

2002 No. 344

FAMILY PROCEEDINGS

SUPREME COURT

COUNTY COURT

**The Family Proceedings Fees (Amendment) Order
(Northern Ireland) 2002**

Made - - - - - 5th November 2002

Coming into operation in accordance with Article 1

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, commencement and interpretation

1.—(1) This Order may be cited as the Family Proceedings Fees (Amendment) Order (Northern Ireland) 2002 and, subject to paragraph (2), shall come into operation on 2nd December 2002.

(2) Articles 3 and 4 shall come into operation on 3rd March 2003.

2. In this Order “the principal Order” means the Family Proceedings Fees Order (Northern Ireland) 1996(b).

Interpretation of the principal Order

3. Article 2 of the principal Order shall be amended as follows –

(a) the word “and” shall be deleted from the end of paragraph (b); and

(b) after paragraph (c) there shall be added the following new paragraphs –

“(d) “credit card” means a card which –

(i) may be used on its own to pay for goods or services or to withdraw cash, and

(ii) enables the holder to make purchases and to draw cash up to a prearranged limit;

(e) “debit card” means a card which may be used as a means of payment under arrangements which do not provide for the extension of credit to the cardholder, but provide for amounts paid by means of the card to be debited to a specified account in his name (or in his name jointly with one or more others); and

(f) “payment instrument” means a cheque or payable order.”.

(a) 1978 c. 23

(b) S.R. 1996 No. 495 to which the most recent relevant amendments were effected by S.R. 1998 No. 408

Manner in which fees are to be taken

4. For paragraph (1) of Article 5 of the principal Order there shall be substituted the following new paragraph –

“(1) Subject to Article 7 of this Order, the fees prescribed in the Schedule shall be taken –

- (a) in cash; or
- (b) by credit card payment; or
- (c) by debit card payment; or
- (d) by payment instrument.”.

Fees to be taken in family proceedings

5. For the Schedule to the principal Order there shall be substituted the new Schedule set out in the Schedule to this Order.

Dated 29th October 2002

Irvine of Lairg, C.

We concur,

Jim Fitzpatrick

John Heppell

Dated 5th November 2002

Two of the Lords Commissioners of Her Majesty’s Treasury

SCHEDULE

Article 5

SCHEDULE

Article 4

FEES TO BE TAKEN IN FAMILY PROCEEDINGS

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee £</i>	<i>Document to be endorsed</i>
<i>1. Commencement of Proceedings</i>		
(a) On sealing an originating summons	170-00	The filed copy
(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	165-00	The filed copy
(ii) When the petition is presented to a divorce county court.	150-00	The filed copy
NOTE: Fees to include provision for the number of initial copies required for service		
<i>2. Entering and Setting Down for Trial in Court</i>		
On entering or setting down any cause or matter for trial, hearing or further consideration in court, except where it is otherwise provided for in this Schedule.		
(a) High Court petition	95-00	The setting down docket
(b) County Court petition	80-00	The setting down docket
<i>3. Certificate of Decree Absolute</i>		
On filing an application for a certificate of Decree Absolute	22-00	The filed copy
<i>4. Proceedings under the Children (Northern Ireland) Order 1995</i>		
On filing an application or requesting leave under the following provisions of the Children (Northern Ireland) Order 1995 –		
Parental Responsibility, Guardians, Article 8 Orders		
(a) Article 7(1)(a) or (4), 10(1) or (2), 159(1);	33-00	The filed copy
(b) Article 13(1) or 163(1)	22-00	The filed copy
Financial Provision for Children		
(c) Paragraph 2(1), 3(1), 7(5), 16(1) of Schedule 1	33-00	The filed copy
(d) Paragraph 2(4), 3(5), 6(6), 7(7), 7(8), 10(2), 12(2), or 13 of Schedule 1	22-00	
Secure Accommodation		
(e) Article 44	No fee	
Care, Supervision etc		
(f) Article 50	60-00	The filed copy
(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.	22-00	The filed copy

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee £</i>	<i>Document to be endorsed</i>
Contact with Child in Care (h) Article 53(2), (3), (4) or (9)	22.00	The filed copy
Placement Abroad (i) Article 33(1)	22.00	The filed copy
Education Supervision (j) Article 55(1)	60.00	The filed copy
(k) Paragraph 5(2) or 7(1) of Schedule 4	22.00	The filed copy
Child Assessment (l) Article 62(1)	60.00	The filed copy
(m) Article 62(12)	22.00	The filed copy
Emergency Protection (n) Article 63, 64 and 67	No fee	
Recovery of Children (o) Article 69	No fee	
Miscellaneous (p) Article 178	22.00	The filed copy
(q) On commencing an appeal under Article 166 or Article 41(11)		
(i) to the county court	40.00	
(ii) to the High Court	50.00	
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.		
<i>5. Application for Ancillary Relief</i>		
On filing a notice of application for ancillary relief	50.00	The filed copy
<i>6. Other Application in Proceedings</i>		
On any application in matrimonial proceedings, except where it is otherwise provided for in this Schedule, or for an order by consent, made		
(i) to a master	50.00	The filed copy
(ii) to a judge	55.00	The filed copy
<i>7. Writ of Subpoena and Witness Summonses</i>		
On sealing a writ of subpoena or issuing a witness summons per person	7.00	The filed copy
<i>8. Copies of Documents</i>		
(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	3.50	The requisition
(iii) for a sealed and certified copy of any document per page	4.00	The requisition
(b) Postal Applications in addition to the fees at 8(a) above for a copy of any of the documents referred to	5.50	The requisition

Column 1	Column 2	Column 3
<i>Item</i>	<i>Fee £</i>	<i>Document to be endorsed</i>
<i>9. Searches and Inspections</i>		
(a) On making a search in the index of Parental 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	22.00	The requisition
(b) On a search (including inspection) other than one for which a fee is prescribed under 9(a) above	5.50	The requisition
(c) For an official certificate of the result of a search in any index	5.50	The requisition
(d) Postal applications, in addition to the fee at 9(c) above	5.50	The requisition
<i>10. Miscellaneous</i>		
For signing, settling or approving an advertisement	5.50	The requisition
<i>11. Appeals</i>		
(a) On filing a notice of appeal from a master to a judge in chambers	55.00	The filed copy
(b) On entering any appeal (including an interlocutory appeal) to the Court of Appeal	170.00	The notice of appeal or requisition
<i>12. Taxation</i>		
(a) On the taxation of a bill of costs:		
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 –		
(i) for the first £100	24.00	The bill
(ii) for every £1 or fraction thereof over £100	0.15	
(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. 12(a) if the bill had been allowed in full) as shall appear to the taxing master to be fair and reasonable.	
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.		
<i>13. Enforcement</i>		
On any application for enforcement of a matrimonial order.	40.00	The filed copy

EXPLANATORY NOTE

(This note is not part of the Order.)

- This Order amends the Family Proceedings Fees Order (Northern Ireland) 1996 so as –
- (a) to increase a number of the fees to be taken in family proceedings in the High Court and county courts; and
 - (b) allow fees to be taken by a range of payment methods, including credit or debit card.

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