STATUTORY RULES OF NORTHERN IRELAND

1996 No. 105

MATRIMONIAL CAUSES
SUPREME COURT
COUNTY COURTS

The Matrimonial Causes Fees Order (Northern Ireland) 1996

Made - - - -	*14th March 1996*
Coming into operation	*1st April 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 Matrimonial Causes Fees Order (Northern Ireland) 1996 and shall come into operation on 1st April 1996.

Interpretation

2. In this Order—

(a) expressions used in the Matrimonial Causes Rules (Northern Ireland) 1981(**2**), have the same meaning as in those Rules;

(b) a rule referred to by number means the rule so numbered in the Matrimonial Causes Rules (Northern Ireland) 1981;

(c) "the County Court Fees Order" means the County Court Fees Order (Northern Ireland) 1996(**3**); and

(d) Schedules 1 and 2 mean Schedules 1 and 2 respectively to this Order.

Revocation

3. The Orders specified in Schedule 2 are hereby revoked.

(**1**) 1978 c. 23
(**2**) S.R. 1981 No. 184; as amended by S.R. 1989 No. 246
(**3**) S.R. 1996 No. 103

Fees payable in all matrimonial proceedings

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

(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 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.

Manner in which fees are to be taken

5.—(1) Subject to Article 7 the fees prescribed in Schedule 1 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 Schedule 1 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 Schedule 1 shall, unless otherwise appropriated in aid, be paid into the Consolidated Fund.

Disapplication of county court fees

7. Fees numbered 5, 14, 17, 21, 23, 26 and 27 in Section 1 of Schedule 1 to the County Court Fees Order shall not apply to matrimonial proceedings in a divorce county court.

Dated 11th March 1996 *Mackay of Clashfern,* C.

We concur

Derek Conway
Simon Burns
Two of the Lords Commissioners of Her Majesty's Treasury

Dated 14th March 1996

SCHEDULE 1 Article 4

Fees to be taken in all Matrimonial Proceedings

Column 1 Item	Column 2 Fee £	Column 3 Document to be endorsed
Commencement of Proceedings	125·00	The filed copy
1. On sealing an originating summons—		
2. On presenting any petition other than a second petition presented with leave granted under rule 10(3)—	135·00	The filed copy
(a) When the petition is presented to the the High Court		
(b) (b) 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		
Applications for Ancillary Relief	30·00	The filed copy
3. On filing a notice of application for ancillary relief		
Application concerning Children	30·00	The filed copy
4. On an application for an order relating to the custody or education, access, committal to care of, or provision of supervision for, a child, except where the application is for an order by consent		
Other Applications in Proceedings	30·00	The filed copy
5. On any application in matrimonial proceedings, except where it is otherwise provided for in this Schedule, or is for an order by consent, made		
(i) to a master or registrar		
(ii) to a judge	40·00	The filed copy