

2019 No. 178

FAMILY PROCEEDINGS

COURT OF JUDICATURE

COUNTY COURT

**The Family Proceedings Fees (Amendment) Order (Northern
Ireland) 2019**

Made - - - - - *9th September 2019*

Coming into operation - - - - - *1st October 2019*

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

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

Citation and commencement

1. This Order may be cited as the Family Proceedings Fees (Amendment) Order (Northern Ireland) 2019 and shall come into operation on 1st October 2019.

Amendments to the Family Proceedings Fees Order (Northern Ireland) 1996

2. The Family Proceedings Fees Order (Northern Ireland) 1996(d) is amended as follows.

3. In Article 4(3) (Fees payable in family proceedings) at the beginning insert “Subject to Article 10,”.

4. In Article 8 (Exemptions and Refunds) at the beginning of paragraph (1) insert “Subject to Article 10,”.

5. After Article 9 insert—

(a) 1978 c. 23 as amended by s.59 of the Justice Act (Northern Ireland) 2016 (2016 c. 21 (N.I.)).
(b) 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).
(c) 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.
(d) S.R. 1996 No. 495 to which relevant amendments are made by S.R. 2007 No. 381, S.R. 2007 No. 453 and S.R. 2017 No. 17.

“Exceptions to Remissions and Exemptions

10. No reduction or remission under Article 4(3) or exemption under Article 8 is available in respect of the fees prescribed by this Order for—

- (a) copy (including a photographic copy) documents;
- (b) searches, inspections and a certificate of the result of a search.”.

6. For the Schedule substitute the new Schedule set out in the Schedule to this Order.

Sealed with the Official Seal of the Department of Justice on 9th September 2019



Peter May

A senior officer of the Department of Justice

The Department of Finance concurs in the making of this Order.

Sealed with the Official Seal of the Department of Finance on 9th September 2019



Emer Morelli

A senior officer of the Department of Finance

SCHEDULE

Article 6

“SCHEDULE

Article 4

Fees to be taken in Family Proceedings

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|--|-----------------|--------------------------------|
| <i>Item</i> | <i>Fee £</i> | <i>Document to be endorsed</i> |
| 1. <u>Commencement of Proceedings</u> | | |
| (a) On sealing an originating summons | 261.00 | 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 | 261.00 | The filed copy |
| (ii) When the petition is presented to a divorce county court or civil partnership proceedings county court | 261.00 | The filed copy |
| (c) On filing an answer/reply to a petition/answer | 130.00 | The filed copy |
| (d) Personal Application Fee for a matrimonial interview | 65.00 | 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 | 392.00 | The setting down docket |
| (b) County Court petition | 327.00 | The setting down docket |

3. Certificate of Decree Absolute or Final Order

| | | |
|---|-------|----------------|
| On filing an application for a certificate of | 98.00 | The filed copy |
|---|-------|----------------|

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|--|-----------------|--------------------------------|
| <i>Item</i> | <i>Fee £</i> | <i>Document to be endorsed</i> |
| Decree Absolute or Making Conditional Order Final | | |
| 4. <u>Proceedings under the Children (Northern Ireland) Order 1995</u> | | |
| On filing an application or requesting leave under the following provisions of the Children (Northern Ireland) Order 1995— | | |
| <u>Parental Responsibility, Guardians, Article 8 orders</u> | | |
| (a) Article 7(1)(a) or (4), 10(1) or (2), 159(1); | | |
| (i) High Court | 130.00 | |
| (ii) County Court | 98.00 | The filed copy |
| (b) Article 13(1) or 163(1) | | |
| (i) High Court | 98.00 | |
| (ii) County Court | 75.00 | The filed copy |
| <u>Financial Provision for Children</u> | | |
| (c) Paragraph 2(1), 3(1), 7(5), 16(1) of Schedule 1 | | The filed copy |
| (i) High Court | 130.00 | |
| (ii) County Court | 98.00 | |
| (d) Paragraph 2(4), 3(5), 6(6), 7(7), 7(8), 10(2), 12(2) or 13 of Schedule 1 | | |
| (i) High Court | 98.00 | |
| (ii) County Court | 75.00 | |
| <u>Secure Accommodation</u> | | |
| (e) Article 44 | | |
| (i) High Court | 130.00 | |
| (ii) County Court | 98.00 | |

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|--|-----------------|--------------------------------|
| <i>Item</i> | <i>Fee £</i> | <i>Document to be endorsed</i> |
| <u>Care, Supervision etc</u> | | |
| (f) Article 50 | | The filed copy |
| (i) High Court | 130.00 | |
| (ii) County Court | 98.00 | |
| (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 | 98.00 | |
| (ii) County Court | 75.00 | |
| <u>Contact with child in care</u> | | |
| (h) Article 53(2), (3), (4) or (9) | | The filed copy |
| (i) High Court | 98.00 | |
| (ii) County Court | 75.00 | |
| <u>Placement abroad</u> | | |
| (i) Article 33(1) | | The filed copy |
| (i) High Court | 98.00 | |
| (ii) County Court | 75.00 | |
| <u>Education Supervision</u> | | |
| (j) Article 55(1) | | The filed copy |
| (i) High Court | 130.00 | |
| (ii) County Court | 98.00 | |
| (k) Paragraph 5(2) or 7(1) of Schedule 4 | | The filed copy |
| (i) High Court | 98.00 | |
| (ii) County Court | 75.00 | |
| <u>Child Assessment</u> | | |
| (l) Article 62(1) | | The filed copy |

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---|-----------------|--------------------------------|
| <i>Item</i> | <i>Fee £</i> | <i>Document to be endorsed</i> |
| (i) High Court | 130.00 | |
| (ii) County Court | 98.00 | |
| (m) Article 62(12) | | The filed copy |
| (i) High Court | 98.00 | |
| (ii) County Court | 75.00 | |
| <u>Emergency Protection</u> | | |
| (n) Article 63 | | |
| (i) High Court | 0.00 | |
| (ii) County Court | 0.00 | |
| <u>Recovery of Children</u> | | |
| (o) Article 69 | | |
| (i) High Court | 130.00 | |
| (ii) County Court | 98.00 | |
| <u>Miscellaneous</u> | | |
| (p) Article 178 | | The filed copy |
| (i) High Court | 98.00 | |
| (ii) County Court | 75.00 | |
| (q) On commencing an appeal under Article 166 or Article 41(11) | | |
| (i) to the County Court | 98.00 | |
| (ii) to the High Court | 130.00 | |
| (r) On any application brought under form C2 | | |
| (i) High Court | 98.00 | |
| (ii) County Court | 75.00 | |

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>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---|--|--------------------------------|
| <i>Item</i> | <i>Fee £</i> | <i>Document to be endorsed</i> |
| 5. <u>Proceedings under the Family Homes and Domestic Violence (Northern Ireland) Order 1998</u> | | |
| (a) Application for a non-molestation or occupation order | | |
| (i) High Court | 0.00 | |
| (ii) County Court | 0.00 | |
| (c) On an ex-parte (emergency) application | 0.00 | |
| (d) On the following full application | 0.00 | |
| (f) Application under the Family Homes and Domestic Violence Order not otherwise provided for | 0.00 | |
| 6. <u>Application for Ancillary Relief</u> | | |
| On filing a notice of application for ancillary relief | | The filed copy |
| (i) High Court | 392.00 | |
| (ii) County Court | 327.00 | |
| 7. <u>Other Application in Proceedings</u> | | |
| (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 | 151.00 | The filed copy |
| (ii) to a judge | 195.00 | The filed copy |
| (b) Ex-parte application to remove a petitioner's address from the petition | 75.00 (charged at the judge's discretion) | |
| 8. <u>Writ of Subpoena & Witness Summonses</u> | | |
| On sealing a writ of subpoena or issuing a witness summons per person | 39.00 | The filed copy |

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|--|-----------------|--------------------------------|
| <i>Item</i> | <i>Fee £</i> | <i>Document to be endorsed</i> |
| 9. <u>Copies of Documents</u> | | |
| On a copy, including a photographic copy, of all or any part of any document not otherwise provided for— | | |
| (a) Five sheets or less | 6.00 | The requisition |
| (b) For each sheet thereafter | 0.50 | The requisition |
| (c) On a copy order/decreed including certified or sealed | 14.00 | |
| (d) On a copy order/decreed produced online | 12.00 | |
| (e) On an audio recording in any court proceedings – for each hour recorded or part thereof | 34.00 | |
| 10. <u>Searches and Inspections</u> | | |
| (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 | 26.00 | The requisition |
| (b) (i) On a search (including inspection) other than one for which a fee is prescribed under 10(a) above | 26.00 | The requisition |
| (ii) Additional fee where the search is carried out by an Officer of the court | 14.00 | |
| (c) For an official certificate of the result of a search in any index | 39.00 | The requisition |
| 11. <u>Miscellaneous</u> | | |
| For signing, settling or approving an advertisement | 39.00 | The requisition |
| 12. <u>Appeals</u> | | |
| (a) On filing a notice of appeal from a master to a judge in chambers | 261.00 | The filed copy |

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|--|---|-------------------------------------|
| <i>Item</i> | <i>Fee £</i> | <i>Document to be endorsed</i> |
| (b) On entering any appeal (including an interlocutory appeal) to the Court of Appeal | 652.00 | The notice of appeal or requisition |
| 13. <u>Taxation</u> | | |
| (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 | The bill |
| (b) 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— | 0.20 | The bill |
| Where the amount allowed exceeds £100— | | |
| (i) for the first £100 | 30.00 | The bill |
| (ii) for every £1 or fraction thereof over £100 | 0.20 | The bill |
| (c) On withdrawal of a bill of costs which has been lodged for taxation | In addition to 13(a) such fee (not exceeding the amount 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 | |

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|-----------------|--|--------------------------------|
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| | 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 | 195.00 | The filed copy" |
|--|--------|-----------------|

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Family Proceedings Fees Order (Northern Ireland) 1996 (S.R. 1996 No. 495) to increase the fees payable in respect of specified family proceedings in the High Court and County Court and provide that remissions and exemptions are not available in respect of fees for searches, inspections and a certificate of the result of a search.

An Explanatory Memorandum and a Regulatory Impact Assessment have been produced and are available from the Northern Ireland Courts and Tribunals Service, 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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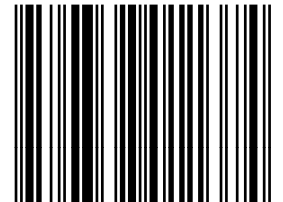
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