

1979 No. 159

**JUDICATURE, NORTHERN IRELAND****MAGISTRATES' COURTS****The Magistrates' Courts Fees Order (Northern Ireland) 1979***Made* . . . . . 30th April 1979*Coming into operation* . . . . . 21st May 1979

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

1. This Order may be cited as the Magistrates' Courts Fees Order (Northern Ireland) 1979 and shall come into operation on 21st May 1979.

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

- (a) "the Act" means the Magistrates' Courts Act (Northern Ireland) 1964(b);
- (b) "the Magistrates' Courts Rules" means the Rules for the time being in force under section 23 of the Act;
- (c) a Rule or Form referred to by number means the Rule or Form so numbered in the Magistrates' Courts Rules;
- (d) expressions used in the Magistrates' Courts Rules have the same meaning as in those Rules;
- (e) Schedule 1 and Schedule 2 mean respectively Schedule 1 and Schedule 2 to this Order;
- (f) a fee referred to by number means the fee so numbered in Schedule 1.

3.—(1) The fees set out in Schedule 1 shall be taken in the Magistrates' courts in respect of the items set out opposite thereto.

(2) The fees prescribed by this Order on any proceeding shall be payable by the party at whose instance the proceeding is taken and before it is taken.

4.—(1) Subject to paragraph (2), court fees shall be payable in accordance with Schedule 1 on the documents specified in that Schedule, and payment of the appropriate fee shall be indicated on every such document by an adhesive or impressed stamp or by an endorsement signed and stamped with his name in block letters by the person to whom the fee is paid or in such other manner as may be directed by the Lord Chancellor.

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

(3) For the purpose of any enactment relating to the recovery of costs or fees any fee which would but for paragraph (2) have been paid shall be deemed to have been paid.

(4) Nothing in this Order shall affect any statutory provision as to the payment of fees not repealed by the Act or revoked by the Magistrates' Courts Rules.

(5) Without prejudice to any order or regulation for the time being in force under the Public Offices Fees Act 1879(c), the stamps required by this Order for the purpose of stamping any document shall be those of a design appropriate to magistrates' courts and approved by the Lord Chancellor.

(6) The clerk of petty sessions, on receiving a document duly stamped as required by this Order, shall forthwith and in every case cancel the stamp by writing or stamping the date of cancellation across the stamp in indelible ink.

**5.—(1)** The fees specified in Schedule 2 shall be payable for the service of summonses and processes.

(2) The fee shall be paid at the time when the summons or process is delivered for service to a summons server or to such other person as may be authorised to serve it or is handed to the clerk of petty sessions for the district in which proceedings are brought for delivery to a summons server.

(3) A person serving a summons or process (other than a member of the Royal Ulster Constabulary) shall be entitled to be paid by the complainant the sum specified in Schedule 2.

(4) The fee payable for the service of a summons or process under Schedule 2, shall be deemed to cover the cost of postage under Rule 12(2)(a) and (10)(a) of the Magistrates' Courts Rules and for the advice of delivery of the registered or recorded delivery envelope.

**6.** Notwithstanding anything in Article 4 and Schedule 1 a stamp or fee shall not be required—

- (a) on any certificate of conviction or order under Rule 109 of the Magistrates' Courts Rules;
- (b) for a memorandum under Rule 95(2) of the said Rules;
- (c) on a copy Order under either Rule 5(1) or Rule 9(5) of the Magistrates' Courts (Maintenance and Affiliation) Rules (Northern Ireland) 1966(d); or
- (d) on a certified copy Order under Rule 6 of the Magistrates' Courts (Suspension of Disqualification for Driving) Rules (Northern Ireland) 1968(e).

**7.** There shall be added to the total of any sum due under a warrant of commitment or distress issued to the Royal Ulster Constabulary (other than a warrant of commitment issued by virtue of section 103 of the Act at the time of the defendant's conviction) the sum of £3 towards the costs of issuing and executing the warrant.

**8.** All fees payable in respect of any proceedings (other than fees payable in respect of the service of summonses, processes or other documents) shall be payable in the prescribed manner and shall be applied in such manner as the Lord Chancellor, with the concurrence of the Treasury, may direct.

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(c) 1879 c. 58

(d) S.R. & O. (N.I.) 1966 No. 292 (p. 940)

(e) S.R. & O. (N.I.) 1968 No. 175 (p. 323)

9. Nothing in this Order shall have effect in relation to any fee or other sum due or payable before the commencement of this Order.

Dated 26th April 1979.

We concur,

*Elwyn-Jones, C.*

*T. M. Cox*

*T. E. Graham*

Two of the Lords Commissioners of Her Majesty's  
Treasury

Dated 30th April 1979.

SCHEDULE 1

**Court Fees**

**A. In proceedings to which Part VII of the Act applies**

*Debt Proceedings*

*Fee*

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| 1. Process, (ordinary, enforcement or committal) . . . . .   | £1.00 |
| 2. Set-off, counterclaim, decree (including an order made on application under Part VII of the Judgments (Enforcement) Act (Northern Ireland) 1969) or dismiss . . . . . | £1.00 |

*Ejectment Proceedings*

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|---|-------|
| 3. Process (including proceedings where a claim for rent or sums due under section 78 of the Act is joined with a claim for possession) . . . . . | £1.00 |
| 4. Decree or dismiss . . . . .  | £1.00 |

*Duplicate Orders and Extracts from Register*

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| 5. Notice for duplicate order . . . . .      | 25p |
| 6. Duplicate order . . . . .                 | 25p |
| 7. Certified extract from register . . . . . | 25p |

**B. In proceedings to which Part VIII of the Act applies**

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| 8. Notice of application or notice of appeal to a magistrates' court . . . . . | £1.00 |
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**C. Appeals and Case Stated**

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| 9. Copy notice of appeal lodged with clerk of petty sessions (except where appellant in prison) . . . . . | £1.00 |
| 10. Written application for Case Stated . . . . .   | £1.00 |
| 11. Case Stated . . . . .   | £5.00 |

**D. Miscellaneous**

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| 12. A certificate of conviction or order . . . . .  | £1.00 |
| 13. A duplicate licence being certified copy of particulars issued under section 38(2) of the Licensing Act (Northern Ireland) 1971 recorded in the register of licences . . . . .  | £5.00 |
| 14. A notice of application for the renewal or transfer of a licence for the sale of intoxicating liquor by retail or for the grant of an occasional or extension licence . . . . . | £6.00 |
| 15. A certificate authorising the grant of a game dealer's licence . . . . .  | 50p   |
| 16. A notice of application for a licence under section 1 of the General Dealers (Ireland) Act 1903 . . . . .   | 10p   |
| 17. On the entry of every application under the Betting and Lotteries Act (Northern Ireland) 1957 . . . . .   | 25p   |
| 18. On every form of certificate under the Betting and Lotteries Act (Northern Ireland) 1957 . . . . .  | £1.00 |
| 19. On every application by a club for a certificate of registration or for the renewal of a certificate, under the Registration of Clubs Act (Northern Ireland) 1967 . . . . .     | £1.00 |
| 20. A notice of application to a magistrates' court not otherwise provided for . . . . .  | £1.00 |

## SCHEDULE 2

**Fees Payable for Service of a Summons or Process**

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| 1.—(1) Subject to sub-paragraph (2), for the service of a summons or process . . . . . | £1.00 |
| (2) Where service of a summons or process is required to be personal . . . . .         | £1.50 |
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.
3. Where a document relating to a summons is served together with the summons there shall be payable a fee of £1.00 for each document served.

## EXPLANATORY NOTE

*(This note is not part of the Order but is intended to indicate its general purport)*

This Order fixes the fees to be taken in the magistrates' courts and the fees payable for service of a summons or process, and provides for the manner in which such fees are to be taken and applied.