STATUTORY RULES OF NORTHERN IRELAND

1996 No. 495

FAMILY PROCEEDINGS
SUPREME COURT
COUNTY COURT

The Family Proceedings Fees Order (Northern Ireland) 1996

Made - - - -	*15th October 1996*
Coming into operation	*4th November 1996*

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 and commencement

1. This Order may be cited as the Family Proceedings Fees Order (Northern Ireland) 1996 and shall come into operation on 4th November 1996.

Interpretation

2. In this Order

(a) expressions used in the Family Proceedings Rules (Northern Ireland) 1996(**2**) have the same meaning as in those rules;

(b) a rule referred to by number means the Rule so numbered in the Family Proceedings Rules (Northern Ireland) 1996; and

(c) "the Schedule" means the Schedule to this Order.

Revocation

3. The Matrimonial Causes Fees Order (Northern Ireland) 1996(**3**) is hereby revoked.

(**1**) 1978 c. 23
(**2**) S.R. 1996 No. 322
(**3**) S.R. 1996 No. 105

Fees payable in family proceedings

4.—(1) The fees set out in column 2 of the Schedule shall be payable in respect of the items specified in column 1 of that Schedule whether the proceedings are in the High Court or in a county court.

(2) If any question arises with regard to the payment of a fee, the proper officer or the chief clerk, as the case may be, may report the matter to the Lord Chancellor and obtain his directions thereon.

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

Manner in which Fees are to be taken

5.—(1) Subject to Article 7 of this Order the fees prescribed in the Schedule shall be taken in cash.

(2) Payment of the appropriate court fee shall be endorsed on the relevant document (that is the document indicated in column 3 of the Schedule) by mechanical means or, where this means is not available, the person to whom the fee is paid shall endorse the relevant document by writing thereon the amount and date of payment and shall sign the endorsement.

(3) Where fees are payable under this Order in respect of any item and there is no document in reference to that item on which an endorsement can be made, the person requesting the action to which the item relates shall make the request by a requisition or note in writing which shall be endorsed as to payment of the appropriate fee in accordance with paragraph (2).

Application of Fees

6. All fees received by virtue of the Schedule shall, unless otherwise appropriated in aid, be paid into the Consolidated Fund.

Disapplication of county court fees

7. Fees numbered 5, 14, 17, 21, 22, 23, 26 and 27 in Section 1 of Schedule 1 to the County Court Fees Order (Northern Ireland) 1996(**4**) shall not apply to family proceedings in a county court.

Dated 10th October 1996 *Mackay of Clashfern,* C.

We concur

Patrick McLaughlin
Roger M. Knapman
Two of the Lords Commissioners of Her Majesty's Treasury

Dated 15th October 1996

(**4**) S.R. 1996 No. 103

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		
1		
(a) (a) On sealing an originating summons	125·00	The filed copy
(b) (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	135·00	The filed copy
(ii) When the petition is presented to a divorce county court	115·00	The filed copy
NOTE: Fees to include provision for the number of initial copies required for service		
2 Proceedings under the Children (Northern Ireland) Order 1995		
2. On filing an application or requesting leave under the following provisions of the Children (Northern Ireland) Order 1995—		
Parental Responsibility Guardians, Article 8 orders	30·00	The filed copy
(a) Article 7(1)(*a*) or (4), 10(1) or (2), 159(1);		
(b) (b) Article 13(1) or 163(1)	20·00	The filed copy
Financial Provision for Children	30·00	The filed copy
(c) paragraph 2(1), 3(1), 7(5), 16(1) of Schedule 1		
(d) (d) paragraph 2(4), 3(5), 6(6), 7(7),	20·00	

Column 1 *Item*	Column 2 *Fee £*	Column 3 *Document to be endorsed*
7(8), 10(2), 12(2) or 13 of Schedule 1		
Secure Accommodation	No fee	
(e) Article 44		
Care, Supervision etc	50·00	The filed copy
(f) Article 50		
(g) (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	20·00	The filed copy
Contact with child in care	20·00	The filed copy
(h) Article 53(2), (3), (4) or (9)		
Placement Abroad	20·00	The filed copy
(i) Article 33(1)		
Education supervision	50·00	The filed copy
(j) Article 55(1)		
(k) (k) paragraph 5(2) or 7(1) of Schedule 4	20·00	The filed copy
Child Assessment	50·00	The filed copy
(l) Article 62(1)		
(m) (m) Article 62(12)	20·00	The filed copy
Emergency Protection	No fee	
(n) Article 63, 64 and 67		
Recovery of children	No fee	
(o) Article 69		
Miscellaneous	20·00	The filed copy
(p) Article 178		
(q) (q) On commencing an appeal under Article 166 or Article 41(11)		
(i) to the county court	36·00	
(ii) to the High Court	40·00	

NOTE: Where an application requires leave of the court the relevant fee applies where leave is sought but no further fee may be charged if leave is granted and the application is made.