
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 495

**FAMILY PROCEEDINGS
SUPREME COURT
COUNTY COURT**

The Family Proceedings Fees Order (Northern Ireland) 1996

Made - - - - 15th October 1996
Coming into operation 4th November 1996

The Lord Chancellor, in exercise of the powers conferred on him by section 116(1) and (4) of the Judicature (Northern Ireland) Act 1978(1), 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 Family Proceedings Fees Order (Northern Ireland) 1996 and shall come into operation on 4th November 1996.

Interpretation

2. In this Order

- (a) expressions used in the Family Proceedings Rules (Northern Ireland) 1996(2) have the same meaning as in those rules;
- (b) a rule referred to by number means the Rule so numbered in the Family Proceedings Rules (Northern Ireland) 1996; and
- (c) “the Schedule” means the Schedule to this Order.

Revocation

3. The Matrimonial Causes Fees Order (Northern Ireland) 1996(3) is hereby revoked.

(1) 1978 c. 23
(2) S.R. 1996 No. 322
(3) S.R. 1996 No. 105

Fees payable in family proceedings

4.—(1) The fees set out in column 2 of the Schedule shall be payable in respect of the items specified in column 1 of that Schedule whether the proceedings are in the High Court or in a county court.

(2) If any question arises with regard to the payment of a fee, the proper officer or the chief clerk, as the case may be, may report the matter to the Lord Chancellor and obtain his directions thereon.

(3) Where it appears to the Lord Chancellor that the payment of any fee specified in the Schedule 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

5.—(1) Subject to Article 7 of this Order the fees prescribed in the Schedule shall be taken in cash.

(2) Payment of the appropriate court fee shall be endorsed on the relevant document (that is the document indicated in column 3 of the Schedule) 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).

Application of Fees

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

Disapplication of county court fees

7. Fees numbered 5, 14, 17, 21, 22, 23, 26 and 27 in Section 1 of Schedule 1 to the County Court Fees Order (Northern Ireland) 1996⁽⁴⁾ shall not apply to family proceedings in a county court.

Dated 10th October 1996

Mackay of Clashfern, C.

We concur

Dated 15th October 1996

Patrick McLaughlin
Roger M. Knapman
Two of the Lords Commissioners of Her
Majesty's Treasury

(4) S.R. 1996 No. 103

SCHEDULE

Article 4

Fees to be taken in Family Proceedings

Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
1 Commencement of Proceedings		
1		
(a) (a) On sealing an originating summons	125·00	The filed copy
(b) (b) On presenting any petition other than a second petition presented with leave granted under rule 2.6(3)—		
(i) When the petition is presented to the High Court	135·00	The filed copy
(ii) When the petition is presented to a divorce county court	115·00	The filed copy

NOTE: Fees to include provision for the number of initial copies required for service

2 Proceedings under the Children (Northern Ireland) Order 1995

2. On filing an application or requesting leave under the following provisions of the Children (Northern Ireland) Order 1995—

<i>Parental Responsibility Guardians, Article 8 orders</i>	30·00	The filed copy
(a) Article 7(1)(a) or (4), 10(1) or (2), 159(1);		
(b) (b) Article 13(1) or 163(1)	20·00	The filed copy
<i>Financial Provision for Children</i>	30·00	The filed copy
(c) paragraph 2(1), 3(1), 7(5), 16(1) of Schedule 1		
(d) (d) paragraph 2(4), 3(5), 6(6), 7(7),	20·00	

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Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
7(8), 10(2), 12(2) or 13 of Schedule 1		
<i>Secure Accommodation</i> (e) Article 44	No fee	
<i>Care, Supervision etc</i> (f) Article 50	50·00	The filed copy
(g) (g) Article 52(7), 57(8)(b), 58(1), (2), (3) or (4), paragraph 6(3) of Schedule 3 or paragraph 10(3) of Schedule 8	20·00	The filed copy
<i>Contact with child in care</i> (h) Article 53(2), (3), (4) or (9)	20·00	The filed copy
<i>Placement Abroad</i> (i) Article 33(1)	20·00	The filed copy
<i>Education supervision</i> (j) Article 55(1)	50·00	The filed copy
(k) (k) paragraph 5(2) or 7(1) of Schedule 4	20·00	The filed copy
<i>Child Assessment</i> (l) Article 62(1)	50·00	The filed copy
(m) (m) Article 62(12)	20·00	The filed copy
<i>Emergency Protection</i> (n) Article 63, 64 and 67	No fee	
<i>Recovery of children</i> (o) Article 69	No fee	
<i>Miscellaneous</i> (p) Article 178	20·00	The filed copy
(q) (q) On commencing an appeal under Article 166 or Article 41(11)		
(i) to the county court	36·00	
(ii) to the High Court	40·00	

NOTE: Where an application requires leave of the court the relevant fee applies where leave is sought but no further fee may be charged if leave is granted and the application is made.

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Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
3 Application for Ancillary Relief	30.00	The filed copy
3. On filing a notice of application for ancillary relief		
4 Other Application in Proceedings		
4. On any application in matrimonial proceedings, except where it is otherwise provided for in this Schedule, or is for an order by consent, made		
(i) to a master	30.00	The filed copy
(ii) to a judge	40.00	The filed copy
5 Writ of Subpoena & Witness Summonses	5.00	The filed copy
5. On sealing a writ of subpoena or issuing a witness summons per person		
6 Copies of Documents		
6		
(a) (a) Personal Applications		
(i) for a copy of all or part of any document, issued as an office copy for each page	1.00	The requisition
(ii) for a certified copy of any document per page	2.50	The requisition
(iii) for a sealed and certified copy of any document per page	3.00	The requisition
(b) (b) Postal Applications in addition to the fees at 6(a) above for a copy of any of the documents referred to	5.00	The requisition
7 Searches and Inspections		
7		
(a) (a) On making a search in the index of Parental	20.00	The requisition

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Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
Responsibility Agreements kept in the Office of Care and Protection in accordance with regulations made under Article 7 of the Children (Northern Ireland) Order 1995 and, if appropriate providing a copy of an agreement		
(b) (b) On a search (including inspection) other than one for which a fee is prescribed under 7(a) above	5-00	The requisition
(c) (c) For an official certificate of the result of a search in any index	5-00	The requisition
(d) (d) Postal applications, in addition to the fee at 7(c) above	5-00	
8 Miscellaneous	5-00	The requisition
8. For signing, settling or approving an advertisement		
9 Appeals		
9		
(a) (a) On filing a notice of appeal from a master to a judge in chambers	40-00	The filed copy
(b) (b) On entering any appeal (including an interlocutory appeal) to the Court of Appeal	125-00	The notice of appeal or requisition
10 Taxation		
10		
(a) (a) On the taxation of a bill of costs:		The bill

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Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
Where the amount allowed does not exceed £5	1.00	The bill
Where the amount allowed exceeds £5 but does not exceed £100, for every £1 or fraction thereof—	0.15	
Where the amount allowed exceeds £100—		The bill
(i) for the first £100	22.00	The bill
(ii) for every £1 or fraction thereof over £100	0.15	
(b) (b) 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. 10(a) if the bill had been allowed in full) as shall appear to the taxing master to be fair and reasonable.	
11 Enforcement	30.00	The filed copy
11. On any application for enforcement of a matrimonial order		

NOTE The taxing master may in any case require the bill of 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.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order revokes and replaces the Matrimonial Fees Order (Northern Ireland) 1996. It prescribes the fees to be taken in respect of specified family proceedings in the High Court and county courts. In particular the Order

- prescribes the new fees to be taken in respect of certain proceedings under the Children (Northern Ireland) Order 1995;
- re-enacts without increase the fees currently applying to matrimonial proceedings.

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