STATUTORY RULES OF NORTHERN IRELAND

2007 No. 376

SUPREME COURT

The Supreme 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 and Commencement

1.—(1) This Order may be cited as the Supreme 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 Supreme Court Fees Order (Northern Ireland) 1996(**2**).

Amendments to the principal Order

2. After Article 8 of the principal Order insert the following new Articles—

"**Exemptions and refunds**

9.—(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. 100 as amended by S.R. 1997 No. 175, S.R. 1998 No. 406, S.R. 1999 No. 135, S.R. 2002 No. 341, S.R. 2004 No. 337 and S.R. 2005 No. 561
(**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.

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

(a) when, under Article 9, 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(2), 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

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 Article 4

Section 1 Fees payable in every Department of the Supreme Court
Section 2 Fees payable in the Central Office
Section 3 Fees payable in the Office of the Lord Chief Justice
Section 4 Fees payable in the Bankruptcy and Companies Office
Section 5 Fees payable in the Taxing Office
Section 6 Fees payable in the Office of Care and Protection

SECTION 1

Fees payable in every Department of the Supreme Court

Column 1	Column 2	Column 3
Item	Fee £	Document to be endorsed
A. COMMENCEMENT OF A CAUSE OR MATTER		
1. On sealing –		
(*a*) a writ of summons, or	200.00	The filed copy
(*b*) an originating summons, except for the payment out of court of a sum not exceeding £1,500 or where a fee under section 6 is payable and where no other fee is specifically provided, or,	200.00	The filed copy
(*c*) a writ of summons or an originating summons under Order 88, or	150.00	The filed copy
(*d*) an originating notice of motion, except a notice of appeal to the High Court, or	200.00	The filed copy
(*e*) a petition, except where a fee under section 4 or 6 of this Schedule is payable	200.00	The filed copy