

1989 No. 280

MAGISTRATES' COURTS

The Magistrates' Courts 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 Magistrates' Courts 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 Magistrates' Courts (Northern Ireland) Order 1981(b);
- (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 meanings as in those Rules;
- (e) Schedule 1 and Schedule 2 mean respectively Schedule 1 and Schedule 2 to this Order;
- (f) expressions used in the Judicature (Northern Ireland) Act 1978(a) have the same meanings as in that Act.

Revocation

3. The Orders specified in Schedule 3 are hereby revoked.

Magistrates' courts fees

4.—(1) Subject to paragraph (3) the fees set out in Schedule 1 shall be payable in respect of the items set out opposite thereto.

(a) 1978 c. 23

(b) S.I. 1981/1675 (N.I. 26)

(2) The fee prescribed by this Order in respect of any proceeding shall be payable by the party at whose instance the proceeding is taken and, except in the case of the proceedings referred to in Article 5(3), before the proceeding is taken.

(3) 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.

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

Manner in which fees are to be taken

5.—(1) Subject to Article 10, the fees prescribed in Schedule 1 shall be taken in cash.

(2) Payment of the appropriate 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).

(4) Paragraphs (2) and (3) shall not apply to the fees payable in connection with the issue of proceedings under Article 32 of the Rates (Northern Ireland) Order 1977(a).

Fees for service of summonses and processes

6.—(1) The fees set out 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 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 13(2)(a) or (9)(a) of the Magistrates' Courts Rules and for the advice of delivery of the registered or recorded delivery envelope.

Fees not required

7. Notwithstanding anything in Article 4 and Schedule 1 a fee shall not be required to be paid in respect of:—

- (a) any certificate of conviction or order under Rule 123 of the Magistrates' Courts Rules;
- (b) a memorandum under Rule 94(2) of the said Rules;
- (c) a copy order under either Rule 5(1) or Rule 9(5) of the Magistrates' Courts (Maintenance and Affiliation) Rules (Northern Ireland) 1966(a); or
- (d) a certified copy order under Rule 6 of the Magistrates' Courts (Suspension of Disqualification for Driving) Rules (Northern Ireland) 1968(b).

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 cost of issuing and executing the warrant.

Application of fees

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

Transitional

10. Notwithstanding the revocation by this Order of the Magistrates' Courts Fees Order (Northern Ireland) 1983(c) 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.

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

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

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

(c) S.R. 1983 No. 206

SCHEDULE 1

Court Fees

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

	<i>Fee</i>
<i>Debt Proceedings</i>	
1. Process (ordinary enforcement or committal)	£ 5·00
2. Set-off, counterclaim, decree (including an order made on application under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981) or dismiss	£ 4·00
<i>Ejectment Proceedings</i>	
3. Process (including proceedings where a claim for rent or sum due under Article 69 of the Order is joined with a claim for possession	£ 4·00
4. Decree or dismiss	£ 4·00
<i>Duplicate Orders and Extracts from Register</i>	
5. Notice for duplicate orders	£ 4·00
6. Duplicate order	£ 4·00
7. Certified extract from register	£ 4·00

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

Notice of application or notice of appeal to a Magistrates' Court	£ 6·00
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C. Appeals and case stated

9. Copy notice of appeal lodged with clerk of petty sessions for each complaint, application, appeal or process (except where appellant in prison) subject to a maximum fee of £25)	£ 5·00
10. Written application for case stated	£ 6·00
11. Case stated	£ 12·00

D. Notices of application under the Licensing Act (Northern Ireland) 1971

12. (a) Application for renewal	£ 50·00
(b) Application for protection order under Section 23	£ 15·00
(c) Application for temporary continuance of business in other premises under Section 26	£ 15·00
(d) Application for transfer	£ 50·00
(e) Application for transfer and renewal	£100·00
(f) Application for Section 29 order	£ 50·00
(g) Application for Section 44 order	£ 50·00
(h) Application for Section 45 order — one day plus £25 for each additional day	£ 75·00
(i) Additional fee for application out of time under Section 13 for each month or part of a month	£ 25·00
(j) Application for the grant of an occasional licence for first day plus £25 for each additional day	£ 17·00
(k) Application for the grant of an extension licence	£ 17·00

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| 13. (a) For each inspection of the register of licences as provided for under Section 35 | £ 4·00 |
| (b) For each copy of all or any part of any entry taken from the register of licences as provided for under Section 35 — in respect of each licensed premises | £ 4·00 |
| 14. A duplicate licence, being a certified copy of particulars recorded in the register of licences, issued under Section 38(2) | £ 20·00 |

E. Applications under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985

Bookmakers' Licences and Bookmaking Office Licences

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| 15. A notice of application for the grant of a bookmaker's licence under Article 8(1) | £ 75·00 |
| 16. A notice of application for the grant of a bookmaking office licence under Article 12(1) | £ 75·00 |
| 17. A notice of application for the provisional grant of a bookmaking office licence under Article 14(1) | £ 75·00 |
| 18. A notice of application to have provisional grant of a bookmaking office licence declared final under Article 14(7) ... | £ 15·00 |
| 19. A notice of application for renewal of a bookmaker's licence under Article 16(1) | £ 50·00 |
| 20. A notice of application for renewal out of time of a bookmaker's licence under Article 20(1) | £ 75·00 |
| 21. A notice of application for renewal of a bookmaking office licence under Article 18(1) | £ 50·00 |
| 22. A notice of application for renewal out of time of a bookmaking office licence under Article 20(1) | £ 75·00 |
| 23. A notice of application for transfer of a bookmaking office licence under Article 23(1) | £ 50·00 |
| 24. A notice of application for concurrent transfer and renewal of a bookmaking office licence under Article 24(1) | £100·00 |
| 25. A notice of application for revocation of a bookmaker's licence under Article 27(1) | £ 50·00 |
| 26. A notice of application for revocation of a bookmaking office licence under Article 28(1) | £ 50·00 |

Bingo Club Licences

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| 27. A notice of application for the grant of a bingo club licence under Article 63(1) | £ 50·00 |
| 28. A notice of application for the provisional grant of a bingo club licence under Article 65(1) | £ 50·00 |
| 29. A notice of application for the renewal of a bingo club licence under Article 67(1) | £ 50·00 |
| 30. A notice of application for the renewal out of time of a bingo club licence under Article 69(1) | £ 75·00 |

Gaming Machine Certificates and Permits

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| 31. A notice of application for the grant of a gaming machine certificate under Article 85(1) | £ 50·00 |
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| 32. A notice of application for the renewal of a gaming machine certificate under Article 87(1) | £ 50.00 |
| 33. A notice of application for the renewal of a gaming machine certificate out of time under Article 89(1) | £ 75.00 |
| 34. A notice of application for the grant of a gaming machine permit under Article 85(3) | £ 25.00 |

Registration of Clubs

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| 35. A notice of application for the registration of a club under Article 96(1) | £ 50.00 |
| 36. A notice of application for the renewal of registration of a club under Article 98(1) | £ 50.00 |
| 37. A notice of application for the renewal of registration of a club out of time under Article 100(1) | £ 75.00 |

Lottery Certificates

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| 38. A notice of application for the grant of a lottery certificate under Article 142(1) | £ 75.00 |
| 39. A notice of application for renewal of a lottery certificate under Article 144(1) | £ 50.00 |
| 40. A notice of application for renewal out of time of a lottery certificate under Article 146(1) | £ 75.00 |
| 41. A notice of application for revocation of a lottery certificate under Article 149(1) | £ 50.00 |

Supplementary

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| 42. For each inspection and for each copy of all or any part of any entry taken from the register of licences, certificates and permits kept under Article 174(1) | £ 4.00 |
| 43. For each inspection and for each copy of all or any part of any entry taken from the register of clubs kept under Article 175(1) | £ 4.00 |

F. Applications under the Registration of Clubs (Northern Ireland) Order 1987

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| 44. On every application for the renewal of registration of a club under Article 8 | £ 50.00 |
| 45. For each inspection of the register and the statements of expenditure of each club as provided for under Article 15 | £ 4.00 |

G. Miscellaneous

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| 46. A certificate of conviction or order | £ 5.00 |
| 47. A certificate authorising the grant of game dealer's licence | £ 4.00 |
| 48. A notice of application for a licence under Section 1 of the General Dealers (Ireland) Act 1903 | £ 4.00 |
| 49. 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 | £ 6.00 |

Fees Payable for Service of a Summons or Process

	<i>Fee</i>
1. (1) Subject to sub-paragraph (2) and paragraph 3, for the service of a summons or process or document	£ 4.00
(2) Where service of a summons or process is required to be personal	£ 6.00
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, for each document served	£ 2.50

Orders Revoked

<i>Title</i>	<i>Reference</i>
The Magistrates' Courts Fees Order (Northern Ireland) 1983	S.R. 1983 No. 206
The Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 1984	S.R. 1984 No. 138
The Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 1986	S.R. 1986 No. 103
The Magistrates' Courts (Gaming Machine) Fees Order (Northern Ireland) 1986	S.R. 1986 No. 140
The Magistrates' Courts (Bingo Club Licence) Fees Order (Northern Ireland) 1987	S.R. 1987 No. 34
The Magistrates' Courts (Bookmaker's Licence, Bookmaking Office Licence and Lottery Certificate) Fees Order (Northern Ireland) 1987	S.R. 1987 No. 270
The Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 1988	S.R. 1988 No. 281

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order fixes the fees payable in respect of proceedings in Magistrates' Courts, the fees payable for the service of a summons or process and provides for the manner in which fees are to be taken and applied.

The Order also consolidates the Magistrates' Courts Fees Order (Northern Ireland) 1983 (as amended) and the fees orders applicable to proceedings under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

Article 5 prescribes a new system for payment and endorsement of fees, by providing for the fees specified in Schedule 1 to be taken in cash and endorsement, indicating payment, is to be by mechanical means.

The amounts of the fees prescribed by Schedules 1 and 2 are the same as those prescribed by the orders set out in Schedule 3, which are revoked.