1983 No. 206

MAGISTRATES' COURTS

Magistrates' Courts Fees Order (Northern Ireland) 1983

Made . . . . . *25th July 1983*

Coming into operation . . . *1st September 1983*

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) 1983 and shall come into operation on 1st September 1983.

Revocation

2. The Magistrates' Courts Fees Order (Northern Ireland) 1979(**b**), the Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 1980(**c**), the Magistrates' Courts Fees (Amendment No. 2) Order (Northern Ireland) 1980(**d**) and the Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 1981(**e**) are hereby revoked.

Interpretation

3. In this Order, unless the context otherwise requires—

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

(*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 meaning as in those Rules;

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

Fees to be taken in magistrates' courts

4.—(1) The fees set out in Schedule 1 shall be taken in the magistrates' courts in respect of the items set out opposite thereto.

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

5.—(1) Subject to paragraph (2), court fees shall be payable in accordance with Schedule 1 on the documents specified in that Schedule, and payment of the

(a) 1978 c. 23
(b) S.R. 1979 No. 159
(c) S.R. 1980 No. 88
(d) S.R. 1980 No. 238
(e) S.R. 1981 No. 175
(f) S.I. 1981/1675 (N.I. 26)

appropriate fee shall be indicated on every such document by an adhesive or impressed stamp or by an endorsement signed and stamped with his name in block letters by the person to whom the fee is paid or in such other manner as may be directed by the Lord Chancellor.

(2) 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.

(3) For the purpose of any enactment relating to the recovery of costs or fees any fee which would but for paragraph (2) have been paid shall be deemed to have been paid.

(4) Nothing in this Order shall affect any statutory provision as to the payment of fees not repealed by the Order or revoked by the Magistrates' Courts Rules.

(5) Without prejudice to any order or regulation for the time being in force under the Public Offices Fees Act 1879(**a**) the stamps required by this Order for the purpose of stamping any document shall be those of a design appropriate to magistrates' courts and approved by the Lord Chancellor.

(6) The clerk of petty sessions, on receiving a document duly stamped as required by this Order, shall forthwith and in every case cancel the stamp by writing or stamping the date of cancellation across the stamp in indelible ink.

Fees for service of summonses and processes

6.—(1) The fees set out in Schedule 2 shall be payable for the services 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 12(2)(*a*) or (10)(*a*) of the Magistrates' Courts Rules and for the advice of delivery of the registered or recorded delivery envelope.

Stamp or fee not required

7. Notwithstanding anything in Article 5 and Schedule 1 a stamp or fee shall not be required—

(*a*) on any certificate of conviction or order under Rule 109 of the Magistrates' Courts Rules;

(*b*) for a memorandum under Rule 95(2) of the said Rules;

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

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

(**a**) 1879 c. 58
(**b**) S.R. & O. (N.I.) 1966 No. 292
(**c**) S.R. & O. (N.I.) 1968 No. 175