
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 17

FAMILY PROCEEDINGS

COURT OF JUDICATURE

COUNTY COURT

**The Family Proceedings Fees (Amendment)
Order (Northern Ireland) 2017**

Made - - - - 16th January 2017

Coming into operation in accordance with Article 1

The Department of Justice, in exercise of the powers conferred by section 116(1) and (1A) of the Judicature (Northern Ireland) Act 1978⁽¹⁾ and now vested in it⁽²⁾, makes the following Order with the concurrence of the Department of Finance⁽³⁾.

The Department has, in accordance with section 116(1) of that Act, consulted with the Lord Chief Justice.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Family Proceedings Fees (Amendment) Order (Northern Ireland) 2017.

(2) Articles 1 and 3 shall come into operation on 1st April 2017.

(3) Article 2 shall come into operation immediately after the coming into operation of the Universal Credit Regulations (Northern Ireland) 2016⁽⁴⁾.

(4) In this Order “the principal Order” means the Family Proceedings Fees Order (Northern Ireland) 1996⁽⁵⁾.

(1) 1978 c. 23 as amended by s.59 of the Justice Act (Northern Ireland) 2016 (2016 c. 21 (N.I.)).

(2) Article 15(1) and paragraph 6(h) of Schedule 17 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010 No. 976).

(3) Article 15(4)(b) of the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010 No. 976). Formerly the Department of Finance and Personnel, see the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.)), Section 1(4) and Schedule 1.

(4) S.R. 2016 No. 216.

(5) S.R. 1996 No. 495 to which relevant amendments are made by S.R. 2007 No. 381 and S.R. 2007 No. 453.

Amendments to the principal Order

2. In Article 8(2) (Exemptions and refunds) of the principal Order—
- (a) at the end of sub-paragraph (d) for “.” substitute “;”; and
 - (b) after sub-paragraph (d) insert—
 - “(e) universal credit paid under Part 2 of the Welfare Reform (Northern Ireland) Order 2015(6).”.

Amendments to the principal Order

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

Sealed with the Official Seal of the Department of Justice on 16th January 2017



Claire Sugden
Minister of Justice

The Department of Finance concurs in the making of this Order.
Sealed with the Official Seal of the Department of Finance on 16th January 2017



Emer Morelli
A senior officer of the
Department of Finance

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SCHEDULE

Article 3

“SCHEDULE

Article 4

Fees to be taken in Family Proceedings

Column 1 Item	Column 2 Fee £				Column 3 Document to be endorsed
	As from 01/04/17	As from 01/04/18	As from 01/04/19		
1. Commencement of Proceedings					
(a) On sealing an originating summons	220.00	237.00	249.00	The filed copy	
(b) On sealing any petition other than a second petition presented with leave granted under rule 2.6(3) or (3A)—					
(i) When the petition is presented to the High Court	220.00	237.00	249.00	The filed copy	
(ii) When the petition is presented to a divorce county court or civil partnership proceedings county court	220.00	237.00	249.00	The filed copy	
(c) On filing an answer/reply to a petition/answer	110.00	118.00	124.00	The filed copy	
(d) Personal Application Fee for a matrimonial interview	55.00	59.00	62.00	The requisition	
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	330.00	355.00	373.00	The setting down docket	

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Column 1	Column 2	Column 3
Item	Fee £	Document to be endorsed
(b) County Court petition	275.00	296.00
		311.00
		The setting down docket
3. Certificate of Decree Absolute or Final Order		
On filing an application for a certificate of Decree Absolute or Making Conditional Order Final	83.00	89.00
		93.00
		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—		
Parental Responsibility, Guardians, Article 8 orders		
(a) Article 7(1)(a) or (4), 10(1) or (2), 159(1);		
(i) High Court	110.00	118.00
		124.00
(ii) County Court	83.00	89.00
		93.00
		The filed copy
(b) Article 13(1) or 163(1)		
(i) High Court	83.00	89.00
		93.00
(ii) County Court	63.00	68.00
		71.00
		The filed copy
Financial Provision for Children		
(c) Paragraph 2(1), 3(1), 7(5), 16(1) of Schedule 1		
(i) High Court	110.00	118.00
		124.00
(ii) County Court	83.00	89.00
		93.00
		The filed copy
(d) Paragraph 2(4), 3(5), 6(6), 7(7), 7(8), 10(2), 12(2) or 13 of Schedule 1		
(i) High Court	83.00	89.00
		93.00
(ii) County Court	63.00	68.00
		71.00
Secure Accommodation		

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Column 1	Column 2			Column 3
Item	Fee £			Document to be endorsed
(e) Article 44				
(i) High Court	110.00	118.00	124.00	
(ii) County Court	83.00	89.00	93.00	
Care, Supervision etc				
(f) Article 50				The filed copy
(i) High Court	110.00	118.00	124.00	
(ii) County Court	83.00	89.00	93.00	
(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				The filed copy
(i) High Court	83.00	89.00	93.00	
(ii) County Court	63.00	68.00	71.00	
Contact with child in care				
(h) Article 53(2), (3), (4) or (9)				The filed copy
(i) High Court	83.00	89.00	93.00	
(ii) County Court	63.00	68.00	71.00	
Placement abroad				
(i) Article 33(1)				The filed copy
(i) High Court	83.00	89.00	93.00	
(ii) County Court	63.00	68.00	71.00	
Education Supervision				
(j) Article 55(1)				The filed copy
(i) High Court	110.00	118.00	124.00	
(ii) County Court	83.00	89.00	93.00	
(k) Paragraph 5(2) or 7(1) of Schedule 4				The filed copy
(i) High Court	83.00	89.00	93.00	
(ii) County Court	63.00	68.00	71.00	
Child Assessment				
(l) Article 62(1)				The filed copy
(i) High Court	110.00	118.00	124.00	

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Column 1		Column 2		Column 3	
Item		Fee £		Document to be endorsed	
	(ii) County Court	83.00	89.00	93.00	
(m)	Article 62(12)				The filed copy
	(i) High Court	83.00	89.00	93.00	
	(ii) County Court	63.00	68.00	71.00	
Emergency Protection					
(n)	Article 63				
	(i) High Court	0.00	0.00	0.00	
	(ii) County Court	0.00	0.00	0.00	
Recovery of Children					
(o)	Article 69				
	(i) High Court	110.00	118.00	124.00	
	(ii) County Court	83.00	89.00	93.00	
Miscellaneous					
(p)	Article 178				The filed copy
	(i) High Court	83.00	89.00	93.00	
	(ii) County Court	63.00	68.00	71.00	
(q)	On commencing an appeal under Article 166 or Article 41(11)				
	(i) to the County Court	83.00	89.00	93.00	
	(ii) to the High Court	110.00	118.00	124.00	
(r)	On any application brought under form C2				
	(i) High Court	83.00	89.00	93.00	
	(ii) County Court	63.00	68.00	71.00	

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. Proceedings under the Family Homes and Domestic Violence (Northern Ireland) Order 1998

(a) Application for a non molestation or occupation order

(i) High Court 0.00 0.00 0.00

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Item		Fee £			Document to be endorsed
	(ii) County Court	0.00	0.00	0.00	
(c)	On an ex-parte (emergency) application	0.00	0.00	0.00	
(d)	On the following full application	0.00	0.00	0.00	
(f)	Application under the Family Homes and Domestic Violence Order not otherwise provided for	0.00	0.00	0.00	
6.	Application for Ancillary Relief				
	On filing a notice of application for ancillary relief				The filed copy
	(i) High Court	330.00	355.00	373.00	
	(ii) County Court	275.00	296.00	311.00	
7.	Other Application in Proceedings				
(a)	On any application in matrimonial proceedings or civil partnership proceedings, except where it is otherwise provided for in this Schedule, or is for an order by consent, made				
	(i) to a master	127.00	137.00	144.00	The filed copy
	(ii) to a judge	165.00	177.00	186.00	The filed copy
(b)	Ex-parte application to remove a petitioner's address from the petition	Fee charged at the judge's discretion	Fee charged at the judge's discretion	Fee charged at the judge's discretion	
8.	Writ of Subpoena & Witness Summonses				
	On sealing a writ of subpoena or issuing a witness summons per person	33.00	35.00	37.00	The filed copy
9.	Copies of Documents				

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Column 1		Column 2		Column 3	
Item		Fee £		Document to be endorsed	
(a)	(i) On a copy document (5 sheets or less) not otherwise provided for	6.00	6.00	6.00	The requisition
	(ii) On any additional copy per page	0.50	0.50	0.50	The requisition
(b)	On a copy order/decree including certified or sealed	11.00	12.00	13.00	
(c)	On a copy order/decree produced online	9.00	9.00	11.00	
(d)	On an audio recording produced on compact disc in any court proceedings – for each hour recorded or part thereof	28.00	30.00	32.00	
10.	Searches and Inspections				
(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	24.00	25.00	The requisition
(b)	(i) On a search (including inspection) other than one for which a fee is prescribed under 10(a) above	22.00	24.00	25.00	The requisition
	(ii) Additional fee where the search is carried out by an officer of the court	11.00	12.00	13.00	
(c)	For an official certificate of the result	33.00	35.00	37.00	The requisition

Column 1	Column 2			Column 3
Item	Fee £			Document to be endorsed
of a search in any index				
11. Miscellaneous				
For signing, settling or approving an advertisement	33.00	35.00	37.00	The requisition
12. Appeals				
(a) On filing a notice of appeal from a master to a judge in chambers	220.00	237.00	249.00	The filed copy
(b) On entering any appeal (including an interlocutory appeal) to the Court of Appeal	550.00	591.00	621.00	The notice of appeal or requisition
13. Taxation				
(a) On lodgement of a bill of costs. Provided that where the bill is taxed credit for this fee is to be given against the final amount payable	5% of original bill	5% of original bill	5% of original bill	
(b) On the taxation of a bill of costs—				The bill
Where the amount allowed does not exceed £5	1.00	1.00	1.00	The bill
Where the amount allowed exceeds £5 but does not exceed £100, for every £1 or fraction thereof—	0.17	0.18	0.19	
Where the amount allowed exceeds £100—				
(i) for the first £100	26.00	28.00	29.00	The bill
(ii) for every £1 or fraction thereof over £100	0.17	0.18	0.19	
(c) On withdrawal of a bill of costs which has been lodged for taxation	In addition to such fee (not exceeding the amount	In addition to such fee (not exceeding the amount	In addition to such fee (not exceeding the amount	

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	which would have been payable under Fee No.13 (b) if the bill had been allowed in full) as shall appear to the taxing master to be fair and reasonable having regard to the amount of work done in the office	which would have been payable under Fee No.13 (b) if the bill had been allowed in full) as shall appear to the taxing master to be fair and reasonable having regard to the amount of work done in the office

NOTE: In addition to 13(b) 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.

14. Enforcement	On any application for enforcement of a matrimonial order or civil partnership order	165.00	177.00	186.00	The filed copy”
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EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Family Proceedings Fees Order (Northern Ireland) 1996 (S.R. 1996 No. 495) to increase the fees payable in respect of specified family proceedings in the High Court and County Court over a three year period (10% increase effective from 1 April 2017, 7.5% increase effective from 1 April 2018 with a further 5% increase effective from 1 April 2019). The Order also updates the qualifying benefits for the purpose of exemptions from fees in consequence of part 2 of the Welfare Reform (Northern Ireland) Order 2015.

An Explanatory Memorandum and a Regulatory Impact Assessment have been produced and are available from Northern Ireland Courts and Tribunals Service, Central Management Team, Laganside House, 23-27 Oxford Street, Belfast BT1 3LA or online alongside this Statutory Rule at <http://www.legislation.gov.uk/nisr>.

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