**1971. No. 28** [NC]

# SUPREME COURT, NORTHERN IRELAND

## Fees and Percentages

## Supreme Court Fees Order (Northern Ireland) 1971

The Right Honourable The Lord Chief Justice of Northern Ireland and the Treasury in exercise of the powers and authorities vested in them respectively by the Supreme Court of Judicature (Ireland) Acts 1877 to 1897(**a**), the Government of Ireland Act 1920(**b**), the General Adaptation of Enactments (Northern Ireland) Order 1921(**c**) and sections 2 and 3 of the Public Offices Fees Act 1879(**d**) do hereby, according as the provisions of the said enactments respectively authorise and require them, make and concur in the following Order:—

**1.** The Interpretation Act 1889(**e**) shall apply to the interpretation of this Order in the same manner as it applies to the interpretation of an Act of Parliament.

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

(1) An Order or Rule referred to by number means an Order or Rule so numbered in the Rules of the Supreme Court of Northern Ireland.

(2) A fee referred to by number means the fee so numbered in the First Schedule to this Order.

**3.** The fees set out in the second column of the First Schedule shall be taken in the Supreme Court of Northern Ireland in respect of the items set out in the first column of the said Schedule.

**4.** The provisions of this Order shall not apply to:—

(i) Non-contentious probate business;

(ii) Proceedings in the Department for the Affairs of Patients;

(iii) Criminal proceedings (except proceedings on the Crown side of the Queen's Bench Division to which the scale contained in the First Schedule is applicable).

**5.** Where it appears to the Lord Chief Justice that the payment of any fee specified in the First Schedule would, owing to the exceptional circumstances of the particular case, involve undue hardship, the Lord Chief Justice may reduce or remit the fee in that case.

**6.**—(1) Where by any convention entered into by Her Majesty with any foreign power it is provided that no fee shall be required to be paid in respect of any proceedings, the fees specified in this Order shall not be taken in respect of those proceedings.

(a) 40 & 41 Vict. c. 57; 50 & 51 Vict. c. 6; and 60 & 61 Vict. c. 66.
(b) 10 & 11 Geo. 5. c. 67.
(c) S.R. & O. 1921, No. 1804.
(d) 42 & 43 Vict. c. 58.
(e) 52 & 53 Vict. c. 63.

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

**7.**—(1) Fees under this Order, other than those paid by transfer, shall be taken by impressed stamps except those items in the First Schedule marked with an asterisk, which may be taken either by adhesive or impressed stamps.

(2) The document to be stamped shall be the document indicated in the third column of the First Schedule.

(3) Any impressed stamp used for the purpose of this Order or for the purpose of denoting any other fees or percentages to be taken in the Supreme Court of Northern Ireland shall be of such design and character as the Commissioners of Inland Revenue may from time to time adopt.

**8.** For the purposes of this Order an impressed stamp means an impressed judicature fee stamp, and an adhesive stamp means an adhesive judicature fee stamp.

**9.** Every adhesive stamp used in pursuance of this Order shall be cancelled by the proper officer of the Supreme Court of Northern Ireland in manner following, that is to say, every such stamp shall be defaced in indelible ink by a hand stamp bearing the date of cancelling.

**10.** In the case of fees on proceedings in bankruptcy—

(*a*) where the stamp is to be impressed, the party presenting the document for stamping shall inform the stamping officer, by means of an indication on the document or otherwise, that the fee relates to such proceedings; and

(*b*) where the stamp is to be adhesive, it shall be a stamp on which the word "Bankruptcy" is printed.

**11.** A folio is to comprise seventy-two words, every figure being counted as one word. Part of a folio shall be deemed to be one folio and part of a page shall be deemed to be one page.

**12.** The Supreme Court Fees Order (Northern Ireland) 1963(f) as amended (g) is hereby revoked, save as to any fee due or payable before the commencement of this Order.

**13.** This Order may be cited as the Supreme Court Fees Order (Northern Ireland) 1971, and shall come into operation on the 15th day of February 1971.

Dated this 23rd day of January 1971.

*MacDermott,*
Lord Chief Justice.

We concur in this Order.

*H. S. P. Monro,*
*Walter Clegg,*
Lords Commissioners of Her Majesty's Treasury.

(f) S.R. & O. (N.I.) 1963, No. 134. (g) S.R. & O. (N.I.) 1965, No. 104.

FIRST SCHEDULE

| Nature | Fee | Document to be stamped |
|---|---|---|
| | PART I | |
| | **Fees payable in the Chancery and Queen's Bench Divisions (including Probate, Matrimonial and Admiralty) unless otherwise provided** | |
| | SECTION A | |
| | £ | |
| 1. Sealing a writ of summons for commencement of an action. | 1·00 | The copy filed. |
| 2. Sealing notice under O.XVI A. | 0·50 | The copy filed. |
| 3. Sealing a writ of subpoena, per person. | 0·25 | The praecipe. |
| 4. Sealing every other writ not otherwise provided for. | 0·50 | The copy filed or praecipe. |
| 5. Sealing an originating summons. | 1·00 | The copy filed. |
| 6. Sealing or issuing any other summons. | 0·25 | The copy filed. |
| 7. Sealing originating notice of motion. | 1·00 | The copy filed. |
| 8. On every other notice of motion. | 0·25 | The notice. |
| *9. On every ex-parte application other than by summons. | 0·25 | The ex-parte docket, motion paper or affidavit filed in support. |
| | SECTION B.—COPIES | |
| *10. Examining and comparing a plain copy, including a photographic copy or a copy made by some similar process for— | | The requisition. |
| (*a*) an office copy . . . . | 0·04 per page | |
| (*b*) a certified copy. . . . | 0·05 per page | |
| *11. For a typewritten copy of any document— | | The requisition. |
| (*a*) an office copy . . . . | 0·04 per folio | |
| (*b*) a certified copy . . . | 0·05 per folio | |
| *12. For a reproduction of any document or part thereof, by photographic or other similar process— | | The requisition. |
| (*a*) an office copy . . . | 0·07 per page | |
| (*b*) a certified copy . . . | 0·09 per page | |
| *13. For a copy, other than a photographic copy, in a foreign language. | Reasonable cost as certified by proper officer. | The requisition. |
| *14. For a copy, other than a photographic copy, of plan, map, section, drawing, photograph or diagram. | Reasonable cost as certified by proper officer. | The requisition. |
| *15. For a stencilled copy. | First copy 0·04 per page, subsequent copies 0·02 per page | The requisition. |
| *16. For sealing any copy in a matrimonial cause or matter. | 0·25 | The requisition. |
| | SECTION C.—ATTENDANCES | |
| 17. On application with or without subpoena for any officer to attend as a witness or to produce a document or record, in addition to reasonable expenses of the officer, for each day or part thereof necessarily absent from Belfast. | 1·00 | The praecipe. |

| Nature | Fee | Document to be stamped |
|---|---|---|
| | SECTION D.—FILING | |
| | £ | |
| 18. On filing any notice required by rules of court to be filed. | 0·13 | The notice. |
| 19. On filing an affidavit (except an affidavit verifying a petition or other pleading) or any other document required to be filed in any office of the Supreme Court and not otherwise provided for. | 0·13 | The affidavit or document filed. |
| 20. On filing for registration a certificate of a judgment under the Judgments Extension Act 1868. | 0·50 | The certificate. |
| | SECTION E.—CERTIFICATES | |
| *21. For every certificate of appearance, pleading or proceedings, including the negative thereof. | 0·25 | The requisition. |
| *22. For every certificate or report of any Registrar or Chief Clerk, not the result of taking an account only, except where fee 45 is payable. | 0·50 | The requisition. |
| *23. For every certificate of filing in the Registrar's offices of copies of petition and affidavits under the Deeds of Arrangement Amendment Act 1890. | 0·13 | The requisition. |
| 24. For every certificate of judgment issued under the Judgments Extension Act 1868. | 0·50 | The requisition. |
| 25. For every certificate of entry of satisfaction under the Judgments Extension Act 1868. | 0·25 | The requisition or satisfaction piece. |
| | SECTION F.—SEARCHES AND INSPECTIONS | |
| 26. On a search for—<br>(*a*) an appearance or an affidavit<br>(*b*) a decree in a matrimonial cause or matter<br>and inspecting the same. | 0·13 | The search docket. |
| 27. On any other search including inspection. | 0·25 | The search docket. |
| 28. For an official certificate of the result of a search in any register or index. | 0·50 for first name,<br>0·25 for every additional name. | The requisition. |
| | SECTION G.—EXAMINATION OF WITNESSES | |
| 29. For every witness sworn and examined by an examiner or officer of the court. | 0·25 | The record filed or the requisition. |
| 30. For examination of witnesses by any such officer away from his office, in addition to such sum as the order shall fix as reasonable for travelling and other expenses. | 1·00 | The record filed or the requisition. |

| | Nature | Fee | Document to be stamped |
|---|---|---|---|
| | **SECTION H.—HEARING** | | |
| | | £ | |
| 31. | (*a*) On entering or setting down a cause or issue for trial or hearing (including a special case, case stated, statutory appeal or issue) and for filing the judgment or order. | 3·00 | The setting down docket. |
| | (*b*) On re-entering or re-setting down any cause or issue for trial or hearing. | 2·00 | The setting down docket. |
| | **SECTION I.—JUDGMENTS, DECREES AND ORDERS** | | |
| *32. | (*a*) For filing judgment in default of appearance or defence. | 1·00 | Judgment form |
| | (*b*) For filing any judgment or final order not provided for under item 31(*a*) or 32(*a*). | 1·00 | The judgment or requisition. |
| *33. | For drawing up and entering any other order. | 0·50 | The requisition. |
| *34. | For a copy of plan, map, section, drawing, photograph or diagram required to accompany any order. | Reasonable cost certified by proper officer. | The requisition. |
| | **SECTION J.—ACCOUNTS** | | |
| *35. | For taking and certifying the result of any account of money received by any person liable to account therefor or due to any person, for every £100, or fraction thereof, of amount received or found due, but excluding amount of any balance carried forward on a previous account in the cause. | 0·07 (where fee 22 not chargeable minimum fee 0·50. Maximum 10·00). | The requisition. |
| | **SECTION K.—PETITIONS** | | |
| 36. | On every petition, except where fee 44 is payable. | 1·00 | The petition or copy filed. |
| | **SECTION L.—ADVERTISEMENTS** | | |
| 37. | For signing, settling or approving an advertisement. | 1·00 | The requisition. |
| | **SECTION M.—SERVICE OF SUMMONSES, NOTICES, ETC.** | | |
| 38. | On every notice (other than notice of appearance) or summons lodged for service through office under O.67 r.1 and for transmitting first copy. | 0·25 | The copy filed. |
| 39. | On each additional copy of such notice (other than notice of appearance) or summons lodged and transmitted. | 0·10 | The copy filed under fee 38. |
| | **SECTION N.—ENROLMENTS** | | |
| 40. | For enrolment of every deed or document, other than letters patent, bonds or recognizances, for each roll of 10 folios or part thereof. | 1·00 | The copy filed. |