

1989 No. 433

MATRIMONIAL CAUSES

SUPREME COURT

COUNTY COURTS

**The Matrimonial Causes Fees Order
(Northern Ireland) 1989**

Made 7th November 1989

Coming into operation 1st December 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 Matrimonial Causes Fees Order (Northern Ireland) 1989 and shall come into operation on 1st December 1989.

Interpretation

2. In this Order—

- (a) expressions used in the Matrimonial Causes Rules (Northern Ireland) 1981(b), have the same meaning as in those Rules;
- (b) a rule referred to by number means the rule so numbered in the Matrimonial Causes Rules (Northern Ireland) 1981;
- (c) “the County Court Fees Order” means the County Court Fees Order (Northern Ireland) 1989(c).

Revocation

3. The Matrimonial Causes Fees Order (Northern Ireland) 1981(d), the Matrimonial Causes Fees (Amendment) Order (Northern Ireland) 1984(e) and the Matrimonial Causes Fees (Amendment) Order (Northern Ireland) 1986(f) are hereby revoked.

(a) 1978 c. 23
(b) S.R. 1981 No. 184 as amended by S.R. 1989 No. 246
(c) S.R. 1989 No. 279
(d) S.R. 1981 No. 195
(e) S.R. 1984 No. 420
(f) S.R. 1986 No. 233

Fees payable in all matrimonial proceedings

4. The fees set out in column 2 of the Schedule to this Order shall be taken in all matrimonial proceedings, whether in the High Court or a divorce county court, in respect of the items set out in column 1 of the Schedule.

Payment of fee causing undue hardship

5. Where it appears to the Lord Chancellor that the payment of any fee prescribed by this Order would, owing to the exceptional circumstances of the particular case, involve undue hardship, he may reduce or remit the fee in that case.

Manner in which fees are to be taken in the High Court

6.—(1) The fees prescribed by this Order shall, where taken in proceedings in the High Court, be taken by adhesive or impressed stamp.

(2) The document to be stamped shall be the document indicated in column 3 of the Schedule.

(3) Any adhesive or impressed stamp used for the purpose of this Order shall be of such design and character as the Commissioners of Inland Revenue may from time to time adopt.

Meaning of impressed stamp and adhesive stamp

7. For the purpose of this Order an impressed stamp means an impressed Northern Ireland fee stamp, and an adhesive stamp means an adhesive Northern Ireland judicature fee stamp.

Cancellation of adhesive stamp

8. Every adhesive stamp used in pursuance of this Order shall be cancelled by the proper officer of the High Court.

Manner in which fees are to be taken in a divorce county court

9.—(1) Subject to Article 11 the fees prescribed by this Order shall, where taken in proceedings in a divorce county court, 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.

Application of fees

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

Transitional

11. Notwithstanding the revocation by this Order of the Matrimonial Causes Fees Order (Northern Ireland) 1981, payment of the fees prescribed in the Schedule to this Order may, if paid on or before 31st December 1989 in relation to proceedings commenced on or before that date, be made in the same manner as under that Order and in any such case Article 9 of this Order shall not apply.

Application

12. Fees numbered 5, 14, 19, 23, 25, 28 and 29 in Schedule 1 to the County Court Fees Order shall not apply to matrimonial proceedings in a divorce county court.

Dated 7th November 1989

Mackay of Clashfern, C.

We concur

*John Taylor
Stephen Dorrell*

Dated 13th November 1989

Two of the Lords Commissioners
of Her Majesty's Treasury

SCHEDULE

Fees to be taken in all Matrimonial Proceedings

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee</i>	<i>Document to be stamped or endorsed</i>
	£	
<i>Commencement of Proceedings</i>		
1. On sealing an originating summons	25·00	The filed copy
2. On presenting any petition other than a second petition presented with leave granted under rule 10(3)—		
(a) when the petition is presented to the High Court	55·00	The filed copy
(b) when the petition is presented to a divorce county court	40·00	The filed copy
<i>Applications for Ancillary Relief</i>		
3. On filing a notice of application for ancillary relief	10·00	The filed copy
<i>Writs of subpoena and Witness Summonses</i>		
4. On sealing a writ of Subpoena or issuing a witness summons, per person	2·00	The filed copy
<i>Copies of Documents</i>		
5. (a) For a copy of all or part of any document, issued as an office copy, for each page	0·25	The requisition
(b) For a certified copy of any document	0·50	The requisition
And for each page after the first, a further additional fee of	0·25	
(c) For a sealed and certified copy of any document	1·00	The requisition
And for each page after the first, a further additional fee of	0·25	
<i>Searches and Inspections</i>		
6. On a search (including inspection)	0·50	The search docket
7. For an official certificate of the result of a search in any index, for the first name	1·00	The requisition
For every other name	0·50	

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee</i>	<i>Document to be stamped or endorsed</i>
	£	
<i>Miscellaneous</i>		
8. For signing, settling or approving an advertisement	3·00	The requisition
<i>Appeals</i>		
9. On filing a notice of appeal from a registrar to a judge in chambers	5·00	The filed copy
10. On entering an interlocutory appeal to the Court of Appeal	10·00	The notice of appeal
11. On entering any other appeal to the Court of Appeal	20·00	The notice of appeal or requisition
<i>Taxation</i>		
12. On the taxation of a bill of costs: where the amount allowed does not exceed £5·00	0·50	The bill
Where the amount allowed exceeds £5 but does not exceed £100, for every £1 or fraction thereof:	0·07	The bill
Where the amount allowed exceeds £100—		
(i) for the first £100	7·00	
(ii) for every £2 or fraction thereof over £100	0·07	The bill
13. On withdrawal of a bill of costs which has been lodged for taxation	Such fee (not exceeding the amount which would have been payable under Fee No. 12 if the bill had been allowed in full) as shall appear to the taxing master to be fair and reasonable. Provided that the taxing master may in any case require the bill of	The bill

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee</i>	<i>Document to be stamped or endorsed</i>
	£ 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.	
<i>Enforcement</i>		
14. On any application for enforcement of a matrimonial order	10.00	The filed copy

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order fixes the fees to be taken in all matrimonial proceedings, whether in the High Court or a divorce county court and provides for the manner in which fees are to be taken and applied. The number and amount of fees fixed in the Schedule are the same as those prescribed in the Matrimonial Causes Fees Order (Northern Ireland) 1981 as amended by the Matrimonial Causes Fees (Amendment) Order (Northern Ireland) 1984 and the Matrimonial Causes Fees (Amendment) Order (Northern Ireland) 1986, all of which Orders are revoked.

Article 6 retains the system of payment and endorsement of fees in the High Court.

Article 9 amends the previous system of payment and endorsement of fees in the divorce county court by providing for the fees in Schedule 1 to be taken in cash and endorsed by mechanical means instead of by impressed or adhesive stamp.

Article 10 provides for fees taken under Schedule 1 to be paid into the Consolidated Fund.