

2004 No. 340

FAMILY PROCEEDINGS

SUPREME COURT

COUNTY COURT

**The Family Proceedings 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 Family Proceedings Fees (Amendment) Order (Northern Ireland) 2004 and shall come into operation on 1st September 2004.

Fees to be taken in family proceedings

2. For the Schedule to the Family Proceedings Fees Order (Northern Ireland) 1996(b) there shall be substituted the new Schedule 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. 495 as amended by S.R. 1997 No. 177, S.R. 1998 No. 408 and S.R. 2002 No. 344

SCHEDULE

Article 2

“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		
(a) On sealing an originating summons	175-00	The filed copy
(b) On sealing 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	170-00	The filed copy
(ii) When the petition is presented to a divorce county court	155-00	The filed copy
NOTE: Fees to include provision for the number of initial copies required for service		
2. Entering and Setting Down for trial in court		
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	98-00	The setting down docket
(b) County Court petition	82-00	The setting down docket
3. Certificate of Decree Absolute		
On filing an application for a certificate of Decree Absolute	23-00	The filed copy
4. Proceedings under the Children (Northern Ireland) Order 1995		
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>		
(a) Article 7(1)(a) or (4), 10(1) or (2), 159(1);	34-00	The filed copy
(b) Article 13(1) or 163(1)	23-00	The filed copy
<i>Financial Provision for Children</i>		
(c) paragraph 2(1), 3(1), 7(5), 16(1) of Schedule 1	34-00	The filed copy
(d) paragraph 2(4), 3(5), 6(6), 7(7), 7(8), 10(2), 12(2) or 13 of Schedule 1	23-00	
<i>Secure Accommodation</i>		
(e) Article 44	No fee	
<i>Care, Supervision etc</i>		
(f) Article 50	62-00	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	23-00	The filed copy

Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <i>Document to be endorsed</i>
<i>Contact with child in care</i>		
(h) Article 53(2), (3), (4) or (9)	23-00	The filed copy
<i>Placement Abroad</i>		
(i) Article 33(1)	23-00	The filed copy
<i>Education supervision</i>		
(j) Article 55(1)	62-00	The filed copy
(k) paragraph 5(2) or 7(1) of Schedule 4	23-00	The filed copy
<i>Child Assessment</i>		
(l) Article 62(1)	62-00	The filed copy
(m) Article 62(12)	23-00	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	23-00	The filed copy
(q) On commencing an appeal under Article 166 or Article 41(11)		
(i) to the county court	41-00	
(ii) to the High Court	52-00	
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.		
5. <i>Application for Ancillary Relief</i>		
On filing a notice of application for ancillary relief	52-00	The filed copy
6. <i>Other Application in Proceedings</i>		
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	52-00	The filed copy
(ii) to a judge	57-00	The filed copy
7. <i>Writ of Subpoena & Witness Summonses</i>		
On sealing a writ of subpoena or issuing a witness summons per person	7-00	The filed copy
8. <i>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	1-50	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	6-00	The requisition

Column 1 <i>Item</i>	Column 2 <i>Fee £</i>	Column 3 <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	23-00	The requisition
(b) On a search (including inspection) other than one for which a fee is prescribed under 9(a) above	6-00	The requisition
(c) For an official certificate of the result of a search in any index	6-00	The requisition
(d) Postal applications, in addition to the fee at 9(c) above	6-00	The requisition
<i>10. Miscellaneous</i>		
For signing, settling or approving an advertisement	6-00	The requisition
<i>11. Appeals</i>		
(a) On filing a notice of appeal from a master to a judge in chambers	57-00	The filed copy
(b) On entering any appeal (including an interlocutory appeal) to the Court of Appeal	175-00	The notice of appeal or requisition
<i>12. Taxation</i>		
(a) On the taxation of a bill of costs:		The bill
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	41-00	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 to increase a number of the fees to be taken in family proceedings, in the High Court and county courts.

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