STATUTORY RULES OF NORTHERN IRELAND

2017 No. 16

COURT OF JUDICATURE

The Court of Judicature 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 Court of Judicature Fees (Amendment) Order (Northern Ireland) 2017.

(2) Articles 1, 3 and 4 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—

(a) "the principal Order" means the Court of Judicature Fees Order (Northern Ireland) 2017(**5**); and

(b) "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.

(**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. 2016 No. 216.

(**5**) S.R. 1996 No. 100 to which relevant amendments are made by S.R. 2007 No. 376 and S.R. 2009 No. 424; 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).

Amendments to the principal Order

2. In Article 9(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**).".

3. For sections 1 to 6 of the Schedule to the principal Order there shall be substituted the new sections set out in the Schedule to this Order.

Saving Provision

4. The principal Order as it applied immediately before Article 3 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 16th January 2017

L.S.

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

L.S.

Emer Morelli
A senior officer of the
Department of Finance

(**6**) 2015 No. 2006 (N.I. 1).

SCHEDULE Article 3

"**SECTION 1**

Fees payable in every Department of the Court of Judicature

	Column 1	*Column 2*			*Column 3*
	Item	*Fee as from 01/04/17*	*Fee as from 01/04/18*	*Fee as from 01/04/19*	*Document to be endorsed*
A.	COMMENCEMENT OF A CAUSE OF MATTER				
1.	On sealing—				
	(a) a writ of summons, or	£220.00	£237.00	£249.00	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	£220.00	£237.00	£249.00	The filed copy
	(c) a writ of summons or an originating summons under Order 88, or	£165.00	£177.00	£186.00	The filed copy
	(d) an originating notice of motion, except a notice of appeal to the High Court, or	£220.00	£237.00	£249.00	The filed copy
	(e) a petition, except where a fee under section 4 or 6 of this Schedule is payable	£220.00	£237.00	£249.00	The filed copy
2.	On sealing an originating summons—				
	(a) on approval of a minor settlement	£165.00	£177.00	£186.00	The filed copy
	(b) under section 31 or 32(1) of the Administration of Justice Act 1970 for discovery before commencement of proceedings	£83.00	£89.00	£93.00	The filed copy
	(c) on a third party notice	£220.00	£237.00	£249.00	The filed copy
	(d) on a counterclaim	£220.00	£237.00	£249.00	The filed copy
3.	On a notice of motion under Order 53 for judicial review where application for leave has been granted	£220.00	£237.00	£249.00	The application
B.	PROGRESS OF PROCEEDINGS				
	Interlocutory applications				
4.	On a sealing a summons, a notice of appointment, or a notice of motion	£127.00	£137.00	£144.00	The notice or summons

	Column 1	*Column 2*			*Column 3*
	Item	*Fee as from 01/04/17*	*Fee as from 01/04/18*	*Fee as from 01/04/19*	*Document to be endorsed*
5.	(a) On an ex parte application to a judge for an injunction	£220.00	£237.00	£249.00	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	£165.00	£177.00	£186.00	The ex parte docket
	(c) On an application to a Master for payment out of monies invested on behalf of a minor	£17.00	£18.00	£19.00	The application
	(d) On an ex parte application before a				
	(i) Master	£165.00	£177.00	£186.00	The ex parte docket
	(ii) judge	£220.00	£237.00	£249.00	
6.	On an application to transfer an action to the commercial list	£165.00	£177.00	£186.00	The application
	Entering and setting down for trial in court				
7.	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) without a Jury	£330.00	£355.00	£373.00	The setting down docket
	(b) with a Jury	£550.00	£591.00	£621.00	
8.	(a) On setting down a cause on motion for judgement	£330.00	£355.00	£373.00	The motion or summons
	(b) Where the motion is treated as the trial of the action, in addition to the fee paid on the notice of motion	£330.00	£355.00	£373.00	The praecipe
9.	On setting down other party pleadings	£330.00	£355.00	£373.00	
	Examination of witness before trial				
10.	On the examination of a witness before trial	£55.00	£59.00	£62.00	The order
	Inquiries, trials and assessment of damages or interest by Master				

	Column 1	*Column 2*			*Column 3*
	Item	*Fee as from 01/04/17*	*Fee as from 01/04/18*	*Fee as from 01/04/19*	*Document to be endorsed*
11.	(a) On an inquiry, reference for trial or assessment of damages before a Master or Admiralty Registrar	£165.00	£177.00	£186.00	The order, judgment or certificate
	(b) On an assessment of interest before a Master	£127.00	£137.00	£144.00	The judgment
12.	On a decree, award, judgment, order or dismiss	£83.00	£89.00	£93.00	The judgment
	Appeals to Judge in Chambers				
13.	On sealing a notice of appeal from a Master or Admiralty Registrar or District Judge to Judge in Chambers	£220.00	£237.00	£249.00	The notice filed
	Appeals to High Court				
14.	On filing—				
	(a) a notice of appeal to the High Court, or	£220.00	£237.00	£249.00	The filed notice
	(b) a case stated or a special case for the opinion of the High Court pursuant to statute and setting the appeal or case down for hearing, or	£220.00	£237.00	£249.00	The case
	(c) a notice of cross-appeal to the High Court, or	£220.00	£237.00	£249.00	The notice filed
	(d) a respondent's notice of appeal to the High Court	£220.00	£237.00	£249.00	The notice filed
C.	ENFORCEMENTS OF JUDGEMENTS				
	Application in aid of enforcement				
15.	On an application for an attachment of earnings order to secure maintenance payments	£127.00	£137.00	£144.00	The affidavit in support of the application
	Registration of Foreign and Commonwealth Judgements				
16.	(a) Under Part II of the Administration of Justice Act 1920 or the Foreign Judgements (Reciprocal Enforcement) Act 1933—				
	(i) on an ex parte application to register an incoming judgment or order	£55.00	£59.00	£62.00	The affidavit in support of the application