STATUTORY RULES OF NORTHERN IRELAND

2019 No. 180

COURT OF JUDICATURE

The Court of Judicature 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(**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 Court of Judicature Fees (Amendment) Order (Northern Ireland) 2019 and shall come into operation on 1st October 2019.

(2) In this Order—

"the Aarhus Convention" means the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environment Matters done at Aarhus on 25th June 1998.

Amendments to the Court of Judicature Fees Order (Northern Ireland) 1996

2. The Court of Judicature Fees Order (Northern Ireland) 1996(**4**) is amended as follows.

3. In Article 4 (Fees to be taken in proceedings in the Court of Judicature)—

(**1**) 1978 c. 23 as amended by Article15(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); and section 59 of the Justice Act (Northern Ireland) 2016 (2016 c. 21 (N.I.))

(**2**) Article 15(4)(b) of the Northern Ireland Act 1998 (Devolution of Policing and Justice Function) Order 2010 (S.I. 2010 No. 976).

(**3**) 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. 1996 No. 100 to which relevant amendments are made by S.R. 2007 No. 376, S.R. 2009 No. 424 and S.R. 2017 No. 16; the Supreme Court Fees Order (Northern Ireland) 1996 has been renamed as a consequence of the renaming of the Supreme Court of Judicature of Northern Ireland by virtue of section 59 and paragraph 6 of Schedule 11 to the Constitutional Reform Act 2005 (2005 c. 4).

(a) in paragraph 1 after "column 1" insert "in accordance with and subject to the directions specified in that column"; and

(b) in paragraph (2) at the beginning insert "Subject to Articles 10A and 10B,".

4. In Article 9 (Exemptions and Refunds) at the beginning of paragraph (1) insert "Subject to Articles 10A and 10B,".

5. After Article 10 insert—

"**Exceptions to Remissions and Exemptions**

10A. Paragraph (2) applies where—

(a) an order under section 32 of the Judicature (Northern Ireland) Act 1978 is in operation against a person; and

(b) that person makes an application for leave to institute or continue legal proceedings.

(2) No reduction or remission under Article 4(2) or exemption under Article 9 is available in respect of the fee prescribed by this Order for the application.

(3) If the person is granted leave, they are to be refunded the difference between—

(a) the fee paid; and

(b) the fee that would have been payable if this Order had been applied without reference to this Article.

10B. No reduction or remission under Article 4(2) or exemption under Article 9 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 sections 1 to 6 of the Schedule substitute the new sections set out in the Schedule to this Order.

Saving Provision

7. The 1996 Order as it applied immediately before Article 2 of this Order came into operation, continues to apply to a judicial review or review under any statutory provision of a decision, act or omission which is subject to the provisions of the Aarhus Convention.

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

L.S.

L.S.

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

L.S.

L.S.

Emer Morelli
A senior officer of the Department of Finance

SCHEDULE Article 6

"**SECTION 1**

Fees payable in every Department of the Court of Judicature

	Column 1	*Column 2*	*Column 3*
	Item	*Fee £*	*Document to be endorsed*
A.	COMMENCEMENT OF A CAUSE OR MATTER		
1.	On sealing—		
	(a) a writ of summons, or	£261.00	The filed copy
	(b) an originating summons, except for the payment out of court of a sum not exceeding £1,500.00 or where a fee under section 6 is payable and where no other fee is specifically provided, or	£261.00	The filed copy
	(c) a writ of summons or an originating summons under Order 88, or	£195.00	The filed copy
	(d) an originating notice of motion, except a notice of appeal to the High Court, or	£261.00	The filed copy
	(e) a petition, except where a fee under section 4 or 6 of this Schedule is payable	£261.00	The filed copy
2.	On sealing an originating summons—		
	(a) on approval of a minor settlement	£195.00	The filed copy
	(b) under section 31 or 32(1) of the Administration of Justice Act 1970 for discovery before commencement of proceedings	£98.00	The filed copy
	(c) on a third party notice	£261.00	The filed copy
	(d) on a counterclaim	£261.00	The filed copy

	Column 1	*Column 2*	*Column 3*
	Item	*Fee £*	*Document to be endorsed*
3.	On a notice of motion under Order 53 for judicial review where application for leave has been granted	£261.00	The application
B.	PROGRESS OF PROCEEDINGS		
	Interlocutory applications		
4.	On sealing a summons, a notice of appointment, or a notice of motion	£151.00	The notice or summons
5.	(a) On an ex parte application to a judge for an injunction	£261.00	Ex parte docket or summons or affidavit in support of the application
	(b) On an ex parte application to a judge for approval of a minor settlement	£195.00	The ex parte docket
	(c) On an application to a Master for payment out of monies invested on behalf of a minor	£20.00	The application
	(d) On an ex parte application before a		
	(i) Master	£195.00	The ex parte docket
	(ii) judge	£261.00	
	(e) On listing of a first case management review hearing (other than in a judicial review under Order 53 and a commercial action under Order 72) before a		
	(i) Master	£195.00	The notification letter
	(ii) judge	£261.00	