STATUTORY RULES OF NORTHERN IRELAND

1996 No. 103

COUNTY COURTS

The County Court 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 County Court Fees Order (Northern Ireland) 1996 and shall come into operation on 1st April 1996.

Interpretation

2. In this Order, unless the context otherwise requires:

(a) "the Order" means the County Courts (Northern Ireland) Order 1980(**2**);

(b) "the County Court Rules" means the County Court Rules (Northern Ireland) 1981(**3**);

(c) an Order or Rule referred to by number means an Order or Rule so numbered in the County Court Rules;

(d) expressions used in the County Court Rules have the same meanings as in those Rules;

(e) Schedules 1 and 2 mean Schedules 1 and 2 respectively to this Order;

(f) a fee or column referred to by number means the fee or column so numbered in Schedule 1.

Revocation and saving

3. The County Court Fees Order (Northern Ireland) 1994(**4**), the County Court Fees (Amendment) Order (Northern Ireland) 1995(**5**) and the County Court Fees (Amendment No. 2)

(**1**) 1978 c. 23
(**2**) S.I. 1980/397 (N.I. 3)
(**3**) S.R. 1981 No. 225
(**4**) S.R. 1994 No. 280
(**5**) S.R. 1995 No. 221

Order (Northern Ireland) 1995(**6**) are hereby revoked except in relation to any civil bill served before 1st September 1995.

Fees to be taken in proceedings in county courts

4.—(1) Without prejudice to paragraph (3) the fees set out in column 3 shall be payable in proceedings in county courts in respect of the items set out opposite thereto in column 2.

(2) The fees prescribed by this Order in respect of any proceedings shall be payable by the party at whose instance the proceeding is taken and before it is taken.

(3) The fees prescribed in Schedule 1 shall not be payable in respect of proceedings under the Marriages Act (Northern Ireland) 1954(**7**) or other proceedings which are exempt by statute.

(4) If any question arises with regard to the payment of a fee, the chief clerk may report the matter to the Lord Chancellor and obtain his directions thereon.

(5) 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 hardship, he may reduce or remit the fee in that case.

Manner in which fees are to be taken

5.—(1) 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 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).

Fees for service of summonses and processes

6. There shall be paid to a process server, in addition to any salary payable to him, the fees set out in Schedule 2 and such fees shall be paid by the person on whose behalf service is to be effected at the time that the document to be served is sent or delivered to the process server.

Application of fees

7. All fees received by virtue of Schedule 1 shall, unless otherwise appropriated in aid, be paid into the Consolidated Fund.

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

(**6**) S.R. 1995 No. 290
(**7**) 1954 c. 21 (N.I.)

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 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 1990 and the Registration of Clubs (Northern Ireland) Order 1987.
Section IV	—	Miscellaneous fees relating to civil proceedings and matters.
Section V	—	Fees in respect of applications for arbitration under Article 30(3) of the Order.
Section VI	—	Fees to be taken in respect of proceedings under the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 (“the Criminal Injuries Order”) and 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 I

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

Column 1 *No. of Fee*	Column 2 *Item*		Column 3 *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 day or part thereof	…	£12·00
3	On a bond or recognizance	…	£4·00
4	On a case stated	…	£40·00
5	On a certificate of taxation of costs	…	£10
6	On a certificate by a court officer (inclusive of search)	…	£8·00
7	On a civil bill, application or notice claiming (whether on foot of a contract or tort or by virtue of anyenactment or otherwise) a sum of money or goods or chattels or any combination thereof of a value—		
	not exceeding £500	…	£80·00

Note:

(1) In the application of item 7 to proceedings under the Judgments Enforcement (Northern Ireland) Order 1981 the fee on an Enforcement Civil Bill shall be the same as is payable on a civil bill for the amount claimed; and on a Committal Civil Bill shall be the same as for a civil bill for the amount of the instalment.

(2) The fees prescribed above at items 7 and 11 and at item 21 cover all necessary copies for service, entries in the Office and all notices of application to the Judge or to the District Judge, and all other notices (not otherwise specifically provided for) filed in the Office during the course of the action or matter and before final judgment.