1979 No. 159

JUDICATURE, NORTHERN IRELAND

MAGISTRATES' COURTS

The Magistrates' Courts Fees Order (Northern Ireland) 1979

Made . . . . . 30*th April* 1979

Coming into operation . . . . 21*st May* 1979

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, with the concurrence of the Treasury, hereby makes the following order:

1. This Order may be cited as the Magistrates' Courts Fees Order (Northern Ireland) 1979 and shall come into operation on 21st May 1979.

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

(*a*) "the Act" means the Magistrates' Courts Act (Northern Ireland) 1964(b);

(*b*) "the Magistrates' Courts Rules" means the Rules for the time being in force under section 23 of the Act;

(*c*) a Rule or Form referred to by number means the Rule or Form 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;

(*f*) a fee referred to by number means the fee so numbered in Schedule 1.

3.—(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.

4.—(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 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 th Lord Chancellor.

(2) The fees prescribed by this Order shall be remitted where such fees, if taken, would be payable out of money provided by the Parliament of the United Kingdom.

(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.

(a) 1978 c. 23 (b) 1964 c. 21 (N.I.)

(4) Nothing in this Order shall affect any statutory provision as to the payment of fees not repealed by the Act or revoked by the Magistrates' Courts Rules.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

5.—(1) The fees specified 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 other 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*) and (10)(*a*) of the Magistrates' Courts Rules and for the advice of delivery of the registered or recorded delivery envelope.

6. Notwithstanding anything in Article 4 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(**d**); or

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

7. 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 section 103 of the Act at the time of the defendant's conviction) the sum of £3 towards the costs of issuing and executing the warrant.

8. All fees payable in respect of any proceedings (other than fees payable in respect of the service of summonses, processes or other documents) shall be payable in the prescribed manner and shall be applied in such manner as the Lord Chancellor, with the concurrence of the Treasury, may direct.

(**c**) 1879 c. 58
(**d**) S.R. & O. (N.I.) 1966 No. 292 (p. 940)
(**e**) S.R. & O. (N.I.) 1968 No. 175 (p. 823)