

1971. No. 28

[NC]

SUPREME COURT, NORTHERN IRELAND

Fees and Percentages

Supreme Court Fees Order (Northern Ireland) 1971

The Right Honourable The Lord Chief Justice of Northern Ireland and the Treasury in exercise of the powers and authorities vested in them respectively by the Supreme Court of Judicature (Ireland) Acts 1877 to 1897(a), the Government of Ireland Act 1920(b), the General Adaptation of Enactments (Northern Ireland) Order 1921(c) and sections 2 and 3 of the Public Offices Fees Act 1879(d) do hereby, according as the provisions of the said enactments respectively authorise and require them, make and concur in the following Order:—

1. The Interpretation Act 1889(e) shall apply to the interpretation of this Order in the same manner as it applies to the interpretation of an Act of Parliament.

2. In this Order, unless the context otherwise requires:—

- (1) An Order or Rule referred to by number means an Order or Rule so numbered in the Rules of the Supreme Court of Northern Ireland.
- (2) A fee referred to by number means the fee so numbered in the First Schedule to this Order.

3. The fees set out in the second column of the First Schedule shall be taken in the Supreme Court of Northern Ireland in respect of the items set out in the first column of the said Schedule.

4. The provisions of this Order shall not apply to:—

- (i) Non-contentious probate business;
- (ii) Proceedings in the Department for the Affairs of Patients;
- (iii) Criminal proceedings (except proceedings on the Crown side of the Queen's Bench Division to which the scale contained in the First Schedule is applicable).

5. Where it appears to the Lord Chief Justice that the payment of any fee specified in the First Schedule would, owing to the exceptional circumstances of the particular case, involve undue hardship, the Lord Chief Justice may reduce or remit the fee in that case.

6.—(1) Where by any convention entered into by Her Majesty with any foreign power it is provided that no fee shall be required to be paid in respect of any proceedings, the fees specified in this Order shall not be taken in respect of those proceedings.

(a) 40 & 41 Vict. c. 57; 50 & 51 Vict. c. 6; and 60 & 61 Vict. c. 66.

(b) 10 & 11 Geo. 5. c. 67.

(c) S.R. & O. 1921, No. 1804.

(d) 42 & 43 Vict. c. 58.

(e) 52 & 53 Vict. c. 63.

(2) The fees specified in this Order shall be remitted where such fees, if taken, would be payable out of money provided by the Parliament of the United Kingdom or of Northern Ireland.

7.—(1) Fees under this Order, other than those paid by transfer, shall be taken by impressed stamps except those items in the First Schedule marked with an asterisk, which may be taken either by adhesive or impressed stamps.

(2) The document to be stamped shall be the document indicated in the third column of the First Schedule.

(3) Any impressed stamp used for the purpose of this Order or for the purpose of denoting any other fees or percentages to be taken in the Supreme Court of Northern Ireland shall be of such design and character as the Commissioners of Inland Revenue may from time to time adopt.

8. For the purposes of this Order an impressed stamp means an impressed judicature fee stamp, and an adhesive stamp means an adhesive judicature fee stamp.

9. Every adhesive stamp used in pursuance of this Order shall be cancelled by the proper officer of the Supreme Court of Northern Ireland in manner following, that is to say, every such stamp shall be defaced in indelible ink by a hand stamp bearing the date of cancelling.

10. In the case of fees on proceedings in bankruptcy—

(a) where the stamp is to be impressed, the party presenting the document for stamping shall inform the stamping officer, by means of an indication on the document or otherwise, that the fee relates to such proceedings; and

(b) where the stamp is to be adhesive, it shall be a stamp on which the word "Bankruptcy" is printed.

11. A folio is to comprise seventy-two words, every figure being counted as one word. Part of a folio shall be deemed to be one folio and part of a page shall be deemed to be one page.

12. The Supreme Court Fees Order (Northern Ireland) 1963(f) as amended (g) is hereby revoked, save as to any fee due or payable before the commencement of this Order.

13. This Order may be cited as the Supreme Court Fees Order (Northern Ireland) 1971, and shall come into operation on the 15th day of February 1971.

Dated this 23rd day of January 1971.

MacDermott,
Lord Chief Justice.

We concur in this Order.

H. S. P. Monro,
Walter Clegg,

Lords Commissioners of Her Majesty's Treasury.

FIRST SCHEDULE

Nature	Fee	Document to be stamped
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PART I

**Fees payable in the Chancery and Queen's Bench Divisions
(including Probate, Matrimonial and Admiralty) unless
otherwise provided**

SECTION A

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1. Sealing a writ of summons for commencement of an action.	1-00	The copy filed.
2. Sealing notice under O.XVI A.	0-50	The copy filed.
3. Sealing a writ of subpoena, per person.	0-25	The praecipe.
4. Sealing every other writ not otherwise provided for.	0-50	The copy filed or praecipe.
5. Sealing an originating summons.	1-00	The copy filed.
6. Sealing or issuing any other summons.	0-25	The copy filed.
7. Sealing originating notice of motion.	1-00	The copy filed.
8. On every other notice of motion.	0-25	The notice.
*9. On every ex-parte application other than by summons.	0-25	The ex-parte docket, motion paper or affidavit filed in support.

SECTION B.—COPIES

*10. Examining and comparing a plain copy, including a photographic copy or a copy made by some similar process for— (a) an office copy (b) a certified copy	0-04 per page 0-05 per page	The requisition.
*11. For a typewritten copy of any document— (a) an office copy (b) a certified copy	0-04 per folio 0-05 per folio	The requisition.
*12. For a reproduction of any document or part thereof, by photographic or other similar process— (a) an office copy (b) a certified copy	0-07 per page 0-09 per page	The requisition.
*13. For a copy, other than a photographic copy, in a foreign language.	Reasonable cost as certified by proper officer.	The requisition.
*14. For a copy, other than a photographic copy, of plan, map, section, drawing, photograph or diagram.	Reasonable cost as certified by proper officer.	The requisition.
*15. For a stencilled copy.	First copy 0-04 per page, subsequent copies 0-02 per page	The requisition.
*16. For sealing any copy in a matrimonial cause or matter.	0-25	The requisition.

SECTION C.—ATTENDANCES

17. On application with or without subpoena for any officer to attend as a witness or to produce a document or record, in addition to reasonable expenses of the officer, for each day or part thereof necessarily absent from Belfast.	1-00	The praecipe.
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Nature	Fee	Document to be stamped
SECTION D.—FILING		
18. On filing any notice required by rules of court to be filed.	£ 0·13	The notice.
19. On filing an affidavit (except an affidavit verifying a petition or other pleading) or any other document required to be filed in any office of the Supreme Court and not otherwise provided for.	0·13	The affidavit or document filed.
20. On filing for registration a certificate of a judgment under the Judgments Extension Act 1868.	0·50	The certificate.
SECTION E.—CERTIFICATES		
*21. For every certificate of appearance, pleading or proceedings, including the negative thereof.	0·25	The requisition.
*22. For every certificate or report of any Registrar or Chief Clerk, not the result of taking an account only, except where fee 45 is payable.	0·50	The requisition.
*23. For every certificate of filing in the Registrar's offices of copies of petition and affidavits under the Deeds of Arrangement Amendment Act 1890.	0·13	The requisition.
24. For every certificate of judgment issued under the Judgments Extension Act 1868.	0·50	The requisition.
25. For every certificate of entry of satisfaction under the Judgments Extension Act 1868.	0·25	The requisition or satisfaction piece.
SECTION F.—SEARCHES AND INSPECTIONS		
26. On a search for— (a) an appearance or an affidavit (b) a decree in a matrimonial cause or matter and inspecting the same.	0·13	The search docket.
27. On any other search including inspection.	0·25	The search docket.
28. For an official certificate of the result of a search in any register or index.	0·50 for first name, 0·25 for every additional name.	The requisition.
SECTION G.—EXAMINATION OF WITNESSES		
29. For every witness sworn and examined by an examiner or officer of the court.	0·25	The record filed or the requisition.
30. For examination of witnesses by any such officer away from his office, in addition to such sum as the order shall fix as reasonable for travelling and other expenses.	1·00	The record filed or the requisition.

Nature	Fee	Document to be stamped
SECTION H.—HEARING		
31. (a) On entering or setting down a cause or issue for trial or hearing (including a special case, case stated, statutory appeal or issue) and for filing the judgment or order.	£ 3 00	The setting down docket.
(b) On re-entering or re-setting down any cause or issue for trial or hearing.	2 00	The setting down docket.
SECTION I.—JUDGMENTS, DECREES AND ORDERS		
*32. (a) For filing judgment in default of appearance or defence.	1 00	Judgment form
(b) For filing any judgment or final order not provided for under item 31(a) or 32(a).	1 00	The judgment or requisition.
*33. For drawing up and entering any other order.	0 50	The requisition.
*34. For a copy of plan, map, section, drawing, photograph or diagram required to accompany any order.	Reasonable cost certified by proper officer.	The requisition.
SECTION J.—ACCOUNTS		
*35. For taking and certifying the result of any account of money received by any person liable to account therefor or due to any person, for every £100, or fraction thereof, of amount received or found due, but excluding amount of any balance carried forward on a previous account in the cause.	0 07 (where fee 22 not chargeable minimum fee 0 50. Maximum 10 00).	The requisition.
SECTION K.—PETITIONS		
36. On every petition, except where fee 44 is payable.	1 00	The petition or copy filed.
SECTION L.—ADVERTISEMENTS		
37. For signing, settling or approving an advertisement.	1 00	The requisition.
SECTION M.—SERVICE OF SUMMONSES, NOTICES, ETC.		
38. On every notice (other than notice of appearance) or summons lodged for service through office under O.67 r.1 and for transmitting first copy.	0 25	The copy filed.
39. On each additional copy of such notice (other than notice of appearance) or summons lodged and transmitted.	0 10	The copy filed under fee 38.
SECTION N.—ENROLMENTS		
40. For enrolment of every deed or document, other than letters patent, bonds or recognizances, for each roll of 10 folios or part thereof.	1 00	The copy filed.

Nature	Fee	Document to be stamped
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SECTION O.—MISCELLANEOUS

41. On depositing a power of attorney or other document.	£ 0.50.	The document deposited.
*42. On every affidavit sworn before any officer of the court under O.60, in addition to fee 19.		The affidavit.
*43. For every exhibit thereto.	0.10 0.05	The affidavit.

SECTION P.—PROCEEDINGS UNDER COMPANIES ACT (N.I.) 1960

44. On presenting a petition.	5.00.	The copy filed.
45. On a certificate as to debts.	5.00	The requisition.

PART II

Queen's Bench Division (Admiralty) Writs, Summonses, etc.

46. On every instrument not otherwise specified prepared in the registry and issued under the seal of the court.		The requisition.
	1.00	

FILING.

47. On filing consent or agreement.	0.50	The consent or agreement.
48. On filing affidavit and notice under O.46 r.6.	0.50	The affidavit.
49. On filing a caveat.	0.50	The caveat.
50. On filing and enrolling any recognizance (save security for costs) and giving certificate.	1.00	The recognizance.
51. On filing any vacate of a recognizance, entering on records and giving certificate.	1.00	The vacate.

HEARING

52. On request for the attendance of assessors on the hearing of an Admiralty action or reference.	0.50.	The requisition.
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JUDGMENTS, ORDERS AND REFERENCES

53. For drawing up and entering an order made on an agreement filed in court.	0.50	The requisition.
54. On proceedings in Admiralty actions on reference before a Registrar including examination of witnesses.	2.00	The notice for hearing.

MISCELLANEOUS

55. On appointment of a Commissioner to take bail including fee for drawing up and entering order in respect thereof.	1.50	The requisition.
56. On every bail bond.	0.50	The bond.

Nature	Fee	Document to be stamped
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ADMIRALTY MARSHAL'S OFFICE

ADVERTISEMENTS AS IN PART I, SECTION L

57. On lodging with the Marshal any instrument under O.67 r. 10.	£ 2.00	The instrument.
58. On the execution of any decree, order or commission.	2.00	The decree, order or commission.
59. On the appointment and swearing of appraisers.	2.00	The certificate of appraisal (unless paid by transfer).
60. On the delivery of a ship or goods to a purchaser.	2.00	} Paid by transfer.
61. On the sale of a ship or goods for every £100 or fraction of £100 of the price.	1.00	
62. On retaining possession of a ship with or without cargo, or of a ship's cargo without a ship, per day.	0.13	
63. For attending the discharge of a cargo or the removal of a ship or goods for each day of attendance. If the Marshal be required to go beyond 5 miles from his office in connection with any of the above duties he shall be entitled to charge such reasonable expenses for travelling, board and maintenance as the judge shall order.	2.00	
64. The Marshal's substitute shall, in addition to such said reasonable expenses as may be ordered, be entitled to the following fees:— (a) for execution of a warrant or commission (b) for release of a ship and cargo, or either of them, and to such further remuneration as the judge may (in special circumstances only) certify to be reasonable.	3.00 2.00	(a) and (b) The Marshal's certificate or warrant.
65. Ship keepers:— Where a ship or cargo is in the custody of the Marshal or his substitute.	The reasonable daily expenses of a ship-keeper as certified by the Marshal.	

PART III

Queen's Bench Division (Probate and Matrimonial)

CONTENTIOUS MATTERS
PROBATE

66. Settling and sealing citation.	0.50	The copy filed.
67. Sealing subpoena under section 19 of the Court of Probate Act (Ireland) 1859.	0.50	The praecipe.
68. Taking account of persons liable to account.	0.10 per 100.00 (minimum 2.00)	The requisition.

Nature	Fee	Document to be stamped
MATRIMONIAL		
	£	
69. Appointment before Registrar.	1.00	The requisition.
*70. For a certificate under the hand of a Judge or Registrar (other than a certificate under O.70 r.35) where no other fee is prescribed under this Schedule.	0.25	The requisition.
PART IV		
Queen's Bench Division (in Bankruptcy)		
SECTION A		
IN THE OFFICES OF THE REGISTRAR AND THE OFFICIAL ASSIGNEE		
71. On a debtor's summons.	2.00	The copy filed.
72. On a declaration of insolvency.	0.37	The declaration.
73. On a petition.	3.00	The petition.
74. On an application for a certificate of conformity, certificate to arranging debtor, or for annulment of adjudication.	1.00	The application.
75. On every sitting, or application to the court other than by the Official Assignee, except where fee 73, 74 or 80 is payable or in proceedings under section 88 of the Judgments (Enforcement) Act (N.I.), 1969.	0.25	The application or notice filed.
76. On a summons or subpoena for the attendance of any person before the court, except in proceedings under section 88 of the Judgments (Enforcement) Act (N.I.) 1969.	0.25	The copy filed.
77. On a bond.	0.50	The bond.
*78. On a claim of debt, whether by affidavit or otherwise, above £5 (other than for wages or salary).	0.10	The affidavit or claim.
79. On an affidavit other than a proof of debt, except an affidavit verifying a petition or in proceedings under section 88 of the Judgments (Enforcement) Act (N.I.) 1969.	0.13	The affidavit.
*80. On the audit of the account of the Official Assignee, or examination of the account of a trustee:— On the gross amount of the assets realized and brought to credit, or of the gross amount of the composition:— On the first £500—for every £100 or fraction thereof On the next £500—for every £100 or fraction thereof On the next £5,000—for every £100 or fraction thereof On all further sums For the purpose of calculating this fee, the gross amount of the composition means the amount to be provided under the terms of the composition for ordinary and preferential creditors.	3.00 2.00 1.00 Nil	The account.
81. On an application for a search, other than by the bankrupt, arranging debtor, creditors' assignee, or trustee.	0.05	The search docket.
82. Copies.	As in Part I, Section B.	

Nature	Fee	Document to be stamped
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SECTION B

IN THE OFFICE OF THE OFFICIAL ASSIGNEE

Nature	Fee	Document to be stamped
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83. (i) On the net assets realized and brought to credit, after deducting any sums paid to secured creditors in respect of their securities:—		
On the first £5,000—for every £100 or fraction thereof	7-50	
On the next £5,000—for every £100 or fraction thereof	5-00	
On all further sums—for every £100 or fraction thereof	2-50	
(ii) On the gross amount of the composition:—		
On the first £300 or fraction thereof	9-00	
On the next £1,700—for every £100 or fraction thereof	3-00	
On the next £3,000—for every £100 or fraction thereof	2-00	
On all further sums—for every £100 or fraction thereof	1-00	
For the purpose of calculating this fee, the gross amount of the composition means the amount to be provided under the terms of the composition for ordinary and preferential creditors.		These fees are paid by transfer from the estate account to the Official Assignee's fees account.
(iii) On arrangement cases taken out of court	5-00	
NOTE:—The term 'composition' in items 80 and 83 includes cash brought in by a bankrupt for the benefit of his creditors in lieu of or in addition to assets realized.		

PART V

Court of Appeal

84. On entering any interlocutory appeal.	2-00	The requisition.
85. On entering any other appeal or motion for a new trial or a case stated.	3-00	The requisition.
86. For drawing up and filing any order made on an interlocutory appeal.	0-50	The requisition.
87. For drawing up and filing any order made on any other appeal (including entering judgment).	1-00	The requisition.

Nature	Fee	Document to be stamped
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PART VI

Office of the Clerk of the Crown for Northern Ireland and
Permanent Secretary to the Supreme Court

	£	
88. For every commission for taking affidavits in the Supreme Court.	5-00	Certificate of appointment.
89. For every copy of any order.	0-50	The copy order.
90. For every office copy.	Fees as in Part I, Section B	The office copy.
91. For every certificate.	0-25	The certificate.
92. For filing any document.	0-25	The document.
93. For sealing every exemplification of orders.	2-00	The exemplification
94. On every patent granting fairs and markets.	10-00	The patent.
95. On every charter for cities and towns corporate.	10-00	The charter.
96. On every requisition to search for any record or document.	0-50	The requisition.

PART VII

Accountant-General's Office

*97. On every certificate of funds. Redating of same.	0-05 0-05	The requisition. The requisition.
*98. On every transcript of account.	0-01 per entry	The requisition.
*99. On every direction to pay exceeding £20, excepting any dividend, annuity or other periodical payment: For each £100 or part thereof.	0-05 (maximum £5-00)	The direction to pay.
*100. On every privy for lodgment.	0-10	The privy.

Nature	Fee	Document to be stamped
PART VIII		
Taxing Office		
101. On taking a cash account between solicitor and own client under the Solicitors' Acts 1849-1943, or otherwise: for every £100 or fraction of £100 of the amounts found to have been received and paid .	£ 0.02½(h)	The account.
102. On the taxation of a bill of costs: (a) where the amount allowed does not exceed £10 (b) where the amount allowed exceeds £10—for every £1 or fraction of £1 .	0.25 0.02½(h)	The bill.
Provided that 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 (including, in cases under the Solicitors' Acts 1849-1943, the fee payable in respect of the cash account).		
103. On the 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 102 if the bill had been allowed in full) as shall appear to the Taxing Master to be fair and reasonable.	The bill.

(h) Any fraction of a penny in the total amount of the fees shall be disregarded.

EXPLANATORY NOTE

(This note is not part of the Order but is intended to indicate its general purport.)

This Order revokes the Supreme Court Fees Order (Northern Ireland) 1963, as amended by the Supreme Court Fees (Amendment) Order (Northern Ireland) 1965 and converts the present Schedule of Supreme Court Fees into decimal currency.