1994 No. 283

SUPREME COURT

Supreme Court Fees Order (Northern Ireland) 1994

Made	*21st July 1994*
Coming into operation . .	*1st September 1994*

The Lord Chancellor, after consultation with the Lord Chief Justice and with the concurrence of the Treasury, in exercise of the powers conferred on him by section 116(1) and (4) of the Judicature (Northern Ireland) Act 1978(**a**), hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Supreme Court Fees Order (Northern Ireland) 1994 and shall come into operation on 1st September 1994.

Interpretation

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

(*a*) an Order or rule referred to by number means an Order or rule so numbered in the Rules of the Supreme Court (Northern Ireland) 1980(**b**) and expressions defined in those Rules shall have the same meaning in this Order; and

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

Revocation

3. The Supreme Court Fees Order (Northern Ireland) 1991(**c**), the Supreme Court Fees (Amendment) Order (Northern Ireland) 1991(**d**) and the Supreme Court Fees (Amendment) Order (Northern Ireland) 1992(**e**) are hereby revoked.

Fees to be taken in proceedings in the Supreme Court

4.—(1) The fees set out in column 2 shall be payable in proceedings in the Supreme Court in respect of the items set out opposite thereto in column 1.

(2) 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.

(a) 1978 c. 23
(b) S.R. 1980 No. 346
(c) S.R. 1991 No. 291
(d) S.R. 1991 No. 440
(e) S.R. 1992 No. 220

Provisions of Order not to apply

5. The provisions of this Order shall not apply to—

(*a*) non-contentions probate business;

(*b*) criminal proceedings (except proceedings on the Crown side of the Queen's Bench Division to which the scale contained in the Schedule is applicable); and

(*c*) matrimonial proceedings.

Fees in foreign convention proceedings

6. Where by any convention entered into by Her Majesty with any foreign power it is provided that no fee shall be required to be paid in respect of any proceedings, the fees specified in this Order shall not be taken in respect of those proceedings.

Manner in which fees are to be taken

7.—(1) Subject to paragraph (4), 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) 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).

(4) Fees No. 24(*b*) and (*d*) (being certain fees payable in an Admiralty matter) shall be taken by transfer from money in court.

Application of fees

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

Dated 19th July 1994 *Mackay of Clashfern,* C.

We concur

Tim Kirkhope
Andrew Mackay

Dated 21st July 1994 Two of the Lords Commissioners of Her Majesty's Treasury

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	100·00	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	100·00	The filed copy
(*c*) a writ of summons or an originating summons under Order 88, or	85·00	The filed copy
(*d*) an originating notice of motion, except a notice of appeal to the High Court, or	100·00	The filed copy
(*e*) a petition, except where a fee under Section 4 or 6 of this Schedule is payable	100·00	The filed copy
2. On sealing an originating summons—		
(*a*) on approval of a minor settlement	25·00	The filed copy
(*b*) under section 31 or 32(1) of the Administration of Justice Act 1970 for discovery before commencement of proceedings	20·00	The filed copy
3. On an application for leave to apply for judicial review under Order 53	30·00	The application
Provided that where the applicant obtains leave to move, credit for this fee is to be given against the fee payable in item 1		

Column 1	Column 2	Column 3
Item	*Fee* £	*Document to be endorsed*
B. PROGRESS OF PROCEEDINGS		
Interlocutory applications		
4. On sealing a summons, a notice of appointment, or notice of motion	20·00	The notice or summons
5. On an ex parte application to a Judge for an injunction	25·00	Ex parte docket or summons or affidavit in support of the application
Entering and setting down for trial in court		
6. 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	50·00	The setting down docket
7. On setting down a cause on motion for judgment	25·00	The motion or summons
Examination of witness before trial		
8. On the examination of a witness before trial	10·00	The order
Inquiries, trials and assessment of damages or interest by Master		
9. (*a*) On an inquiry, reference for trial or assessment of damages before a Master or Admiralty Registrar	25·00	The order, judgment or certificate
(*b*) On an assessment of interest before a Master	5·00	The judgment
Appeals to Judge in Chambers		
10. On sealing a notice of appeal from a Master or Admiralty Registrar or District Judge to Judge in Chambers	25·00	The notice filed
Appeals to High Court		
11. On filing—		
(*a*) a notice of appeal to the High Court, or	25·00	The notice filed
(*b*) a case stated or a special case for the opinion of the High Court pursuant to statute and setting the appeal or case down for hearing, or	25·00	The case
(*c*) a notice of cross-appeal to the High Court, or	15·00	The notice filed
(*d*) a respondent's notice of appeal to the High Court	15·00	The notice filed

Column 1	Column 2	Column 3
Item	*Fee* £	*Document to be endorsed*
C. ENFORCEMENT OF JUDGMENTS		
Application in aid of enforcement		
12. On an application for an attachment of earnings order to secure maintenance payments	5·00	The affidavit in support of the application
Registration of Foreign and Commonwealth Judgments		
13. (*a*) Under Part II of the Administration of Justice Act 1920 or the Foreign Judgments (Reciprocal Enforcement) Act 1933—		
(i) on an *ex parte* application to register an incoming judgment or order	20·00	The affidavit in support of the application
(ii) on providing a certified copy of a judgment or order for use abroad	20·00	The affidavit in support of the application
(*b*) Under the Maintenance Orders Act 1950 or the Maintenance and Affiliation Orders Act (Northern Ireland) 1966—		
(i) on an *ex parte* application to register an outgoing order	3·00	The affidavit in support of the application
(ii) on processing an incoming registration	3·00	The affidavit or order
(*c*) Under the Maintenance Orders (Facilities for Enforcement) Act 1920—		
(i) on an *ex parte* application to register an outgoing order	15·00	The affidavit in support of the application
(ii) on processing an incoming registration	15·00	The affidavit or order
(*d*) Under the Maintenance Orders (Reciprocal Enforcement) Act 1972—		
on an *ex parte* application to register an outgoing order	15·00	The affidavit or statement in support of the application
Enforcement of Artibrarion Award		
14. On an application for leave to enforce an arbitration award	15·00	The application