12(2) or 13 of Schedule 1		
(i) High Court	75.00	
(ii) County Court	57.50	
<u>Secure Accommodation</u>		
(e) Article 44		
(i) High Court	100.00	
(ii) County Court	75.00	

Column 1	Column 2	Column 3
Item	Fee £	Document to be endorsed
<u>Care, Supervision etc</u>		
(f) Article 50		The filed copy
(i) High Court	100.00	
(ii) County Court	75.00	
(g) Article 52(7), 57(8)(b), 58(1), (2), (3) or (4), paragraph 6(3) of Schedule 3 or paragraph 10(3) of Schedule 8		The filed copy
(i) High Court	75.00	
(ii) County Court	57.50	
<u>Contact with child in care</u>		
(h) Article 53(2), (3), (4) or (9)		The filed copy
(i) High Court	75.00	
(ii) County Court	57.50	
<u>Placement Abroad</u>		
(i) Article 33(1)		The filed copy
(i) High Court	75.00	
(ii) County Court	57.50	
<u>Education supervision</u>		
(j) Article 55(1)		The filed copy
(i) High Court	100.00	
(ii) County Court	75.00	
(k) paragraph 5(2) or 7(1) of Schedule 4		The filed copy
(i) High Court	75.00	
(ii) County Court	57.50	
<u>Child Assessment</u>		
(l) Article 62(1)		The filed copy
(i) High Court	100.00	
(ii) County Court	75.00	

Column 1	Column 2	Column 3
Item	Fee £	Document to be endorsed
(m) Article 62(12)		The filed copy
(i) High Court	75.00	
(ii) County Court	57.50	
<u>Emergency Protection</u>		
(n) Article 63		
(i) High Court	0.00	
(ii) County Court	0.00	
<u>Recovery of children</u>		
(o) Article 69		
(i) High Court	100.00	
(ii) County Court	75.00	
<u>Miscellaneous</u>		
(p) Article 178		The filed copy
(i) High Court	75.00	
(ii) County Court	57.50	
(q) On commencing an appeal under Article 166 or Article 41(11)		
(i) to the county court	75.00	
(ii) to the High Court	100.00	
NOTE: Where an application requires 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		
5. <u>Proceedings under the Family Homes and Domestic Violence (Northern Ireland) Order 1998</u>		
(a) Application for a non molestation or occupation order		
(i) High Court	0.00	
(ii) County Court	0.00	
(b) On a C2 application		
(i) High Court	0.00	
(ii) County Court	0.00	

Column 1	Column 2	Column 3
Item	Fee £	Document to be endorsed
(c) On an ex-parte (emergency) application	0.00	
(d) On the following full application	0.00	
(e) On a C2 application not otherwise provided for		
(i) High Court	75.00	
(ii) County Court	57.50	
(f) Application under the Family Homes & Domestic Violence Order not otherwise provided for	0.00	
(g) On filing an answer/reply to a petition/answer	100.00	
(h) Personal Application Fee for a matrimonial interview	50.00	
6. <u>Application for Ancillary Relief</u>		
On filing a notice of application for ancillary relief		The filed copy
(i) High Court	300.00	
(ii) County Court	250.00	
7. <u>Other Application in Proceedings</u>		
(a) On any application in matrimonial proceedings or civil partnership proceedings, except where it is otherwise provided for in this Schedule, or is for an order by consent, made		

Column 1	Column 2	Column 3
Item	Fee £	Document to be endorsed
(i) to a master	115.00	The filed copy
(ii) to a judge	150.00	The filed copy
(b) Ex-parte application to remove a petitioner's address from the petition	Fee charged at the Judge's discretion	
8. <u>Writ of Subpoena & Witness Summonses</u>		
On sealing a writ of subpoena or issuing a witness summons per person	30.00	The filed copy
9. <u>Copies of Documents</u>		
(a) (i) On a copy document (5 sheets or less) not otherwise provided for	5.00	The requisition
(ii) On any additional copy per page	0.50	The requisition
(b) On a copy order/decreed including certified or sealed	10.00	
(c) On a copy order/decreed produced online	8.00	
(d) On an audio recording produced on compact disc in any court proceedings – for each hour recorded or part thereof	25.00	
10. <u>Searches and Inspections</u>		
(a) On making a search in the index of Parental Responsibility Agreements kept in the Office of Care and Protection in accordance with regulations made under Article 7 of the Children (Northern Ireland) Order 1995 and, if appropriate providing a copy of an agreement	20.00	The requisition
(b) (i) On a search (including inspection) other than one for which a fee is prescribed under 10(a) above	20.00	The requisition

Column 1	Column 2	Column 3
Item	Fee £	Document to be endorsed
(ii) Additional fee where the search is carried out by an officer of the court	10.00	
(c) For an official certificate of the result of a search in any index	30.00	The requisition
11. <u>Miscellaneous</u>		
For signing, settling or approving an advertisement	30.00	The requisition
12. <u>Appeals</u>		
(a) On filing a notice of appeal from a master to a judge in chambers	200.00	The filed copy
(b) On entering any appeal (including an interlocutory appeal) to the Court of Appeal	500.00	The notice of appeal or requisition
13. <u>Taxation</u>		
(a) On lodgement of a bill of costs. Provided that where the bill is taxed credit for this fee is to be given against the final amount payable	5% of original bill	
(b) On the taxation of a bill of costs:		The bill
Where the amount allowed does not exceed £5	1.00	The bill
Where the amount allowed exceeds £5 but does not exceed £100, for every £1 or fraction thereof –	0.15	
Where the amount allowed exceeds £100 –		
(i) for the first £100	24.00	The bill
(ii) for every £1 or fraction thereof over £100	0.15	

Column 1	Column 2	Column 3
Item	Fee £	Document to be endorsed
(c) On withdrawal of a bill of costs which has been lodged for taxation	In addition to 13(a) such fee (not exceeding the amount which would have been payable under Fee No.13 (b) if the bill had been allowed in full) as shall appear to the taxing master to be fair and reasonable having regard to the amount of work done in the office	

NOTE: In addition to 13(b) 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.

14. Enforcement

On any application for enforcement of a matrimonial order or civil partnership order	150.00	The filed copy”
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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.

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