

1983 No. 206

MAGISTRATES' COURTS**Magistrates' Courts Fees Order (Northern Ireland) 1983***Made* 25th July 1983*Coming into operation* 1st September 1983

The Lórd 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, and with the concurrence of the Treasury, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Magistrates' Courts Fees Order (Northern Ireland) 1983 and shall come into operation on 1st September 1983.

Revocation

2. The Magistrates' Courts Fees Order (Northern Ireland) 1979(b), the Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 1980(c), the Magistrates' Courts Fees (Amendment No. 2) Order (Northern Ireland) 1980(d) and the Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 1981(e) are hereby revoked.

Interpretation

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

- (a) "the Order" means the Magistrates' Courts (Northern Ireland) Order 1981(f);
- (b) "the Magistrates' Courts Rules" means the Rules for the time being in force under Article 13 of the Order;
- (c) a Rule referred to by number means the Rule 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.

Fees to be taken in magistrates' courts

4.—(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.

5.—(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

(a) 1978 c. 23
 (b) S.R. 1979 No. 159
 (c) S.R. 1980 No. 88
 (d) S.R. 1980 No. 238
 (e) S.R. 1981 No. 175
 (f) S.I. 1981/1675 (N.I. 26)

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 set out in Schedule 1 shall be remitted where such fees, if taken, would be payable by the Director of Public Prosecutions for Northern Ireland, the Royal Ulster Constabulary or the armed forces of the Crown.

(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 Order 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(a) 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.

Fees for service of summonses and processes

6.—(1) The fees set out in Schedule 2 shall be payable for the services 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 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) or (10)(a) of the Magistrates' Courts Rules and for the advice of delivery of the registered or recorded delivery envelope.

Stamp or fee not required

7. Notwithstanding anything in Article 5 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(b); or
- (d) on a certified copy order under Rule 6 of the Magistrates' Courts (Suspension of Disqualification for Driving) Rules (Northern Ireland) 1968(c).

(a) 1879 c. 58

(b) S.R. & O. (N.I.) 1966 No. 292

(c) S.R. & O. (N.I.) 1968 No. 175

Fee on warrant of commitment or distress

8. 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 Article 93 of the Order at the time of the defendant's conviction) the sum of £5.00 towards the costs of issuing and executing the warrant.

Application of fees

9. 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.

Transitional

10. 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 15th July 1983.

Hailsham of St. Marylebone, C.

We concur,

Ian B. Lang

Donald Thompson

Two of the Lords Commissioners of
Her Majesty's Treasury

Dated 25th July 1983.

SCHEDULE 1

Court Fees

A. In proceedings to which Part VI of the Order applies

Debt Proceedings

	<i>Fee</i>
1. Process (ordinary, enforcement or committal)	£ 2.00
2. Set-off, counterclaim, decree (including an order made on application under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981) or dismiss	£ 2.00

Eject Proceedings

3. Process (including proceedings where a claim for rent or sums due under Article 69 of the Order is joined with a claim for possession)	£ 2.00
4. Decree or dismiss	£ 2.00

Duplicate Orders and Extracts from Register

5. Notice for duplicate order	£ 2.00
6. Duplicate order	£ 2.00
7. Certified extract from register	£ 2.00

B. In proceedings to which Part VII of the Order applies

8. Notice of application or notice of appeal to a magistrates' court	£ 2.00
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C. Appeals and case stated

9. Copy notice of appeal lodged with clerk of petty sessions (except where appellant in prison)	£ 5.00
10. Written application for case stated	£ 5.00
11. Case stated	£10.00

D. Miscellaneous

12. A certificate of conviction or order	£ 3.00
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	£10.00
14. A notice of application for the renewal or transfer of a licence for the sale of intoxicating liquor by retail or an order under section 29, 44 or 45 of the Licensing Act (Northern Ireland) 1971	£25.00
15. A notice of application for the grant of an occasional or extension licence ..	£15.00
16. For each copy of all or any part of any entry taken from the register of licences as provided for under section 35 of the Licensing Act (Northern Ireland) 1971 — in respect of each licensed premises	£ 2.00
17. A certificate authorising the grant of a game dealer's licence	£ 2.00
18. A notice of application for a licence under section 1 of the General Dealers (Ireland) Act 1903	£ 2.00
19. On the entry of every application under the Betting and Lotteries Act (Northern Ireland) 1957	£25.00
20. 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	£25.00
21. A notice of application to a magistrates' court (other than an application under Article 91(3) or (4) of the Order) not otherwise provided for	£ 2.00

SCHEDULE 2

Fees Payable for Service of a Summons or Process

- 1.—(1) Subject to sub-paragraph (2) and paragraph 3, for the service of a summons or process or document £ 3.00
- (2) Where service of a summons or process is required to be personal £ 4.00
- 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 £2.00 for each document served.

EXPLANATORY NOTE

(This note is not part of the Order.)

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. In so doing, it increases the fees prescribed in the Magistrates' Courts Fees Order (Northern Ireland) 1979, as amended by the Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 1980, the Magistrates' Courts Fees (Amendment No. 2) Order (Northern Ireland) 1980 and the Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 1981. These earlier Fees Orders are revoked.