

1989 No. 279

COUNTY COURTS

The County Court Fees Order (Northern Ireland) 1989

Made 13th July 1989
Coming into operation 1st August 1989

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

Citation and commencement

1. This Order may be cited as the County Court Fees Order (Northern Ireland) 1989 and shall come into operation on 1st August 1989.

Interpretation

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

- (a) "the Order" means the County Courts (Northern Ireland) Order 1980(b);
- (b) "the County Court Rules" means the Rules for the time being in force under Article 47 of the Order;
- (c) an Order or Rule referred to by number means an Order or Rule so numbered in the County Court Rules;
- (d) expressions used in the County Court Rules have the same meanings as in those Rules;
- (e) Schedule 1 and Schedule 2 mean respectively Schedule 1 and Schedule 2 to this Order;
- (f) a fee or column referred to by number means the fee or column so numbered in Schedule 1;
- (g) expressions used in the Judicature (Northern Ireland) Act 1978(a) have the same meanings as in that Act.

Revocation

3. The County Court Fees Order (Northern Ireland) 1988(c) is hereby revoked.

(a) 1978 c. 23

(b) S.I. 1980/397 (N.I. 3)

(c) S.R. 1988 No. 419

Fees to be taken in proceedings in county courts

4.—(1) Without prejudice to paragraph (3) the fees set out in column 3 of Schedule 1 shall be payable in proceedings in county courts in respect of the items set out opposite thereto in column 2.

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

(3) The fees prescribed in Schedule 1 shall not be payable in respect of proceedings under the Marriages Act (Northern Ireland) 1954(a) or other proceedings which are exempt by statute.

(4) If any question arises with regard to the payment of a fee, the chief clerk may report the matter to the Lord Chancellor and obtain his directions thereon.

(5) Where it appears to the Lord Chancellor that the payment of any fee specified in Schedule 1 would, owing to the exceptional circumstances of the particular case, involve hardship, he may reduce or remit the fee in that case.

Manner in which fees are to be taken

5.—(1) Subject to Article 8 the fees prescribed in Schedule 1 shall be taken in cash.

(2) Payment of the appropriate court fee shall be endorsed on the relevant document 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).

Fees for service of summonses and processes

6. There shall be paid to a process server, in addition to any salary payable to him, the fees set out in Schedule 2 and such fees shall be paid by the person on whose behalf service is to be effected at the time that the document to be served is sent or delivered to the process server.

Application of fees

7. All fees received by virtue of Schedule 1 shall, unless otherwise appropriated in aid, be paid into the Consolidated Fund.

Transitional

8. Notwithstanding the revocation by this Order of the County Court Fees Order (Northern Ireland) 1988, payment of the fees prescribed in Schedule 1 may be made in the same manner as under that Order if paid on or before 31st October 1989 in relation to proceedings commenced on or before that date and in any such case Article 5 of this Order shall not apply.

(a) 1954 c. 21 (N.I.)

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County Courts

No. 279

Dated 13th July 1989

Mackay of Clashfern, C.

We concur,

Kenneth Carlisle

David MacLean

Dated 18th July 1989

Two of the Lords Commissioners
of Her Majesty's Treasury

SCHEDULE 1

FEES TO BE TAKEN IN PROCEEDINGS IN COUNTY COURTS

- Section I — Fees in respect of proceedings not otherwise specifically provided for in any subsequent section of this Schedule.
- Section II — Fees for specified proceedings within the equity and probate jurisdiction.
- Section III — Fees to be taken under the Licensing Act (Northern Ireland) 1971 and the Registration of Clubs (Northern Ireland) Order 1987.
- Section IV — Miscellaneous fees relating to civil proceedings and matters.
- Section V — Fees in respect of applications for arbitration under Article 30(3) of the Order.
- Section VI — Fees to be taken under the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 (“the Criminal Injuries Order”) and the Criminal Damage (Compensation) (Northern Ireland) Order 1977 (“the Criminal Damage Order”).
- Section VII — Fees to be taken under the Family Law Act 1986.

SECTION 1

Fees to apply in respect of proceedings not otherwise specifically provided for in any subsequent section of this Schedule

Column 1 <i>No. of Fee</i>	Column 2 <i>Item</i>	Column 3 <i>Amount of Fee</i>
1	On any affidavit	... No fee
2	On an attendance of an officer to produce records (in addition to the officer's expenses), for each day or part thereof	... £ 7·00
3	On a bond or recognizance	... £ 2·00
4	On a case stated	... £24·00
5	On a certificate of taxation of costs	... £ 6·00
6	On a certificate by a court officer (inclusive of search)	... £ 4·00
7	On an ordinary, default or summary civil bill, application or notice claiming (whether on foot of a contract or tort or by virtue of any enactment or otherwise) a sum of money or goods or chattels or any combination thereof of a value—	

Column 1 <i>No. of Fee</i>	Column 2 <i>Item</i>	Column 3 <i>Amount of Fee</i>
	not exceeding £500	... £30·00
	exceeding £500 but not exceeding £2,000	... £45·00
	exceeding £2,000	... £50·00
8	On a civil bill in an ejectment action	... £42·00
9	On any other civil bill	... £42·00
10	On a third party notice	... the same fee as on the civil bill in the action
11	On a counterclaim or set-off where the amount thereof—	
	does not exceed £500	... £15·00
	exceeds £500 but does not exceed £2,000	... £23·00
	exceeds £2,000	... £25·00
12	On a copy of any document filed or any record kept in the Office (including comparison) — per page	... £ 1·00
13	On a comparison of a document filed in the Office — per page	... £ 1·00
14	On a decree, award, judgment, order or dismiss (other than an interlocutory order)	... £18·00
15	On an interlocutory order including an order for payment out of, or transfer or investment of, funds in court	... No fee
16	On the entry of any defence	... £ 6·00
17	On late entry of a civil bill or defence, unless the Judge otherwise orders	... £10·00
18	On the entry of a remitted action	... £ 6·00
19	On a notice of appeal to a county court (not otherwise provided for)	... £18·00
20	On a notice of application to the Judge for payment of funds out of court	... £ 2·00
21	On any notice or other document in an application to the Accountant General for payment out or transfer of funds and securities in court	... No fee

Column 1 No. of Fee	Column 2 Item	Column 3 Amount of Fee
22	In any proceedings under the Adoption Act (Northern Ireland) 1967 ...	£18·00
23	On a notice, petition, summons or other form of application (not otherwise provided for) initiating any proceedings ...	£30·00
24	On a notice of application for a review by the Judge ...	£12·00
25	On any other notice of application to the Judge or to the Circuit Registrar (not otherwise exempted) ...	£14·00
26	On a notice of lodgment of money in court ...	No fee
27	On a notice of acceptance of money lodged in court ...	No fee
28	On a search or inspection ...	£ 4·00
29	On a witness summons ...	£ 5·00

Note:

(1) In the application of item 7 to proceedings under the Judgments Enforcement (Northern Ireland) Order 1981 the fee on the Enforcement Civil Bill shall be the same as is payable on a civil bill for the amount claimed; and on a Committal Civil Bill shall be the same as for a civil bill for the amount of the instalment.

(2) The fees prescribed above at items 7 to 11 inclusive and at item 23 cover all necessary copies for service, entries in the Office and all notices of application to the Judge or to the Circuit Registrar, and all other notices (not otherwise specifically provided for) filed in the Office during the course of the action or matter and before final judgment.

Fees for specified proceedings with in equity and
probate jurisdiction

Column 1 <i>No. of Fee</i>	Column 2 <i>Item</i>	Column 3 <i>Amount of Fee</i>
1	<p>On a civil bill or petition, where the property or estate of the subject matter of the proceedings—</p> <p>(a) either insofar as it consists of lands or premises does not exceed £300 in annual value or insofar as it consists of personalty does not exceed £500 in amount or value ...</p> <p>(b) either insofar as it consists of lands or premises exceeds £300 in annual value or insofar as it consists of personalty exceeds £500 in amount or value ...</p> <p>Provided that in the case of a mortgage suit or creditor's administration suit where the amount claimed does not exceed £300 the fee on the civil bill shall be £36·00</p>	<p>£42·00</p> <p>£48·00</p>
2	On a primary or final decree, order or dismiss ...	£21·00
3	On a decree or order not otherwise provided for (including an interlocutory order) ...	£21·00
4	On the taking of an account or the holding of an inquiry by an officer pursuant to an order of the Judge, for each hour or part thereof ...	£24·00
5	On the officer's certificate thereof ...	£ 7·00
6	On an affidavit for the lodgment in court of a sum of money (fee to cover all necessary notices and certificates by the chief clerk) ...	£21·00
	<p><i>Note:</i> The fees prescribed above at items 1 and 2 cover all necessary copies for service, entries in the Office, summons to proceed, all notices of motion, and all other notices (not otherwise specifically provided for) filed in the Office during the course of the suit or matter and before final judgment in the case of a probate suit, the Certificate of Decree to be transmitted to the Probate Registry.</p>	

SECTION III

**Fees to be taken under the Licensing Act
(Northern Ireland) 1971 and the Registration of Clubs
(Northern Ireland) Order 1987**

Column 1 <i>No. of Fee</i>	Column 2 <i>Item</i>	Column 3 <i>Amount of Fee</i>
1	On a notice of application to the court in relation to a licence, including notice of application for a declaration under section 8 of the Licensing Act (Northern Ireland) 1971 or for an order under section 31 of that Act ...	£90.00
2	On a notice of application to the court for the grant of registration of a club under Article 6 of the Registration of Clubs (Northern Ireland) Order 1987 ...	£90.00

SECTION IV

**Miscellaneous fees relating to civil proceedings
and matters**

Column 1 <i>No. of Fee</i>	Column 2 <i>Item</i>	Column 3 <i>Amount of Fee</i>
UNDER PART V (ENFORCEMENT OF COUNTY COURT DECREES OUTSIDE NORTHERN IRELAND) OF ORDER 40		
1	On a certified copy of a decree, or a certificate in respect of a money provision, issued under Part V of Order 40 ... This fee includes provision of the appropriate certificate in Forms 295-298	£14.00
UNDER THE PARLIAMENTARY DOCUMENTS DEPOSIT ACT 1837		
2	On a search in papers deposited under Standing Orders of Parliament, for each hour or part thereof ...	£ 5.00
3	On an extract from papers so deposited— per page ...	£ 1.00

Column 1 <i>No. of Fee</i>	Column 2 <i>Item</i>	Column 3 <i>Amount of Fee</i>
1	On lodging an application in which the amount claimed, or the value of the specific chattels claimed—	
	does not exceed £75	£ 5·00
	exceeds £75	£12·00
2	On a counterclaim of set-off where the amount thereof—	
	does not exceed £75	£ 3·00
	exceeds £75	£ 6·00

SECTION VI

**Fees to be taken under the Criminal Injuries
(Compensation) (Northern Ireland) Order 1988
("the Criminal Injuries Order") and the
Criminal Damage (Compensation) (Northern Ireland) Order 1977
("the Criminal Damage Order")**

Column 1 <i>No. of Fee</i>	Column 2 <i>Item</i>	Column 3 <i>Amount of Fee</i>
1	On a notice of appeal to a county court under Article 16 of the Criminal Injuries Order	£50·00
2	On a notice of application under Article 14 of the Criminal Injuries Order	£10·00
3	On a notice of appeal to a county court under Article 15 of the Criminal Damage Order	£50·00

SECTION VII

Fees to be taken under the Family Law Act 1986

Column 1 <i>No. of Fee</i>	Column 2 <i>Item</i>	Column 3 <i>Amount of Fee</i>
1	On an application under section 27 of the Family Law Act 1986 for the registration of a custody order	£10·00

FEES PAYABLE TO PROCESS SERVERS

	<i>Fee</i>
1.	For each service—
	(a) of an ordinary, default or summary civil bill where the amount claimed—
	does not exceed £500 ...
	exceeds £500 ...
	(b) of an enquiry or probate civil bill ...
	(c) of an ejection civil bill ...
2	In proceedings under the Adoption Act (Northern Ireland) 1967 for each service (however effected) of the petition, notice of hearing or application, including completion of affidavit of service (other than commissioner's fee) and the amount of postage where used ...
3	For each service of any other petition or summons initiating any proceedings ...
4	For each service of any notice of application to the court in relation to a licence for the sale of intoxicating liquor ...
5	(a) Where in any case personal service of any document is requisite the appropriate fee as above prescribed shall be increased by half
	(b) Service (except where personal service is requisite) on more than one defendant resident in the same premises shall count as only one service.
6	For service of each witness summons ...
7	For each service of any document not otherwise provided for ...
8	For personal service of a summons under rule 1(1)(i) of Order 57 for contempt or for sequestration ...
9	For personal service of a primary decree in equity (including completion of affidavit) ...

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order fixes the fees to be taken in proceedings in county courts, the fees payable for service of processes, and provides for the manner in which fees are to be taken and applied. The number and amount of fees fixed in Schedules 1 and 2 are the same as those prescribed in the County Court Fees Order (Northern Ireland) 1988, which is revoked.

Article 5 amends the previous system of payment and endorsement of fees by providing for the fees in Schedule 1 to be taken in cash and endorsed by mechanical means instead of by impressed stamp. Article 7 provides for fees taken under Schedule 1 to be paid into the Consolidated Fund.