1989 No. 433

MATRIMONIAL CAUSES

SUPREME COURT

COUNTY COURTS

The Matrimonial Causes Fees Order (Northern Ireland) 1989

Made	*7th November 1989*
Coming into operation . .	*1st December 1989*

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) 1989 and shall come into operation on 1st December 1989.

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) 1989(**c**).

Revocation

3. The Matrimonial Causes Fees Order (Northern Ireland) 1981(**d**), the Matrimonial Causes Fees (Amendment) Order (Northern Ireland) 1984(**e**) and the Matrimonial Causes Fees (Amendment) Order (Northern Ireland) 1986(**f**) are hereby revoked.

(**a**) 1978 c. 23
(**b**) S.R. 1981 No. 184 as amended by S.R. 1989 No. 246
(**c**) S.R. 1989 No. 279
(**d**) S.R. 1981 No. 195
(**e**) S.R. 1984 No. 420
(**f**) S.R. 1986 No. 233

Fees payable in all matrimonial proceedings

4. The fees set out in column 2 of the Schedule to this Order shall be taken 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.

Payment of fee causing undue hardship

5. Where it appears to the Lord Chancellor that the payment of any fee prescribed by this Order 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 in the High Court

6.—(1) The fees prescribed by this Order shall, where taken in proceedings in the High Court, be taken by adhesive or impressed stamp.

(2) The document to be stamped shall be the document indicated in column 3 of the Schedule.

(3) Any adhesive or impressed stamp used for the purpose of this Order shall be of such design and character as the Commissioners of Inland Revenue may from time to time adopt.

Meaning of impressed stamp and adhesive stamp

7. For the purpose of this Order an impressed stamp means an impressed Northern Ireland fee stamp, and an adhesive stamp means an adhesive Northern Ireland judicature fee stamp.

Cancellation of adhesive stamp

8. Every adhesive stamp used in pursuance of this Order shall be cancelled by the proper officer of the High Court.

Manner in which fees are to be taken in a divorce county court

9.—(1) Subject to Article 11 the fees prescribed by this Order shall, where taken in proceedings in a divorce county court, be taken in cash.

(2) Payment of the appropriate 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.

Application of fees

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

Transitional

11. Notwithstanding the revocation by this Order of the Matrimonial Causes Fees Order (Northern Ireland) 1981, payment of the fees prescribed in the Schedule to this Order may, if paid on or before 31st December 1989 in relation to proceedings commenced on or before that date, be made in the same manner as under that Order and in any such case Article 9 of this Order shall not apply.

Application

12. 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 7th November 1989 — *Mackay of Clashfern,* C.

We concur — *John Taylor*
Stephen Dorrell

Dated 13th November 1989 — Two of the Lords Commissioners of Her Majesty's Treasury