1991 No. 292

MATRIMONIAL CAUSES

SUPREME COURT

COUNTY COURTS

The Matrimonial Causes Fees Order (Northern Ireland) 1991

Made	*3rd July 1991*
Coming into operation . .	*1st August 1991*

The Lord Chancellor, in exercise of the powers conferred on him by section 116(1) and (4) of the Judicature (Northern Ireland) Act 1978(**a**), 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) 1991 and shall come into operation on 1st August 1991.

Interpretation

2. In this Order—

(*a*) expressions used in the Matrimonial Causes Rules (Northern Ireland) 1981(**b**), 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) 1991(**c**).

Revocation

3. The Matrimonial Causes Fees Order (Northern Ireland) 1989(**d**) is hereby revoked.

Fees payable in all matromonial proceedings

4.—(1) The fees set out in column 2 of the Schedule to this Order 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 the Schedule.

(**a**) 1978 c. 23
(**b**) S.R. 1981 No. 184; as amended by S.R. 1989 No. 246
(**c**) S.R. 1991 No. 121
(**d**) S.R. 1989 No. 433

(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 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.

Transitional

7. Notwithstanding the revocation by this Order of the Matrimonial Causes Fees Order (Northern Ireland) 1989, payment of any fee prescribed in the Schedule to this Order:—

(*a*) if payable in respect of proceedings in the High Court, and

(*b*) if paid on or before 31st December 1991 in respect of proceedings commenced on or before that date,

may be made in the same manner as under that Order and in any such case Article 5 of this Order shall not apply.

Disapplication of county court fees

8. Fees numbered 5, 14, 19, 23, 25, 28 and 29 in Schedule 1 to the County Court Fees Order shall not apply to matrimonial proceedings in a divorce county court.

Dated 3rd July 1991 *Mackay of Clashfern,* C.

We concur

Sydney Chapman
Nicholas Baker

Dated 5th July 1991 Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE Article 4

Fees to be taken in all Matrimonial Proceedings

Column 1	Column 2	Column 3
Item	*Fee*	*Document to be endorsed*
	£	
Commencement of Proceedings		
1. On sealing an originating summons	25·00	The filed copy
2. On presenting any petition other than a second petition presented with leave granted under rule 10(3)—		
(*a*) when the petition is presented to the High Court	55·00	The filed copy
(*b*) when the petition is presented to a divorce county court	40·00	The filed copy
Applications for Ancillary Relief		
3. On filing a notice of application for ancillary relief	15·00	The filed copy
Applications concerning Children		
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	15·00	The filed copy
Other Applications in Proceedings		
5. On any application in matrimonial proceedings, except where it is otherwise provided in this Schedule, or is for an order by consent, made		
(i) to a Master or registrar	10·00	The filed copy
(ii) to a judge	15·00	The filed copy
Writs of Subpoena and Witness Summonses		
6. On sealing a writ of subpoena or issuing a witness summons, per person	2·00	The filed copy
Copies of documents		
(i) Personal Applications		
7. (*a*) For a copy of all or part of any document, issued as an office copy, for each page	0·25	The requisition