STATUTORY RULES OF NORTHERN IRELAND

2007 No. 381

FAMILY PROCEEDINGS

SUPREME COURT

COUNTY COURT

The Family Proceedings Fees (Amendment) Order (Northern Ireland) 2007

Made - - - -	*30th August 2007*
Coming into operation	*24th September 2007*

The Lord Chancellor, in exercise of the powers conferred on him by section 116(1) and (1A) of the Judicature (Northern Ireland) Act 1978(**1**), after consultation with the Lord Chief Justice and with the concurrence of the Treasury, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Family Proceedings Fees (Amendment) Order (Northern Ireland) 2007 and shall come into operation on 24th September 2007.

(2) In this Order "the 1996 Order" means the Family Proceedings Fees Order (Northern Ireland) 1996(**2**).

Amendments to the principal Order

2. After Article 7 of the principal Order insert the following new Articles—

"**Exemptions and refunds**

8.—(1) No fee shall be payable under this Order by a party who, at the time when a fee would otherwise become payable—

(a) is in receipt of any qualifying benefit, and

(b) is not in receipt of legal aid under Part II of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**3**) for the purposes of the proceedings.

(**1**) 1978 c. 23 as amended by the Courts Act 2003 (c. 39)
(**2**) S.R. 1996 No. 495 as amended by S.R. 1997 No. 177, S.R. 1998 No. 408, S.R. 2002 No. 344, S.R 2004 No. 340 and S.R. 2005 No. 560
(**3**) S.I. 1981/228 (N.I. 8)

(2) The following are qualifying benefits for the purposes of paragraph (1)(a) above—

(a) income support under the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**4**);

(b) income-based jobseeker's allowance under the Jobseekers (Northern Ireland) Order 1995(**5**);

(c) guarantee credit under the State Pension Credit Act (Northern Ireland) 2002(**6**);

(d) working tax credit, provided that—

(i) child tax credit is being paid to the party or otherwise following a claim for child tax credit made jointly by the members of a married couple or an unmarried couple (as defined respectively in section 3(5) and (6) of the Tax Credits Act 2002(**7**)) which includes the party; or

(ii) there is a disability element or severe disability element (or both) to the tax credit received by the party;

and that the gross annual income taken into account for the calculation of the working tax credit is £16,017 or less.

9.—(1) Subject to paragraph (2), where a fee has been paid at a time—

(a) when, under Article 8, it was not payable, the fee shall be refunded;

(b) where the Lord Chancellor, if he had been aware of all the circumstances, would have reduced the fee, the amount by which the fee would have been reduced shall be refunded; and

(c) where the Lord Chancellor, if he had been aware of all the circumstances, would have remitted the fee under Article 4(3), the fee shall be refunded.

(2) No refund shall be made under paragraph (1) unless the party who paid the fee applies within 6 months of paying the fee.

(3) The Lord Chancellor may extend the period of 6 months referred to in paragraph (2) if he considers that there is good reason for an application being made after the end of the period of 6 months.".

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

Signed by the authority of the Lord Chancellor

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

(**4**) 1992 c. 7
(**5**) S.I. 1995/2705 (N.I. 15)
(**6**) 2002 c. 14
(**7**) 2002 c. 21

Dated 16th August 2007
We concur

Steve McCabe
Claire Ward
Two of the Lords Commissioners
of Her Majesty's Treasury

Dated 30th August 2007

SCHEDULE Article 3

"SCHEDULE Article 4

Fees to be taken in Family Proceedings

	Column 1	Column 2	Column 3
	Item	Fee £	Document to be endorsed
1.	Commencement of Proceedings		
	(a) On sealing an originating summons	200.00	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	200.00	The filed copy
	(ii) When the petition is presented to a divorce county court or a civil partnership proceedings county court	200.00	The filed copy
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	300.00	The setting down docket
	(b) County Court petition	250.00	The setting down docket
3.	Certificate of Decree Absolute or Final Order		
	On filing an application for a certificate of Decree Absolute or Making Conditional Order Final	75.00	The filed copy

	Column 1	Column 2	Column 3
	Item	Fee £	Document to be endorsed
4.	Proceedings under the Children (Northern Ireland) Order 1995		
	On filing an application or requesting leave under the following provisions of the Children (Northern Ireland) Order 1995 –		
	Parental Responsibility, Guardians, Article 8 orders		
	(a) Article 7(1)(a) or (4), 10(1) or (2), 159(1);		
	(i) High Court	100.00	
	(ii) County Court	75.00	The filed copy
	(b) Article 13(1) or 163(1)		
	(i) High Court	75.00	
	(ii) County Court	57.50	The filed copy
	Financial Provision for Children		
	(c) paragraph 2(1), 3(1), 7(5), 16(1) of Schedule 1		The filed copy
	(i) High Court	100.00	
	(ii) County Court	75.00	
	(d) paragraph 2(4), 3(5), 6(6), 7(7), 7(8), 10(2), 12(2) or 13 of Schedule 1		
	(i) High Court	75.00	
	(ii) County Court	57.50	
	Secure Accommodation		
	(e) Article 44		
	(i) High Court	100.00	
	(ii) County Court	75.00	