STATUTORY RULES OF NORTHERN IRELAND

2016 No. 426

COURT OF JUDICATURE

The Court of Judicature Fees (Amendment) Order (Northern Ireland) 2016

Made - - - - 12th December 2016

Coming into operation 3rd January 2017

The Department of Justice, in exercise of the powers conferred by section 116(1), (1A) and (4) 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 and commencement

1. This Order may be cited as the Court of Judicature Fees (Amendment) Order (Northern Ireland) 2016 and shall come into operation on 3rd January 2017.

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

2.—(1) The Court of Judicature Fees Order (Northern Ireland) 1996(**4**) is amended in accordance with paragraphs (2) to (6).

(2) After Article 2(b) insert—

"(c) "value of the fund" means the market value of the investments and cash holdings as certified by the Court Funds Office;

(d) "original value" means the sum that was lodged in court; and

(**1**) 1978 c. 23 as amended by s. 106 of the Courts Act 2003 (c.39); and 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. 1996 No. 100 to which relevant amendments are made by S.R. 2007 No. 376; 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).

(e) in Articles 4(1A) and 11(1)(ii) and (2) "payments out" do not include fees taken by the Accountant General under this Order.".

(3) After Article 4(1) insert—

"(1A) Fee no. 60 shall not be taken from a fund in court held for the benefit of a minor if it would reduce the value of the fund below its original value less payments out.".

(4) In Article 7—

(a) in paragraph (1) for "paragraph (4)" substitute "paragraphs (4) and (5)"; and

(b) after paragraph (4) insert—

"(5) If the High Court or the county court so orders, fees no. 58 to no. 60 (being fees payable in the Court Funds Office) shall be taken by the Accountant General out of funds in court which are held for the benefit of a minor or patient.".

(5) After Article 10 insert—

"**11.**—(1) Paragraph (2) applies where—

(i) a minor becomes entitled to payment out in full of a fund in court; and

(ii) the value of the fund is less than its original value less payments out.

(2) Any fees taken under this Order shall be refunded up to an amount which brings the value of the fund up to the original value less payments out.".

(6) In the Schedule—

(a) in the list of sections, after "Section 6 Fees payable in the Office of Care and Protection" insert "Section 7 Fees payable in the Court Funds Office"; and

(b) after section 6 insert the new section set out in the Schedule to this Order.

Sealed with the Official Seal of the Department of Justice on 12th December 2016

L.S.

Claire Sugden
Minister of Justice