1991 No. 291

SUPREME COURT

Supreme Court Fees Order (Northern Ireland) 1991

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

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) 1991 and shall come into operation on 1st August 1991.

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) (Revision) 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) 1990(**c**) is 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.

Provisions of Order not to apply

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

(*a*) non-contentious probate business;

(**a**) 1978 c. 23
(**b**) S.R. 1980 No. 346
(**c**) S.R. 1990 No. 109

(*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) and Article 9, 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.

Transitional

9. Notwithstanding the revocation by this Order of the Supreme Court Fees Order (Northern Ireland) 1990, payment of the fees prescribed in the Schedule may be made in the same manner as under that Order if paid on or before 31st December 1991 in relation to proceedings commenced on or before that date and in any such case Article 7 of this Order shall not apply.

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

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	70·00	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	70·00	The filed copy
	(*c*) an originating notice of motion, except a notice of appeal to the High Court, or	70·00	The filed copy
	(*d*) a petition, except where a fee under section 4 or 6 of this Schedule is payable	70·00	The filed copy
	2. On sealing an originating summons—		
	(*a*) on approval of a minor settlement	10·00	The filed copy
	(*b*) under section 31 or 32(1) of the Administration of Justice Act 1970 for discovery before commencement of proceedings	10·00	The filed copy

Column 1	Column 2	Column 3
Item	*Fee* £	*Document to be endorsed*
3. On an application for leave to apply for judicial review under Order 53: Provided that where the applicant obtains leave to move, credit for this fee is to be given against the fee payable in item 1	10·00	The application
B. PROGRESS OF PROCEEDINGS		
Interlocutory applications		
4. On sealing a notice of appointment, summons, or notice of motion	10·00	The notice or summons
5. On an ex parte application to a Judge for an injunction	15·00	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 in this Schedule	30·00	The setting down docket
7. On setting down a cause on motion for judgment	10·00	The motion or summons
Examination of witness before trial		
8. On the examination of a witness before trial	5·00	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	15·00	The order, judgment or certificate
(*b*) On an assessment of interest before a Master	2·00	The judgment

	Column 1	Column 2	Column 3
	Item	*Fee* £	*Document to be endorsed*
	Appeals to Judge in Chambers		
	10. On sealing a notice of appeal from a Master or Admiralty Registrar or Circuit Registrar to Judge in Chambers	15·00	The notice filed
	Appeals to High Court		
	11. On filing—		
	(*a*) a notice of appeal to the High Court, or	15·00	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	15·00	The case
	(*c*) a notice of cross-appeal to the High Court, or	10·00	The notice filed
	(*d*) a respondent's notice of appeal to the High Court	10·00	The notice filed
C.	ENFORCEMENT OF JUDGMENTS		
	Application in aid of enforcement		
	12. On an application for an attachment of earnings order to secure maintenance payments	2·00	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	10·00	The affidavit in support of the application
	(ii) on providing a certified copy of a judgment or order for use abroad	10·00	The affidavit in support of the application