

1963. No. 134

[NC]

SUPREME COURT, NORTHERN IRELAND**Fees and Percentages****Supreme Court Fees Order (Northern Ireland) 1963**

The Right Honourable The Lord Chief Justice of Northern Ireland and the Treasury in exercise of the powers and authorities vested in them respectively by the Supreme Court of Judicature (Ireland) Acts 1877 to 1897(a), the Government of Ireland Act 1920(b), the General Adaptation of Enactments (Northern Ireland) Order 1921(c) and sections 2 and 3 of the Public Offices Fees Act 1879(d) do hereby, according as the provisions of the said enactments respectively authorise and require them, make and concur in the following Order:—

1. The Interpretation Act 1889(e) shall apply to the interpretation of this Order in the same manner as it applies to the interpretation of an Act of Parliament.

2. In this Order, unless the context otherwise requires:—

- (1) An Order or Rule referred to by number means an Order or Rule so numbered in the Rules of the Supreme Court of Northern Ireland.
- (2) A fee referred to by number means the fee so numbered in the First Schedule to this Order.

3. The fees set out in the second column of the First Schedule shall be taken in the Supreme Court of Northern Ireland in respect of the items set out in the first column of the said Schedule.

4. The provisions of this Order shall not apply to:—

- (i) Non-contentious probate business;
- (ii) Proceedings in the Department for the Affairs of Patients;
- (iii) Criminal proceedings (except proceedings on the Crown side of the Queen's Bench Division to which the scale contained in the First Schedule is applicable);
- (iv) Proceedings by sheriffs, under-sheriffs, deputy-sheriffs, or other officers of the sheriff.

5. Where it appears to the Lord Chief Justice that the payment of any fee specified in the First Schedule would, owing to the exceptional circumstances of the particular case, involve undue hardship, the Lord Chief Justice may reduce or remit the fee in that case.

6. A person admitted to sue or defend as a pauper shall not be liable to pay any court fee.

(a) 40 & 41 Vict. c. 57; 50 & 51 Vict. c. 6; and 60 & 61 Vict. c. 66.

(b) 10 & 11 Geo. 5, c. 67.

(c) S.R. & O. 1921, No. 1804.

(d) 42 & 43 Vict. c. 58.

(e) 52 & 53 Vict. c. 63.

7.—(1) Where by any convention entered into by Her Majesty with any foreign power it is provided that no fee shall be required to be paid in respect of any proceedings, the fees specified in this Order shall not be taken in respect of those proceedings.

(2) The fees specified in this Order shall be remitted where such fees, if taken, would be payable out of money provided by the Parliament of the United Kingdom or of Northern Ireland.

8.—(1) Fees under this Order, other than those paid by transfer, shall be taken by impressed stamps except those items in the First Schedule marked with an asterisk, which may be taken either by adhesive or impressed stamps.

(2) The document to be stamped shall be the document indicated in the third column of the First Schedule.

(3) Any impressed stamp used for the purpose of this Order or for the purpose of denoting any other fees or percentages to be taken in the Supreme Court of Northern Ireland shall be of such design and character as the Commissioners of Inland Revenue may from time to time adopt.

9. For the purposes of this Order an impressed stamp means an impressed judicature fee stamp, and an adhesive stamp means an adhesive judicature fee stamp.

10. Every adhesive stamp used in pursuance of this Order shall be cancelled by the proper officer of the Supreme Court of Northern Ireland in manner following, that is to say, every such stamp shall be defaced in indelible ink by a hand stamp bearing the date of cancelling.

11. In the case of fees on proceedings in bankruptcy—

(a) where the stamp is to be impressed, the party presenting the document for stamping shall inform the stamping officer, by means of an indication on the document or otherwise, that the fee relates to such proceedings; and

(b) where the stamp is to be adhesive, it shall be a stamp on which the word "Bankruptcy" is printed.

12. The Orders set out in the Second Schedule to this Order are hereby revoked, save as to any fee or percentage due or payable before the commencement of this Order.

13. A folio is to comprise seventy-two words, every figure being counted as one word. Part of a folio shall be deemed to be one folio and part of a page shall be deemed to be one page.

14. This Order may be cited as the Supreme Court Fees Order (Northern Ireland) 1963, and shall come into operation on the 16th day of September, 1963.

Dated this 25th day of June, 1963.

MacDermott,
Lord Chief Justice.

We concur in this Order.

G. T. C. Campbell,
M. A. Hamilton,

Lords Commissioners of Her Majesty's Treasury.

FIRST SCHEDULE

Nature	Fee	Document to be stamped
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PART I

Fees payable in the Chancery and Queen's Bench Divisions (including Probate, Matrimonial and Admiralty) unless otherwise provided

SECTION A

1. Sealing a writ of summons for commencement of an action.	£1 0 0	The copy filed.
2. Sealing notice under O.16, r.48 (third party).	10 0	The copy filed.
3. Sealing a writ of mandamus.	£1 0 0	The praecipe.
4. Sealing a writ of subpoena, per person.	5 0	The praecipe.
5. Sealing every other writ not otherwise provided for.	10 0	The copy filed or praecipe.
6. Sealing an originating summons.	£1 0 0	The copy filed.
7. Sealing or issuing any other summons, except under section 6 of the Debtors Act (Ireland) 1872.	5 0	The copy filed.
8. Sealing originating notice of motion.	£1 0 0	The notice.
9. On every other notice of motion.	5 0	The ex-parte docket,
*10. On every ex-parte application other than by summons.	5 0	motion paper or affidavit filed in support.

SECTION B.—COPIES

*11. Examining and comparing a plain copy, including a photographic copy or a copy made by some similar process— (a) an office copy (b) a certified copy	9d. per page. 1/- per page.	The requisition.
*12. For a typewritten copy of any document— (a) an office copy (b) a certified copy	9d. per folio. 1/- per folio.	The requisition.
*13. For a reproduction of any document or part thereof, by photographic or other similar process— (a) an office copy (b) a certified copy	1/6 per page. 1/9 per page.	The requisition.
*14. For a copy, other than a photographic copy, in a foreign language.	Reasonable cost as certified by proper officer.	The requisition.
*15. For a copy, other than a photographic copy, of plan, map, section, drawing, photograph or diagram.	Reasonable cost as certified by proper officer.	The requisition.
*16. For stencilled copies.	9d. per page.	The requisition.
*17. For sealing any copy in a matrimonial cause or matter.	5 0	The requisition.

First copy

SECTION C.—ATTENDANCES

18. On application with or without subpoena for any officer to attend as a witness or to produce a document or record, in addition to reasonable expenses of the officer, for each day or part thereof necessarily absent from Belfast.	£1 0 0	The praecipe.
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Subsequent copies 4d per page.

Do.

Nature	Fee	Document to be stamped
SECTION D.—FILING		
19. On filing any notice required by rules of court to be filed.	2 6	The notice.
20. On filing an affidavit (except an affidavit verifying a petition or other pleading) or any other document required to be filed in any office of the Supreme Court and not otherwise provided for, other than pleadings and affidavits relating to proceedings under section 6 of the Debtors Act (Ireland) 1872.	2 6	The affidavit or document filed.
21. On filing for registration a certificate of a judgment under the Judgments Extension Act 1868.	10 0	The certificate.
SECTION E.—CERTIFICATES		
*22. For every certificate of appearance, pleading or proceedings, including the negative thereof.	5 0	The requisition.
*23. For every certificate or report of any Registrar or Chief Clerk, not the result of taking an account only, except where fee 46 is payable.	10 0	The requisition.
*24. For every certificate of filing in the Registrar's office of copies of petition and affidavits under the Deeds of Arrangement Amendment Act 1890.	2 6	The requisition.
25. For every certificate of judgment issued under the Judgments Extension Act 1868.	10 0	The requisition.
26. For every certificate of entry of satisfaction under the Judgments Extension Act 1868.	5 0	The requisition or satisfaction piece.
SECTION F.—SEARCHES AND INSPECTIONS		
27. On a search for— (a) an appearance or an affidavit (b) a decree in a matrimonial cause or matter and inspecting the same.	2 6	The search docket.
28. On any other search including inspection.	5 0	The search docket.
29. For an official certificate of the result of a search in any register or index.	10/- for first name, 5/- for every additional name.	The requisition.
SECTION G.—EXAMINATION OF WITNESSES		
30. For every witness sworn and examined by an examiner or officer of the court.	5 0	The record filed or the requisition.
31. For examination of witnesses by any such officer away from his office, in addition to such sum as the order shall fix as reasonable for travelling and other expenses.	£1 0 0	The record filed or the requisition.

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Nature	Fee	Document to be stamped
SECTION H.—HEARING		
32. On entering or setting down or re-entering or re-setting down a cause or issue for trial or hearing, including a special case, case stated or statutory appeal.	£2 0 0	The setting down docket.
SECTION I.—JUDGMENTS, DECREES AND ORDERS		
*33. For drawing up and entering any judgment or final order, including an order on the hearing of a special case, case stated, statutory appeal or issue.	£1 0 0	The judgment or requisition.
*34. For drawing up and entering any other order, other than orders under section 6 of the Debtors Act (Ireland) 1872.	10 0	The requisition.
*35. For a copy of plan, map, section, drawing, photograph or diagram required to accompany any order.	Reasonable cost certified by proper officer.	The requisition.
SECTION J.—ACCOUNTS		
*36. For taking and certifying the result of any account of money received by any person liable to account therefor or due to any person, for every £100, or fraction thereof, of amount received or found due, but excluding amount of any balance carried forward on a previous account in the cause.	1/6 (where fee 23 not chargeable minimum fee 10/-. Maximum £10).	The requisition.
SECTION K.—PETITIONS		
37. On every petition, except where fee 45 is payable.	£1 0 0	The petition or copy filed.
SECTION L.—ADVERTISEMENTS		
38. For signing, settling or approving an advertisement.	£1 0 0	The requisition.
SECTION M.—SERVICE OF SUMMONSES, NOTICES, ETC.		
39. On every notice (other than notice of appearance) or summons lodged for service through office under O.67 r.1 and O.74 r.135 and for transmitting first copy.	5 0	The copy filed.
40. On each additional copy of such notice (other than notice of appearance) or summons lodged and transmitted.	2 0	The copy filed under fee 39.
SECTION N.—ENROLMENTS		
41. For enrolment of every deed or document, other than letters patent, bonds or recognizances, for each roll of 10 folios or part thereof.	£1 0 0	The copy filed.

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Nature	Fee	Document to be stamped
SECTION O.—MISCELLANEOUS		
42. On depositing a power of attorney or other document.	10 0	The document deposited.
*43. On every affidavit sworn before any officer of the court under O.60, in addition to fee 20.	2 0	The affidavit.
*44. For every exhibit thereto.	1 0	The affidavit.
SECTION P.—PROCEEDINGS UNDER COMPANIES ACT (N.I.) 1960		
45. On presenting a petition.	£5 0 0	The copy filed.
46. On a certificate as to debts.	£5 0 0	The requisition.
PART II		
Queen's Bench Division (Admiralty) Writs, Summonses, etc.		
47. On every instrument not otherwise specified prepared in the registry and issued under the seal of the court.	£1 0 0	The requisition.
FILING		
48. On filing consent or agreement.	10 0	The consent or agreement.
49. On filing affidavit and notice under O.46 r.6.	10 0	The affidavit.
50. On filing a caveat.	10 0	The caveat.
51. On filing and enrolling any recognizance (save security for costs) and giving certificate.	£1 0 0	The recognizance.
52. On filing any vacate of a recognizance, entering on records and giving certificate.	£1 0 0	The vacate.
HEARING		
53. On request for the attendance of assessors on the hearing of an Admiralty action or reference.	10 0	The requisition.
JUDGMENTS, ORDERS AND REFERENCES		
54. For drawing up and entering an order made on an agreement filed in court.	10 0	The requisition.
55. On proceedings in Admiralty actions on reference before a Registrar including examination of witnesses.	£2 0 0	The notice for hearing.
MISCELLANEOUS		
56. On appointment of a Commissioner to take bail including fee for drawing up and entering order in respect thereof.	£1 10 0	The requisition.
57. On every bail bond.	—10 0	The bond.

Nature	Fee	Document to be stamped
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ADMIRALTY MARSHAL'S OFFICE

ADVERTISEMENTS AS IN PART I, SECTION L

58. On lodging with the Marshal any instrument under O.67 r. 10.	£2 0 0	The instrument.
59. On the execution of any decree, order or commission.	£2 0 0	The decree, order or commission.
60. On the appointment and swearing of appraisers.	£2 0 0	The certificate of appraisement (unless paid by transfer).
61. On the delivery of a ship or goods to a purchaser.	£2 0 0	
62. On the sale of a ship or goods for every £100 or fraction of £100 of the price.	£1 0 0	Paid by transfer.
63. On retaining possession of a ship with or without cargo, or of a ship's cargo without a ship, per day.	2 6	
64. For attending the discharge of a cargo or the removal of a ship or goods for each day of attendance. If the Marshal be required to go beyond 5 miles from his office in connection with any of the above duties he shall be entitled to charge such reasonable expenses for travelling, board and maintenance as the judge shall order.	£2 0 0	The Marshal's certificate of execution.
*65. The Marshal's substitute, shall, in addition to such said reasonable expenses as may be ordered, be entitled to the following fees:—		(a) and (b) The Marshal's certificate or warrant.
(a) for execution of a warrant or commission	£3 0 0	
(b) for release of a ship and cargo, or either of them and to such further remuneration as the judge may (in special circumstances only) certify to be reasonable.	£2 0 0	
66. Ship keepers:— Where a ship or cargo is in the custody of the Marshal or his substitute.	The reasonable daily expenses of a shipkeeper as certified by the Marshal.	

PART III

Queen's Bench Division (Probate and Matrimonial)

CONTENTIOUS MATTERS

PROBATE

67. Settling and sealing citation.	10 0	The copy filed.
68. Sealing subpoena under section 19 of the Court of Probate Act (Ireland) 1859.	10 0	The praecipe.
69. Taking account of persons liable to account.	2/- per £100 (minimum £2).	The requisition.

Nature	Fee	Document to be stamped
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MATRIMONIAL

70. Appointment before Registrar.	£1 0 0	The requisition.
*71. For a certificate under the hand of a Judge or Registrar (other than a certificate under O.70 r.35) where no other fee is prescribed under this Schedule.	5 0	The requisition.

Now in proceedings under section 6 PART IV of the Debtors' Act (Sw) Queen's Bench Division (in Bankruptcy) 1872.

SECTION A

IN THE OFFICES OF THE REGISTRAR AND THE OFFICIAL ASSIGNEE

<i>SR+O. 1965 No. 104.</i>	72. On a debtor's summons.	£2 0 0	The copy filed.
	73. On a declaration of insolvency.	7 6	The declaration.
	74. On a petition.	£3 0 0	The petition.
	75. On an application for a certificate of conformity, certificate to arranging debtor, or for annulment of adjudication.	£1 0 0	The application.
	76. On every sitting, or application to the court other than by the Official Assignee, except where fee 74 or 75 is payable.	5 0	The application or notice filed.
	77. On a summons or subpoena for the attendance of any person before the court.	5 0	The copy filed.
	78. On a bond.	10 0	The bond.
	79. On a claim of debt, whether by affidavit or otherwise, above £5 (other than for wages or salary).	2 0	The affidavit or claim.
	80. On an affidavit other than a proof of debt, except an affidavit verifying a petition.	2 6	The affidavit.
	81. On the audit of the account of the Official Assignee, or examination of the account of a trustee:— On the gross amount of the assets realized and brought to credit, or of the gross amount of the composition:— On the first £500—for every £100 or fraction thereof On the next £500—for every £100 or fraction thereof On the next £5,000—for every £100 or fraction thereof On all further sums	£3 0 0 £2 0 0 £1 0 0 Nil	The account.
	For the purpose of calculating this fee, the gross amount of the composition means the amount to be provided under the terms of the composition for ordinary and preferential creditors.		
	82. On an application for a search, other than by the bankrupt, arranging debtor, creditors' assignee, or trustee.	1 6	The search docket.
	83. Copies.	As in Part I, Section B.	

SR+O 1965 No 104. Now in proceedings under S. 6 of the Debtors' Act (Sw) 1872.

Nature	Fee	Document to be stamped
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SECTION B

IN THE OFFICE OF THE OFFICIAL ASSIGNEE

84. (i) On the net assets realized and brought to credit, after deducting any sums paid to secured creditors in respect of their securities:—		
On the first £5,000—for every £100 or fraction thereof	£7 10 0	
On the next £5,000—for every £100 or fraction thereof	£5 0 0	
On all further sums—for every £100 or fraction thereof	£2 10 0	
(ii) On the gross amount of the composition:—		
On the first £300 or fraction thereof	£9 0 0	
On the next £1,700—for every £100 or fraction thereof	£3 0 0	
On the next £3,000—for every £100 or fraction thereof	£2 0 0	
On all further sums—for every £100 or fraction thereof	£1 0 0	
For the purpose of calculating this fee, the gross amount of the composition means the amount to be provided under the terms of the composition for ordinary and preferential creditors.		
(iii) On arrangement cases taken out of court	£5 0 0	

These fees are paid by transfer from the estate account to the Official Assignee's fees account.

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Note.—The term 'composition' in items 81 and 84 includes cash brought in by a bankrupt for the benefit of his creditors in lieu of or in addition to assets realized.

PART V

Court of Appeal

85. On entering any interlocutory appeal.	£2 0 0	The requisition.
86. On entering any other appeal or motion for a new trial or a case stated.	£3 0 0	The requisition.
87. On drawing up and entering any order made on an interlocutory appeal.	10 0	The requisition.
88. On drawing up and entering any order made on any other appeal (including entering judgment).	£1 0 0	The requisition.

PART VI

Office of the Clerk of the Crown for Northern Ireland and Permanent Secretary to the Supreme Court

89. For every commission for taking affidavits in the Supreme Court.	£5 0 0	Certificate of appointment.
90. For every copy of any order.	10 0	The copy order.
91. For every office copy.	Fees as in Part I, Section B.	The office copy.
92. For every certificate.	5 0	The certificate.
93. For filing any document.	5 0	The document.
94. For sealing every exemplification of orders.	£2 0 0	The exemplification.
95. On every patent granting fairs and markets.	£10 0 0	The patent.
96. On every charter for cities and towns corporate.	£10 0 0	The charter.
97. On every requisition to search for any record or document.	10 0	The requisition.

Nature	Fee	Document to be stamped
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PART VII

Accountant-General's Office

*98. On every certificate of funds.	1 6	The requisition.
Redating of same.	1 0	The requisition.
*99. On every transcript of account.	3d. per entry.	The requisition.
*100. On every direction to pay exceeding £20, excepting any dividend, annuity or other periodical payment:		The direction to pay.
For each £100 or part thereof	1 0	
*101. On every privy for lodgment.	(maximum £5) 2 0	The privy.

PART VIII

Taxing Office

102. On taking a cash account between solicitor and own client under the Solicitors' Acts 1849-1943, or otherwise:		The account
For every £100 or fraction of £100 of the amounts found to have been received and paid	6	
103. On the taxation of a bill of costs:		The bill:
(a) where the amount allowed does not exceed £10	5 0	
(b) where the amount allowed exceeds £10—for every £1 or fraction of £1	6	
<p>Provided that 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 (including, in cases under the Solicitors' Acts 1849-1943, the fee payable in respect of the cash account).</p>		
104. On the withdrawal of a bill of costs which has been lodged for taxation.		The bill.
	Such fee (not exceeding the amount which would have been payable under fee 103 if the bill had been allowed in full) as shall appear to the Taxing Master to be fair and reasonable.	

SECOND SCHEDULE

Orders Revoked

- The Supreme Court Fees Order 1926(a).
 The Supreme Court Fees Order 1928(b).
 The Supreme Court of Northern Ireland (Fee Stamps) Order 1933(c).
 The Supreme Court Fees Order 1934(d).
 The Supreme Court Fees Order 1936(e).
 The Supreme Court Fees Order (Northern Ireland) 1956(f).
 The Supreme Court Fees Order (Northern Ireland) 1962(g).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order replaces the Supreme Court (Northern Ireland) Fees and Percentages Order 1926, as subsequently amended, and substitutes new fees for proceedings in the Supreme Court of Northern Ireland. It increases certain fees and by abolishing obsolete items and amalgamating others it simplifies the general fees structure. The fees on pleadings are abolished.

This Order does not alter the fees payable under the Judgments Registry (Ireland) Acts 1850 and 1871.

1963. No. 135

[NC]

SUPREME COURT, NORTHERN IRELAND

FEES AND PERCENTAGES

**The Supreme Court (Non-Contentious Probate) Fees Order
(Northern Ireland) 1963**

I, the Right Honourable John Clarke, Baron MacDermott, Lord Chief Justice of Northern Ireland, with the concurrence of the Treasury, and in exercise of the powers conferred by the Supreme Court of Judicature (Ireland) Acts 1877 to 1897(h), the Government of Ireland Act 1920(i), the General Adaptation of Enactments (Northern Ireland) Order 1921(j), sections 2 and 3 of the Public Offices Fees Act 1879(k) and all other powers and authorities enabling me in this behalf, do hereby order and direct as follows:—

1.—(1) This Order may be cited as the Supreme Court (Non-Contentious Probate) Fees Order (Northern Ireland) 1963, and shall come into operation on the 16th day of September, 1963.

(a) S.R. & O. 1926, No. 1127.

(b) S.R. & O. 1928, No. 456.

(c) S.R. & O. 1933, No. 1113.

(d) S.R. & O. 1934, No. 733.

(e) S.R. & O. 1936, No. 721.

(f) S.R. & O. (N.I.) 1956, No. 16.

(g) S.R. & O. (N.I.) 1962, No. 95.

(h) 40 & 41 Vict. c. 57; 50 & 51 Vict. 6; and
60 & 61 Vict. c. 66.

(i) 10 & 11 Geo. 5. c. 67.

(j) S.R. & O. 1921, No. 1804.

(k) 42 & 43 Vict. c. 58.