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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 378**

**The County Court Fees (Amendment)  
Order (Northern Ireland) 2007**

**Amendments to the principal Order**

2. After Article 7 of the principal Order insert the following new Articles:—

**“Exemptions and refunds**

8.—(1) No fee shall be payable under this Order by a party who, at the time when a fee would otherwise become payable—

- (a) is in receipt of any qualifying benefit, and
- (b) is not in receipt of legal aid under Part II of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(1) for the purposes of the proceedings.

(2) The following are qualifying benefits for the purposes of paragraph (1)(a) above—

- (a) income support under the Social Security Contributions and Benefits (Northern Ireland) Act 1992(2);
- (b) income-based jobseeker’s allowance under the Jobseekers (Northern Ireland) Order 1995(3);
- (c) guarantee credit under the State Pension Credit Act (Northern Ireland) 2002(4);
- (d) working tax credit, provided that—
  - (i) child tax credit is being paid to the party or otherwise following a claim for child tax credit made jointly by the members of a married couple or an unmarried couple (as defined respectively in section 3(5) and (6) of the Tax Credits Act 2002(5)) which includes the party; or
  - (ii) there is a disability element or severe disability element (or both) to the tax credit received by the party;

and that the gross annual income taken into account for the calculation of the working tax credit is £16,017 or less.

9.—(1) Subject to paragraph (2), where a fee has been paid at a time—

- (a) when, under Article 8, it was not payable, the fee shall be refunded;
- (b) where the Lord Chancellor, if he had been aware of all the circumstances, would have reduced the fee, the amount by which the fee would have been reduced shall be refunded; and

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(1) S.I. 1981/228 (N.I. 8)  
(2) 1992 c. 7  
(3) S.I. 1995/2705 (N.I. 15)  
(4) 2002 c. 14  
(5) 2002 c. 21

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (c) where the Lord Chancellor, if he had been aware of all the circumstances, would have remitted the fee under Article 4(5), the fee shall be refunded.
- (2) No refund shall be made under paragraph (1) unless the party who paid the fee applies within 6 months of paying the fee.
- (3) The Lord Chancellor may extend the period of 6 months referred to in paragraph (2) if he considers that there is good reason for an application being made after the end of the period of 6 months.”.