1989 No. 280

MAGISTRATES' COURTS

The Magistrates' Courts Fees Order (Northern Ireland) 1989

Made	*13th July 1989*
Coming into operation . .	*1st August 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 Magistrates' Courts Fees Order (Northern Ireland) 1989 and shall come into operation on 1st August 1989.

Interpretation

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

(*a*) ''the Order'' means the Magistrates' Courts (Northern Ireland) Order 1981(**b**);

(*b*) ''the Magistrates' Courts Rules'' means the Rules for the time being in force under Article 13 of the Order;

(*c*) a Rule referred to by number means the Rule so numbered in the Magistrates' Courts Rules;

(*d*) expressions used in the Magistrates' Courts Rules have the same meanings as in those Rules;

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

(*f*) expressions used in the Judicature (Northern Ireland) Act 1978(**a**) have the same meanings as in that Act.

Revocation

3. The Orders specified in Schedule 3 are hereby revoked.

Magistrates' courts fees

4.—(1) Subject to paragraph (3) the fees set out in Schedule 1 shall be payable in respect of the items set out opposite thereto.

(**a**) 1978 c. 23
(**b**) S.I. 1981/1675 (N.I. 26)

(2) The fee prescribed by this Order in respect of any proceeding shall be payable by the party at whose instance the proceeding is taken and, except in the case of the proceedings referred to in Article 5(3), before the proceeding is taken.

(3) The fees set out in Schedule 1 shall be remitted where such fees, if taken, would be payable by the Director of Public Prosecutions for Northern Ireland, the Royal Ulster Constabulary or the armed forces of the Crown.

(4) For the purpose of any enactment relating to the recovery of costs or fees any fee which would but for paragraph (3) have been paid shall be deemed to have been paid.

Manner in which fees are to be taken

5.—(1) Subject to Article 10, the fees prescribed in Schedule 1 shall 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.

(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) Paragraphs (2) and (3) shall not apply to the fees payable in connection with the issue of proceedings under Article 32 of the Rates (Northern Ireland) Order 1977(**a**).

Fees for service of summonses and processes

6.—(1) The fees set out in Schedule 2 shall be payable for the service of summonses and processes.

(2) The fee shall be paid at the time when the summons or process is delivered for service to a summons server or to such person as may be authorised to serve it or is handed to the clerk of petty sessions for the district in which proceedings are brought for delivery to a summons server.

(3) A person serving a summons or process (other than a member of the Royal Ulster Constabulary) shall be entitled to be paid by the complainant the sum specified in Schedule 2.

(4) The fee payable for the service of a summons or process under Schedule 2 shall be deemed to cover the cost of postage under Rule 13(2)(*a*) or (9)(*a*) of the Magistrates' Courts Rules and for the advice of delivery of the registered or recorded delivery envelope.

Fees not required

7. Notwithstanding anything in Article 4 and Schedule 1 a fee shall not be required to be paid in respect of:—

(**a**) S.I. 1977/2157 (N.I. 28)

(*a*) any certificate of conviction or order under Rule 123 of the Magistrates' Courts Rules;

(*b*) a memorandum under Rule 94(2) of the said Rules;

(*c*) a copy order under either Rule 5(1) or Rule 9(5) of the Magistrates' Courts (Maintenance and Affiliation) Rules (Northern Ireland) 1966(**a**); or

(*d*) a certified copy order under Rule 6 of the Magistrates' Courts (Suspension of Disqualification for Driving) Rules (Northern Ireland) 1968(**b**).

Fee on warrant of commitment or distress

8. There shall be added to the total of any sum due under a warrant of commitment or distress issued to the Royal Ulster Constabulary (other than a warrant of commitment issued by virtue of Article 93 of the Order at the time of the defendant's conviction) the sum of £5·00 towards the cost of issuing and executing the warrant.

Application of fees

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

Transitional

10. Notwithstanding the revocation by this Order of the Magistrates' Courts Fees Order (Northern Ireland) 1983(**c**) payment of the fees prescribed in Schedule 1 may be made in the same manner as under that Order if paid on or before 31st October 1989 in relation to proceedings commenced on or before that date and in any such case Article 5 of this Order shall not apply.

Dated 13th July 1989 *Mackay of Clashfern*, C.

We concur, *Kenneth Carlisle*
David MacLean

Dated 18th July 1989 Two of the Lords Commissioners of Her Majesty's Treasury

(**a**) S.R. & O. (N.I.) 1966 No. 292
(**b**) S.R. & O. (N.I.) 1968 No. 175
(**c**) S.R. 1983 No. 206

Court Fees

A. In proceedings to which Part VI of the Order applies

		Fee
	Debt Proceedings	
1.	Process (ordinary enforcement or committal)	£ 5·00
2.	Set-off, counterclaim, decree (including an order made on application under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981) or dismiss	£ 4·00
	Ejectment Proceedings	
3.	Process (including proceedings where a claim for rent or sum due under Article 69 of the Order is joined with a claim for possession	£ 4·00
4.	Decree or dismiss	£ 4·00
	Duplicate Orders and Extracts from Register	
5.	Notice for duplicate orders	£ 4·00
6.	Duplicate order	£ 4·00
7.	Certified extract from register	£ 4·00

B. In proceedings to which Part VII of the Order applies

	Notice of application or notice of appeal to a Magistrates' Court	£ 6·00

C. Appeals and case stated

9.	Copy notice of appeal lodged with clerk of petty sessions for each complaint, application, appeal or process (except where appellant in prison) subject to a maximum fee of £25)	£ 5·00
10.	Written application for case stated	£ 6·00
11.	Case stated	£ 12·00

D. Notices of application under the Licensing Act (Northern Ireland) 1971

12.	(*a*) Application for renewal	£ 50·00
	(*b*) Application for protection order under Section 23	£ 15·00
	(*c*) Application for temporary continuance of business in other premises under Section 26	£ 15·00
	(*d*) Application for transfer	£ 50·00
	(*e*) Application for transfer and renewal	£100·00
	(*f*) Application for Section 29 order	£ 50·00
	(*g*) Application for Section 44 order	£ 50·00
	(*h*) Application for Section 45 order — one day plus £25 for each additional day	£ 75·00
	(*i*) Additional fee for application out of time under Section 13 for each month or part of a month	£ 25·00
	(*j*) Application for the grant of an occasional licence for first day plus £25 for each additional day	£ 17·00
	(*k*) Application for the grant of an extension licence	£ 17·00