

2004 No. 338

COUNTY COURTS

**The County Court Fees (Amendment) Order
(Northern Ireland) 2004**

Made - - - - - 4th August 2004

Coming into operation 1st September 2004

The Lord Chancellor, in exercise of the powers conferred on him by section 116(1) 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 (Amendment) Order (Northern Ireland) 2004 and shall come into operation on 1st September 2004.

Fees to be taken in proceedings in county courts

2. For Schedule 1 to the County Court Fees Order (Northern Ireland) 1996(b) there shall be substituted the new Schedule 1 set out in the Schedule to this Order.

Signed by the authority of the Lord Chancellor

I concur

Christopher Leslie

Parliamentary Under-Secretary of State, Department for Constitutional Affairs

Dated 1st August 2004

We concur

John Heppell

Joan Ryan

Two of the Lords Commissioners of Her Majesty's Treasury

Dated 4th August 2004

(a) 1978 c. 23

(b) S.R. 1996 No.103 as amended by S.R.1997 No. 178, S.R. 1998 No. 409, S.R. 1999 No. 136 and S.R. 2002 No. 342

SCHEDULE

Article 2

“SCHEDULE 1

Article 4

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 in respect of proceedings under the Licensing (Northern Ireland) Order 1996 and the Registration of Clubs (Northern Ireland) Order 1996.
- Section IV – Miscellaneous fees relating to civil proceedings and matters.
- Section V – Fees in respect of applications for small claims under Article 30(3) of the Order.
- Section VI – Fees to be taken in respect of proceedings 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 in respect of proceedings under the Family Law Act 1986.

SECTION I

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	£ 15-00
3	On a bond or recognizance	£ 6-00
4	On a case stated	£ 57-00
5	On a certificate of taxation of costs	£ 13-00
6	On a certificate by a court officer (inclusive of search)	£ 11-00
7	On a 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 –	
	not exceeding £500	£104-00
	exceeding £500 but not exceeding £2,000	£124-00
	exceeding £2,000	£140-00
8	On a civil bill in an ejectment action	£118-00
9	On any other civil bill	£118-00
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 –	

Column 1 <i>No. of Fee</i>	Column 2 <i>Item</i>	Column 3 <i>Amount of Fee</i>
	does not exceed £500	£ 52-00
	exceeding £500 but does not exceed £2,000	£ 62-00
	exceeds £2,000	£ 70-00
12	On a copy, including a photographic copy, of all or any part of any document filed or any record kept in the office (including comparison) –	
	(a) for five sheets or less	£ 6-00
	(b) for each sheet thereafter	£ 0.30
13	On a comparison of a document filed in the Office – per page	£ 3-00
14	On a decree, award, judgment, order or dismiss (other than an interlocutory order)	£ 62-00
15	On an interlocutory order, including an order for payment out of, or transfer or investment of, funds in court	No fee
16	On a Certificate of Readiness	£ 29-00
17	On a notice of appeal to a county court (not otherwise provided for)	£ 45-00
18	On a notice of application to the Judge for payment of funds out of court	£ 6-00
19	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
20	In any proceedings under the Adoption (Northern Ireland) Order 1987, under that Order as modified by the Parental Orders (Human Fertilisation and Embryology) Regulations 1994 or under section 30 of the Human Fertilisation and Embryology Act 1990	£ 45-00
21	On a notice, petition, summons or other form of application (not otherwise provided for) initiating any proceedings	£ 82-00
22	On a notice of application for a review by the Judge	£ 29-00
23	On any notice of application, summons, notice of motion or other form of application to the Judge or to the District Judge (not otherwise exempted or specifically provided for)	£ 34-00
24	On a search or inspection	£ 10-00
25	On a witness summons	£ 13-00
26	On a certificate of application for discovery	£ 11-00
	Note:	
	In the application of item 7 to proceedings under the Judgments Enforcement (Northern Ireland) Order 1981 the fee on an 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.	

SECTION II

Fees for specified proceedings within the equity and probate jurisdiction

Column 1 <i>No. of Fee</i>	Column 2 <i>Item</i>	Column 3 <i>Amount of Fee</i>
1	On a civil bill or petition, where the property or estate of the subject matter of the proceedings – (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 (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	£108-00 £124-00
	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 £74	
2	On a primary or final decree, order or dismiss	£ 57-00
3	On a decree or order not otherwise provided for (including an interlocutory order)	£ 57-00
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	£ 62-00
5	On the officer's certificate thereof	£ 14-00
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)	£ 57-00
	Note: The fees prescribed above at items 1 and 2 cover, in the case of a probate suit, the Certificate of Decree to be transmitted to the Probate Registry.	

SECTION III

Fees to be taken in respect of proceedings under the Licensing (Northern Ireland) Order 1996 and the Registration of Clubs (Northern Ireland) Order 1996

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 Article 10 of the Licensing (Northern Ireland) Order 1996 or for an order under Article 31 of that Order	£216-00
2	On a notice of an application under Article 44	£136-00
3	On a notice of application to the court for the grant of registration of a club under Article 5 of the Registration of Clubs (Northern Ireland) Order 1996	£216-00
4	Children's certificate (under Article 59 of the Licensing (Northern Ireland) Order 1996 or Article 33 of the Registration of Clubs (Northern Ireland) Order 1996)	£ 11-00

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	£ 34-00
	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	£ 11-00
3	On an extract from papers so deposited – per page	£ 3-00
	UNDER ARTICLE 5 OF THE PROTECTION FROM HARASSMENT (NORTHERN IRELAND) ORDER 1997	
4	On an application for a warrant of arrest	£11-00

SECTION V

Fees to apply in respect of applications for small claims under Article 30(3) of the Order

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 £150	£ 16-00
	exceeds £150 but does not exceed £300	£ 36-00
	exceeds £300 but does not exceed £500	£ 52-00
	exceeds £500	£ 62-00
2	On a counterclaim or set-off where the amount thereof – does not exceed £150	£ 8-00
	exceeds £150 but does not exceed £300	£ 18-00
	exceeds £300 but does not exceed £500	£ 26-00
	exceeds £500	£ 31-00
3	On a notice of appeal under Article 30(4)(ab)	£175-00

SECTION VI

Fees to be taken in respect of proceedings 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	£125.00
2	On a notice of application under Article 14 of the Criminal Injuries Order	£ 29.00
3	On a notice of appeal to a county court under Article 15 of the Criminal Damage Order	£125.00

SECTION VII

Fees to be taken in respect of proceedings 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	£ 29.00

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the County Court Fees Order (Northern Ireland) 1996 so as –

- (a) to increase a number of court fees to be taken in proceedings in county courts;
- (b) to remove the fees for a notice of lodgment of money in court and a notice of acceptance of money lodged in court; and
- (c) to introduce a fee on appeal from a small claims case to the county court judge on a question of law.

© Crown Copyright 2004

£3.00

Published by The Stationery Office Limited

ISBN 0-337-95635-9



9 780337 956355