STATUTORY RULES OF NORTHERN IRELAND

2007 No. 379

MAGISTRATES' COURTS

The Magistrates' Courts 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 Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 2007 and shall come into operation on 24th September 2007.

(2) In this Order "the principal Order" means the Magistrates' Courts Fees Order (Northern Ireland) 1996(**2**).

Amendments to the principal Order

2. After Article 4(4) of the principal Order insert the following:—

"(5) Where it appears to the Lord Chancellor that the payment of any fee specified in Schedule 1 would, owing to the exceptional circumstances of the particular case, involve undue hardship, he may reduce or remit the fee in that case.".

3. After Article 9 of the principal Order insert the following new Articles:—

"**Exemptions and refunds**

10.—(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

(**1**) 1978 c. 23 as amended by the Courts Act 2003 (c. 39)
(**2**) S.R. 1996 No. 102 as amended by S.R. 1996 No. 494, S.R. 1997 No. 179, S.R. 1998 No. 410, S.R. 2002 No. 343, S.R. 2004 No. 339 and S.R. 2004 No. 527

(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.

(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 2000(**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.

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

(a) when, under Article 10, 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(5), 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.".

4. For Schedules 1 and 2 to the principal Order there shall be substituted the new Schedules 1 and 2 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

(**3**) S.I. 1981/228 (N.I. 8)
(**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 4

"SCHEDULE 1 Article 4

Court Fees

A.	**In proceedings to which Part VI of the Order applies**	
	Debt Proceedings	Fee
1.	Process (ordinary, enforcement or committal)	£30.00
2.	Set-off, counterclaim, decree (including an order made on application under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981) or dismiss	£20.00
	Ejectment Proceedings	
3.	Process (including proceedings where a claim for rent or sum due under Article 69 of the Order is joined with a claim for possession ...	£30.00
4.	Decree or dismiss	£20.00
	Duplicate Orders and Extracts from Register	
5.	Notice for duplicate orders	£30.00
6.	Duplicate order.....	£30.00
7.	Certified extract from register.....	£30.00
B.	**In proceedings to which Part VII of the Order applies**	
8.	Notice of application or notice of appeal to a magistrates' court	£100.00
C.	**Appeals and case stated**	
9.	Copy notice of appeal lodged with Clerk of Petty Sessions or process in relation to civil proceedings	£100.00
10.	Copy notice of appeal lodged with Clerk of Petty Sessions for a complaint, application, appeal or process (except where appellant in prison or in respect of civil proceedings), subject to a maximum fee of £150	£30.00
11.	Written application for case stated	£100.00
12.	Case stated	£100.00

D. Notices of application under the Licensing (Northern Ireland) Order 1996

13.	(a)	Application for renewal	£272.00
	(b)	Application for protection order under Article 26	£68.00
	(c)	Application for temporary continuance of business in other premises under Article 29	£68.00
	(d)	Application for transfer	£272.00
	(e)	Application for transfer and renewal	£544.00
	(f)	Application for order for alternative permitted hours under Article 43	£272.00
	(g)	Application for order for additional permitted hours under Article 44	£272.00
	(h)	Application for order under Article 48 (suitability of certain premises for functions)	£272.00
	(i)	Additional fee for application out of time under Article 16 for each month or part of a month	£114.00
	(j)	Application for the grant of each occasional licence under Article 30 –	
		(i) for the first day	£82.00
		(ii) for each additional day	£20.00
	(k)	Application for the grant of an extension licence	£68.00
	(l)	Application for the grant of a children's certificate	£158.00
	(m)	Children's certificate	£30.00
	(n)	Application to vary/remove conditions with respect to a licence for an indoor arena under Article 77A.....	£272.00
14.	(a)	For each inspection of the register of licences as provided for under Article 35.....	£22.00
	(b)	For each copy of all or any part of any entry taken from the register of licences as provided for under Article 35 – in respect of each licensed premises	£10.00
15.		A duplicate licence, being a certified copy of particulars recorded in the register of licences, issued under Article 38(2)	£150.00

E. Applications under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985

Bookmakers' Licences and Bookmaking Office Licences

16.	A notice of application for the grant of a bookmaker's licence under Article 8(1)	£258.00
17.	A notice of application for renewal of a bookmaker's licence under Article 16(1)	£186.00