STATUTORY RULES OF NORTHERN IRELAND

2002 No. 344

FAMILY PROCEEDINGS
SUPREME COURT
COUNTY COURT

The Family Proceedings Fees (Amendment) Order (Northern Ireland) 2002

Made - - - - 5th November 2002

Coming into operation in accordance with Article 1

The Lord Chancellor, in exercise of the powers conferred on him by section 116(1) and (4) 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) 2002 and, subject to paragraph (2), shall come into operation on 2nd December 2002.

(2) Articles 3 and 4 shall come into operation on 3rd March 2003.

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

Interpretation of the principal Order

3. Article 2 of the principal Order shall be amended as follows –

(a) the word "and" shall be deleted from the end of paragraph (b); and

(b) after paragraph (c) there shall be added the following new paragraphs –

"(d) "credit card" means a card which –

(i) may be used on its own to pay for goods or services or to withdraw cash, and

(ii) enables the holder to make purchases and to draw cash up to a prearranged limit;

(**1**) 1978 c. 23

(**2**) S.R. 1996 No. 495 to which the most recent relevant amendments were effected by S.R. 1998 No. 408

(e) "debit card" means a card which may be used as a means of payment under arrangements which do not provide for the extension of credit to the cardholder, but provide for amounts paid by means of the card to be debited to a specified account in his name (or in his name jointly with one or more others); and

(f) "payment instrument" means a cheque or payable order.".

Manner in which fees are to be taken

4. For paragraph (1) of Article 5 of the principal Order there shall be substituted the following new paragraph –

"(1) Subject to Article 7 of this Order, the fees prescribed in the Schedule shall be taken –

(a) in cash; or

(b) by credit card payment; or

(c) by debit card payment; or

(d) by payment instrument.".

Fees to be taken in family proceedings

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

Dated 29th October 2002 *Irvine of Lairg,* C.

We concur,

Jim Fitzpatrick
John Heppell
Two of the Lords Commissioners of Her Majesty's Treasury

Dated 5th November 2002

SCHEDULE Article 5

"SCHEDULE Article 4

FEES TO BE TAKEN IN FAMILY PROCEEDINGS

Column 1 *Item*	Column 2 *Fee* £	Column 3 *Document to be endorsed*
1. *Commencement of Proceedings*		
(a) On sealing an originating summons	170·00	The filed copy
(b) On presenting any petition other than a second petition presented with leave granted under rule 2.6(3) –		
(i) When the petition is presented to the High Court	165·00	The filed copy
(ii) When the petition is presented to a divorce county court.	150·00	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	95·00	The setting down docket
(b) County Court petition	80·00	The setting down docket
3. *Certificate of Decree Absolute*		
On filing an application for a certificate of Decree Absolute	22·00	The filed copy
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		

Column 1 *Item*	Column 2 *Fee* *£*	Column 3 *Document to be endorsed*
(a) Article 7(1)(a) or (4), 10(1) or (2), 159(1);	33·00	The filed copy
(b) Article 13(1) or 163(1)	22·00	The filed copy
Financial Provision for Children		
(c) Paragraph 2(1), 3(1), 7(5), 16(1) of Schedule 1	33·00	The filed copy
(d) Paragraph 2(4), 3(5), 6(6), 7(7), 7(8), 10(2), 12(2), or 13 of Schedule 1	22·00	
Secure Accommodation		
(e) Article 44	No fee	
Care, Supervision etc		
(f) Article 50	60·00	The filed copy
(g) Article 52(7), 57(8)(b), 58(1), (2), (3) or (4), paragraph 6(3) of Schedule 3 or paragraph 10(3) of Schedule 8.	22·00	The filed copy
Contact with Child in Care		
(h) Article 53(2), (3), (4) or (9)	22·00	The filed copy
Placement Abroad		
(i) Article 33(1)	22·00	The filed copy
Education Supervision		
(j) Article 55(1)	60·00	The filed copy
(k) Paragraph 5(2) or 7(1) of Schedule 4	22·00	The filed copy
Child Assessment		
(l) Article 62(1)	60·00	The filed copy
(m) Article 62(12)	22·00	The filed copy
Emergency Protection		
(n) Article 63, 64 and 67	No fee	