1979 No. 154

JUDICATURE, NORTHERN IRELAND

COUNTY COURTS

The County Court Fees Order (Northern Ireland) 1979

Made	18*th April* 1979
Coming into operation . . .	18*th April* 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 County Court Fees Order (Northern Ireland) 1979 and shall come into operation on 18th April 1979.

2. In this Order, unless the context otherwise requires

(*a*) "the Act" means the County Courts Act (Northern Ireland) 1959(b);

(*b*) "the County Court Rules" means the Rules for the time being in force under section 146 of the Act;

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

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

3.—(1) The fees set out in column 3 of Schedule 1 shall be taken in county courts in respect of the items set out opposite thereto in column 2.

(2) The fee 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) The fees prescribed in Schedule 1 shall be paid in respect of the several proceedings therein respectively specified (other than proceedings under the Marriages Act (Northern Ireland) 1954(c) and proceedings which are exempt by statute).

(2) The fees prescribed in Section V of Schedule 1 shall be taken in cash.

(3) Subject to paragraph (2), where fees are payable in respect of any matter or thing to be done by any officer and there is no document in reference to such matter or thing whereon the stamp could be impressed or affixed, the

(a) 1978 c. 23
(b) 1959 c. 25 (N.I.)
(c) 1954 c. 21 (N.I.)

party or his solicitor requiring such matter or thing to be done shall make application for it by a requisition or note in writing and a stamp denoting the amount of the fees payable shall be impressed or affixed to the requisition or note.

5. 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.

6. 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.

7. There shall be payable 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.

8. All fees payable in respect of any proceedings in county courts (other than fees payable in respect of the service of civil bills or other documents) shall be payable in the prescribed manner and shall be applied in such manner as the Lord Chancellor, after consultation with the Treasury, may direct.

9. Nothing in this Order shall have effect in relation to any fee or other sum due or payable before the commencement of this Order.

Dated 12th April 1979.

Elwyn-Jones, C.

We concur,

Peter Snape
T. M. Cox

Two of the Lord Commissioners of Her Majesty's Treasury

Dated 18th April 1979.

SCHEDULE 1

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 for Spirit Licensing proceedings.

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

Section V—Fees in respect of applications for arbitration under section 61A(3) of the Act.

SECTION I

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	£5.00
3	On a bond or recognizance	£1.00
4	On a case stated	£5.00
5	On a certificate of taxation of costs	£2.00
6	On a certificate by a court officer (inclusive of search)	50p
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—	
	not exceeding £100	£1.00
	exceeding £100 but not exceeding £500	£3.00
	exceeding £500	£5.00
8	On a civil bill in an ejectment action	£3.00
9	On any other civil bill	£3.00
10	On a third party notice, the like fee as on the civil bill in the action	
11	On a counterclaim or set-off—	
	Where the amount thereof—	
	does not exceed £100	50p
	exceeds £100 but not £500	£1.50
	exceeds £500	£2.50

Column 1 *No. of Fee*	Column 2 *Item*	Column 3 *Amount of Fee*
12	On a copy of any document filed or any record kept in the Office (including comparison)— per page	25p
13	On a comparison of a document filed in the Office— per page	25p
14	On a decree, award, judgment, order or dismiss (other than an interlocutory order)	£2.00
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 initial entry of any defence	50p
17	On late entry of a civil bill or defence, unless the Judge otherwise orders	£1.00
18	On the initial entry of a remitted action	50p
19	On a notice of appeal to or from a county court (not otherwise provided for)	£3.00
20	On a notice of application to the judge for payment out of court of funds	50p
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
22	In any proceedings under the Adoption Act (Northern Ireland) 1967	No fee
23	On a notice, petition, summons or other form of application (not otherwise provided for) initiating any proceedings	£3.00
24	On a notice of application for a review by the Judge	£1.00
25	On any other notice of application to the Judge or to the Circuit Registrar (not otherwise exempted)	£1.00
26	On a notice of lodgment of money in Court	No fee
27	On a notice of acceptance of money lodged in Court	No fee
28	On a search or inspection	25p