STATUTORY RULES OF NORTHERN IRELAND

# 2007 No. 378

# COUNTY COURTS

## The County Court 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 County Court Fees (Amendment) Order (Northern Ireland) 2007 and shall come into operation on 24th September 2007.

(2) In this Order "the principal Order" means the County Court 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.

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

(**1**) 1978 c. 23 as amended by the Courts Act 2003 (c. 39)
(**2**) S.R. 1996 No. 103 as amended by S.R. 1997 No. 178, S.R. 1998 No. 409, S.R. 1999 No. 136, S.R. 2002 No. 342, S.R. 2004 No. 338 and S.R. 2004 No. 526
(**3**) S.I. 1981/228 (N.I. 8)

(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(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.".

**3.** For Schedule 1 to the principal Order there shall be substituted the new Schedule 1 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

Dated 16th August 2007

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

We concur

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

Dated 30th August 2007

SCHEDULE Article 3

"SCHEDULE 1 Article 4

Fees to be taken in proceedings in County Courts

| | | |
|---|---|---|
| Section I | - | Fees in respect of proceedings not otherwise specifically provided for in any subsequent section of this Schedule. |
| Section II | - | Fees for specified proceedings within the equity and probate jurisdiction. |
| Section III | - | Fees to be taken in respect of proceedings under the Licensing (Northern Ireland) Order 1996, the Registration of Clubs (Northern Ireland) Order 1996 and the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985. |
| Section IV | - | Miscellaneous fees relating to civil proceedings and matters. |
| Section V | - | Fees in respect of applications for small claims under Article 30(3) of the Order. |
| Section VI | - | Fees to be taken in respect of proceedings under the Criminal Damage (Compensation) (Northern Ireland) Order 1977 ("the Criminal Damage Order"). |
| Section VII | - | Fees to be taken in respect of proceedings under the Family Law Act 1986. |

SECTION 1

*Fees to apply in respect of proceedings not otherwise specifically provided for in any subsequent section of this Schedule*

| Column 1<br>No. of Fee | Column 2<br>Item | | Column 3<br>Amount of Fee |
|---|---|---|---|
| 1 | On any affidavit | … | No fee |
| 2 | On an attendance of an officer to produce records (in addition to the officer's expenses) for each hour or part thereof | … | £14.00 |
| 3 | On a bond or recognizance | … | £50.00 |
| 4 | On a case stated | … | £150.00 |
| 5 | On a certificate by a court officer (inclusive of search) | … | £30.00 |
| 6 | On a civil bill, application or notice claiming (whether on foot of a contract or tort or by virtue of any enactment or otherwise) a sum of money or goods or chattels or any combination thereof of a value - | | |
| | not exceeding £1000 | … | £150.00 |
| | exceeding £1000 but not exceeding £5000 | … | £165.00 |
| | exceeding £5000 | … | £185.00 |
| 7 | On a civil bill in an ejectment action | … | £150.00 |
| 8 | On any other civil bill | … | £150.00 |
| 9 | On a third party notice | … | The same fee as on the civil bill in the action |
| 10 | On a counterclaim or set-off where the amount thereof - | | |
| | does not exceed £1000 | … | £150.00 |
| | exceeding £1000 but does not exceed £5000 | … | £165.00 |
| | exceeds £5000 | … | £185.00 |