1989 No. 279

COUNTY COURTS

The County Court 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 County Court 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 County Courts (Northern Ireland) Order 1980(**b**);

(*b*) ''the County Court Rules'' means the Rules for the time being in force under Article 47 of the Order;

(*c*) an Order or Rule referred to by number means an Order or Rule so numbered in the County Court Rules;

(*d*) expressions used in the County Court 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*) a fee or column referred to by number means the fee or column so numbered in Schedule 1;

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

Revocation

3. The County Court Fees Order (Northern Ireland) 1988(**c**) is hereby revoked.

(**a**) 1978 c. 23
(**b**) S.I. 1980/397 (N.I. 3)
(**c**) S.R. 1988 No. 419

Fees to be taken in proceedings in county courts

4.—(1) Without prejudice to paragraph (3) the fees set out in column 3 of Schedule 1 shall be payable in proceedings in county courts in respect of the items set out opposite thereto in column 2.

(2) The fees prescribed by this Order in respect of any proceeding shall be payable by the party at whose instance the proceeding is taken and before it is taken.

(3) The fees prescribed in Schedule 1 shall not be payable in respect of proceedings under the Marriages Act (Northern Ireland) 1954(**a**) or other proceedings which are exempt by statute.

(4) If any question arises with regard to the payment of a fee, the chief clerk may report the matter to the Lord Chancellor and obtain his directions thereon.

(5) Where it appears to the Lord Chancellor that the payment of any fee specified in Schedule 1 would, owing to the exceptional circumstances of the particular case, involve hardship, he may reduce or remit the fee in that case.

Manner in which fees are to be taken

5.—(1) Subject to Article 8 the fees prescribed in Schedule 1 shall be taken in cash.

(2) Payment of the appropriate court 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).

Fees for service of summonses and processes

6. There shall be paid to a process server, in addition to any salary payable to him, the fees set out in Schedule 2 and such fees shall be paid by the person on whose behalf service is to be effected at the time that the document to be served is sent or delivered to the process server.

Application of fees

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

Transitional

8. Notwithstanding the revocation by this Order of the County Court Fees Order (Northern Ireland) 1988, 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.

(a) 1954 c. 21 (N.I.)

Dated 13th July 1989

Mackay of Clashfern, C.

We concur,

Kenneth Carlisle
David MacLean
Two of the Lords Commissioners of Her Majesty's Treasury

Dated 18th July 1989

SCHEDULE 1 Article 4

FEES TO BE TAKEN IN PROCEEDINGS IN COUNTY COURTS

Section I — Fees in respect of proceedings not otherwise specifically provided for in any subsequent section of this Schedule.

Section II — Fees for specified proceedings within the equity and probate jurisdiction.

Section III — Fees to be taken under the Licensing Act (Northern Ireland) 1971 and the Registration of Clubs (Northern Ireland) Order 1987.

Section IV — Miscellaneous fees relating to civil proceedings and matters.

Section V — Fees in respect of applications for arbitration under Article 30(3) of the Order.

Section VI — Fees to be taken under the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 (''the Criminal Injuries Order'') and the Criminal Damage (Compensation) (Northern Ireland) Order 1977 (''the Criminal Damage Order'').

Section VII — Fees to be taken under the Family Law Act 1986.

SECTION 1

Fees to apply in respect of proceedings not otherwise specifically provided for in any subsequent section of this Schedule

Column 1 *No. of Fee*	Column 2 *Item*	Column 3 *Amount of Fee*
1	On any affidavit ...	No fee
2	On an attendance of an officer to produce records (in addition to the officer's expenses), for each day or part thereof ...	£ 7·00
3	On a bond or recognizance ...	£ 2·00
4	On a case stated ...	£24·00
5	On a certificate of taxation of costs ...	£ 6·00
6	On a certificate by a court officer (inclusive of search) ...	£ 4·00
7	On an ordinary, default or summary civil bill, application or notice claiming (whether on foot of a contract or tort or by virtue of any enactment or otherwise) a sum of money or goods or chattels or any combination thereof of a value—	

Column 1 *No. of Fee*	Column 2 *Item*	Column 3 *Amount of Fee*
	not exceeding £500 ...	£30·00
	exceeding £500 but not exceeding £2,000 ...	£45·00
	exceeding £2,000 ...	£50·00
8	On a civil bill in an ejectment action ...	£42·00
9	On any other civil bill ...	£42·00
10	On a third party notice ...	the same fee as on the civil bill in the action
11	On a counterclaim or set-off where the amount thereof—	
	does not exceed £500 ...	£15·00
	exceeds £500 but does not exceed £2,000 ...	£23·00
	exceeds £2,000 ...	£25·00
12	On a copy of any document filed or any record kept in the Office (including comparison) — per page ...	£ 1·00
13	On a comparison of a document filed in the Office — per page ...	£ 1·00
14	On a decree, award, judgment, order or dismiss (other than an interlocutory order) ...	£18·00
15	On an interlocutory order including an order for payment out of, or transfer or investment of, funds in court ...	No fee
16	On the entry of any defence ...	£ 6·00
17	On late entry of a civil bill or defence, unless the Judge otherwise orders ...	£10·00
18	On the entry of a remitted action ...	£ 6·00
19	On a notice of appeal to a county court (not otherwise provided for) ...	£18·00
20	On a notice of application to the Judge for payment of funds out of court ...	£ 2·00
21	On any notice or other document in an application to the Accountant General for payment out or transfer of funds and securities in court ...	No fee