
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 100

SUPREME COURT

Supreme Court Fees Order (Northern Ireland) 1996

Made - - - - *14th March 1996*
Coming into operation *1st April 1996*

The Lord Chancellor, after consultation with the Lord Chief Justice and with the concurrence of the Treasury, in exercise of the powers conferred on him by section 116(1) and (4) of the Judicature (Northern Ireland) Act 1978(1), hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Supreme Court Fees Order (Northern Ireland) 1996 and shall come into operation on 1st April 1996.

Interpretation

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

- (a) an Order or rule referred to by number means an Order or rule so numbered in the Rules of the Supreme Court (Northern Ireland) 1980(2) and expressions defined in those Rules shall have the same meaning in this Order; and
- (b) a fee or column referred to by number means the fee or column so numbered in the Schedule to this Order.

Revocation

3. The Supreme Court Fees Order (Northern Ireland) 1994(3) and the Supreme Court Fees (Amendment) Order (Northern Ireland) 1995(4) are hereby revoked.

Fees to be taken in proceedings in the Supreme Court

4.—(1) The fees set out in column 2 shall be payable in proceedings in the Supreme Court in respect of the items set out opposite thereto in column 1.

(1) 1978 c. 23
(2) S.R. 1980 No. 346
(3) S.R. 1994 No. 283
(4) S.R. 1995 No. 220

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

Provisions of Order not to apply

5. The provisions of this Order shall not apply to—
- (a) non-contentious probate business;
 - (b) criminal proceedings (except proceedings on the Crown side of the Queen's Bench Division to which the scale contained in the Schedule is applicable); and
 - (c) matrimonial proceedings.

Fees in foreign convention proceedings

6. 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.

Manner in which fees are to be taken

7.—(1) Subject to paragraph (4), the fees prescribed in the Schedule shall be taken in cash.

(2) Payment of the appropriate court fee shall be endorsed on the relevant document (that is, the document indicated in column 3) by mechanical means or, where this means is not available, the person to whom the fee is paid shall endorse the relevant document by writing thereon the amount and date of payment and shall sign the endorsement.

(3) Where fees are payable under this Order in respect of any item and there is no document in reference to that item on which an endorsement can be made, the person requesting the action to which the item relates shall make the request by a requisition or note in writing which shall be endorsed as to payment of the appropriate fee in accordance with paragraph (2).

(4) Fees No. 25(b) and (d) (being certain fees payable in an Admiralty matter) shall be taken by transfer from money in court.

Application of fees

8. All fees received by virtue of the Schedule shall, unless otherwise appropriated in aid, be paid into the Consolidated Fund

Dated 11th March 1996.

Mackay of Clashfern, C.

We concur

Dated 14th March 1996

Derek Conway
Simon Burns
Two of the Lords Commissioners of Her
Majesty's Treasury

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SCHEDULE A

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

Signature

Explanatory Note

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) a writ of 125·00 summons, or		The filed copy
(b) (b) an originating 125·00 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		The filed copy

Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
fee is specifically provided, or		
(c) (c) a writ of summons or an originating summons under Order 88, or	110·00	The filed copy
(d) (d) an originating notice of motion, except a notice of appeal to the High Court, or	125·00	The filed copy
(e) (e) a petition, except where a fee under section 4 or 6 of this Schedule is payable	125·00	The filed copy
2. On sealing an originating summons—	35·00	The filed copy
(a) on approval of a minor settlement		
(b) (b) under section 31 or 32(1) of the Administration of Justice Act 1970 for discovery before commencement of proceedings	30·00	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	40·00	The application
B PROGRESS OF PROCEEDINGS		
Interlocutory applications	30·00	The notice or summons
4. On sealing a summons, a notice of appointment, or notice of motion		
(a) (a) On an ex parte application to a Judge for an injunction	35·00	Ex parte docket or summons or affidavit in support of the application
(b) (b) On an application to a Master for payment	10·00	The application

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out of monies invested on behalf of a minor		
(c) (c) On an <i>ex parte</i> application before a Master	20·00	The ex parte docket
Entering and setting down for trial in court	70·00	The setting down docket
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		
7. On setting down a cause on motion for judgment	40·00	The motion or summons
Examination of witness before trial	15·00	The order
8. On the examination of a witness before trial		
Inquiries, trials and assessment of damages or interest by Master	35·00	The order, judgment or certificate
(a) (a) On an inquiry, reference for trial or assessment of damages before a Master or Admiralty Registrar		
(b) (b) On an assessment of interest before a Master	10·00	The judgment
Appeals to Judge in Chambers	40·00	The notice filed
10. On sealing a notice of appeal from a Master or Admiralty Registrar or District Judge to Judge in Chambers		
Appeals to High Court		
11. On filing—		
(a) (a) a notice of appeal to the High Court, or	40·00	The notice filed

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Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
(b) (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	40·00	The case
(c) (c) a notice of cross-appeal to the High Court, or	30·00	The notice filed
(d) (d) a respondent's notice of appeal to the High Court	30·00	The notice
C. ENFORCEMENT OF JUDGMENTS		
Application in aid of enforcement	10·00	The affidavit in support of the application
12. On an application for an attachment of earnings order to secure maintenance payments		
Registration of Foreign and Commonwealth Judgments		
(a) (a) Under Part II of the Administration of Justice Act 1920 or the Foreign Judgments (Reciprocal Enforcement) Act 1933—		
(i) on an <i>ex parte</i> application to register an incoming judgment or order	25·00	The affidavit in support of the application
(ii) on providing a certified copy of a judgment or order for use abroad	25·00	The affidavit in support of the application
(b) (b) Under the Maintenance Orders Act 1950 or the Maintenance and Affiliation Orders Act (Northern Ireland) 1966—		

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Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
(i) on an <i>ex parte</i> application to register an outgoing order	5·00	The affidavit in support of the application
(ii) on processing an incoming registration	5·00	The affidavit or order
(c) (c) Under the Maintenance Orders (Facilities for Enforcement) Act 1920—		
(i) on an <i>ex parte</i> application to register an outgoing order	25·00	The affidavit in support of the application
(ii) on processing an incoming registration	25·00	The affidavit or order
(d) (d) Under the Maintenance Orders (Reciprocal Enforcement) Act 1972— on an <i>ex parte</i> application to register an outgoing order	25·00	The affidavit or statement in support of the application
Enforcement of Arbitration Award	25·00	The application
14. On an application for leave to enforce an arbitration award		
D. MISCELLANEOUS PROCEEDINGS OR MATTERS		
Copy Documents	1·00	The requisition
15. For a photographic copy of or part of any document, whether or not issued as an office copy, for each photographic sheet		
16. For any other copy document per page, whether or not issued as an office copy	1·00	The requisition
17. For examining a plain copy and marking the same as an office copy — for each sheet	2·00	The requisition
18. For a certified copy of a written judgment	7·00	The requisition
19. For any other stencilled copy and marking the same as	1·00	The requisition

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Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
an office copy, first copy per page		
Bills of sale		
20. On filing—		
(a) (a) any document under the Bills of Sale (Ireland) Acts, 1879 and 1883, other than a fiat of satisfaction	15·00	The document filed
(b) (b) fiat of satisfaction	15·00	The application
(a) (a) For an official certificate of the result of a search in one name in any register or index under the custody of the Registrar of Bills of Sale	10·00	The requisition for search
for every additional name if included in the same certificate	5·00	The requisition for search
(b) (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)	5·00	The requisition for search
Taking affidavits	5·00	The affidavit, affirmation or declaration
(a) (a) On taking an affidavit or an affirmation or a declaration		
(b) (b) In addition thereto for each exhibit referred to and required to be marked	2·00	The affidavit, affirmation or declaration
Searches	5·00	The requisition
23. On a search of court documents, except where item 21 or 33 applies		

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Writs of Subpoena	5·00	The requisition
24. On sealing a writ of subpoena per person		

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>
Admiralty	80·00	The praecipe
(a) (a) On lodging with the Marshal an instrument under Order 75, rule 5(1)		
(b) (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) (c) On entering a reference for hearing by the Registrar	40·00	The notice for hearing
(d) (d) On retaining possession of a ship with or without cargo, or of a ship's cargo without a ship, per day	6·00	(Paid by Transfer)
Court of Appeal	125·00	The notice of appeal or requisition
(a) (a) On filing a notice of appeal or case stated		
(b) (b) On filing a notice of cross-appeal or a respondent's notice under Order 59, rule 6(1)	40·00	The notice

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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>
27. On presenting a memorial for appointment as commissioner for oaths or notary public	20·00	The memorial
28. For every certificate of such appointment	8·00	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		
(a) (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	70·00	The petition
(b) (b) On sealing a bankruptcy petition:		
(i) if presented by a debtor or by the personal representative of a deceased debtor	49·00	The petition
(ii) if presented by a creditor or other person	84·00	The petition
(c) (c) On sealing any other petition (one fee only is payable where more than one petition is presented in relation to a partnership)	70·00	The petition
(d) (d) On the hearing of a public examination	30·00	The application

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(a) (a) On sealing any originating application	70·00	The application
(b) (b) On sealing any other application	35·00	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		
31. 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	30·00	The notice, summons, affidavit or report
32. On a bond	10·00	The bond
MISCELLANEOUS		
33. 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	5·00	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>
34. On an application for taxation under the Solicitors (Northern Ireland) Order 1976	30·00	The application
(a) (a) On taking a cash account between solicitor and own client under the Solicitors (Northern	0·30	The account

Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
Ireland) Order 1976 — for every £50 or fraction of £50 of the amounts found to have been received and paid		
(b) (b) On the taxation of a bill of costs—		
(i) where the amount allowed does not exceed £500	55·00	The bill
(ii) where the amount exceeds £500, for every £1 or fraction of £1 of the amount allowed	0·15	The bill
<p>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)</p>		
(c) (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 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) (d) On assessing costs in the Chancery Division for every £1 or fraction of £1 of the sum assessed	0·10	The bill
(e) (e) On an application to the Taxing Master to review his decision	30·00	The written objection
(f) (f) On an application to a Judge	40·00	The summons

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to review the Taxing Master's decision		

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		
36. 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	65·00	The filed copy
FAMILY LAW ACT 1986		
37. On an application under section 27 of the Family Law Act 1986 for the registration of a custody order	20·00	The filed copy of the order
ENDURING POWERS OF ATTORNEY		
38. On an application for registration of an enduring power of attorney	90·00	The filed copy
39. On an application made pursuant to a direction of the Court under rule 4 of Order 109A	90·00	The filed copy
40. On an application for a search of the register of enduring powers of attorney	5·00	The requisition
PATIENTS' AFFAIRS		
Commencement fee		
41. —		
(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	100·00	The requisition
(2) On commencement pursuant to a request by a personal applicant, in addition to Fee (1) above, for every	5·00 but not exceeding a total of 90·00	

Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
£100 or fraction of £100 above £1,000 of the income which the patient's estate might be expected to yield if duly administered by the court		
Annual administration fee	in accordance with Table 1	The requisition
42. On a certificate issued by the Office		
Transaction fee		
43. —		
(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 or 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” ¼% 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),		

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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)	170.00	The requisition
Control fees	250.00	The requisition
44. 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		
45. 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. 42)

<i>Clear Annual Income</i>		<i>Fee</i>	
<i>Income Band</i>	<i>Exceeding</i>	<i>Not Exceeding</i>	
(i)		£1,000	None
(ii)	£1,000	£2,000	£75
(iii)	£2,000	£3,000	£150
(iv)	£3,000	£5,000	£225
(v)	£5,000	£7,000	£375
(vi)	£7,000	£10,000	£600
(vii)	£10,000	£15,000	£850
(viii)	£15,000		£850 plus 5% of income exceeding £15,000

TABLE 2 (Fee No. 45)

<i>Clear Annual Income</i>		<i>Fee</i>	
<i>Income Band</i>	<i>Exceeding</i>	<i>Not Exceeding</i>	
(i)		£1,000	None
(ii)	£1,000	£2,000	£200

<i>Clear Annual Income</i>		<i>Fee</i>	
<i>Income Band</i>	<i>Exceeding</i>	<i>Not Exceeding</i>	
(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 42 and 45, 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 No. 42 on a clear annual income of (£2,050) which exceeds the lower limit (£2,000) on Band (iii) by less than the difference (£75) between the fee (£150) on Band (iii) and the fee (£75) on Band (ii), the fee payable is—

£75 (the fee on Band (ii))

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

£125

2. In relation to fee number 42—

(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 42 and 43 are not payable where an officer of the court is acting as controller for the patient.

4. In relation to fee number 43—

(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.

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(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 of other income payments.

(3) Where a transaction is to be approved under an order mentioned in fee number 43, 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 43 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 44, 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 45, 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 41(2), 41, 43 and 44, 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 revokes and replaces the Supreme Court Fees Order (Northern Ireland) 1994 (as amended) to:—

- (a) increase the majority of fees payable in the Supreme Court;
- (b) introduce a new fee, of £10, to be payable on an application to a Master for payment out of monies invested on behalf of a minor;
- (c) introduce a new fee, of £20, to be payable on an ex parte application before a Master; and
- (d) introduce a new fee, of £5, to be payable on a Writ of Subpoena per person named.

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