1991 No. 121

COUNTY COURTS

The County Court Fees (Amendment) Order (Northern Ireland) 1991

Made . . . . . *18th March 1991*

Coming into operation . . *8th April 1991*

The Lord Chancellor, in exercise of the powers conferred on him by section 116(1) 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:

1. This Order may be cited as the County Court Fees (Amendment) Order (Northern Ireland) 1991 and shall come into operation on 8th April 1991.

2. For Schedules 1 and 2 to the County Court Fees Order (Northern Ireland) 1989(**b**) there shall be substituted the new Schedules 1 and 2 set out in the Schedule to this Order.

Dated 18th March 1991 *Mackay of Clashfern*, C.

We concur,

Thomas Sackville
Irvine Patrick

Dated 25th March 1991 Two of the Lords Commissioners of Her Majesty's Treasury

---

(**a**) 1978 c. 23
(**b**) S.R. 1989 No. 279; as amended by S.R. 1990 No. 108

SCHEDULE Article 2

Amendment of the County Court Fees Order (Northern Ireland) 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 in respect of proceedings under the Licensing (Northern Ireland) Order 1990 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 in respect of proceedings 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 in respect of proceedings under the Family Law Act 1986.

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 ...	£ 8·50
3	On a bond or recognizance ...	£ 2·50
4	On a case stated ...	£29·00
5	On a certificate of taxation of costs ...	£ 7·00
6	On a certificate by a court officer (inclusive of search) ...	£ 5·00
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	...	£42·00
	exceeding £500 but not exceeding £2,000	...	£60·00
	exceeding £2,000	...	£65·00
8	On a civil bill in an ejectment action	...	£55·00
9	On any other civil bill	...	£55·00
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	...	£21·00
	exceeds £500 but does not exceed £2,000	...	£30·00
	exceeds £2,000	...	£32·50
12	On a copy of any document filed or any record kept in the Office (including comparison) — per page	...	£ 1·50
13	On a comparison of a document filed in the Office — per page	...	£ 1·50
14	On a decree, award, judgment, order or dismiss (other than an interlocutory order)	...	£24·00
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	...	£ 8·50
17	On late entry of a civil bill or defence, unless the Judge otherwise orders	...	£13·00
18	On the entry of a remitted action	...	£ 8·50
19	On a notice of appeal to a county court (not otherwise provided for)	...	£24·00
20	On a notice of application to the Judge for payment of funds out of court	...	£ 3·00
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

Column 1 *No. of Fee*	Column 2 *Item*	Column 3 *Amount of Fee*
22	In any proceedings under the Adoption (Northern Ireland) Order 1987 ...	£24·00
23	On a notice, petition, summons or other form of application (not otherwise provided for) initiating any proceedings ...	£42·00
24	On a notice of application for a review by the Judge ...	£15·50
25	On any other notice of application to the Judge or to the Circuit Registrar (not otherwise exempted) ...	£18·00
26	On a notice of lodgment of money in court ...	£ 5·00
27	On a notice of acceptance of money lodged in court ...	£ 5·00
28	On a search or inspection ...	£ 5·00
29	On a witness summons ...	£ 6·00
30	On a certificate of application for discovery ...	£ 7.00
	Note: (1) In the application of item 7 to proceedings under the Judgments Enforcement (Northern Ireland) Order 1981 the fee on an Enforcement Civil Bill shall be the same as is payable on a civil bill for the amount claimed; and on a Committal Civil Bill shall be the same as for a civil bill for the amount of the instalment. (2) The fees prescribed above at items 7 to 11 and at item 23 cover all necessary copies for service, entries in the Office and all notices of application to the Judge or to the Circuit Registrar, and all other notices (not otherwise specifically provided for) filed in the Office during the course of the action or matter and before final judgment.	

SECTION II

Fees for specified proceedings within the equity and probate jurisdiction

Column 1 *No. of Fee*	Column 2 *Item*	Column 3 *Amount of Fee*
1	On a civil bill or petition, where the property or estate of the subject matter of the proceedings— (*a*) either insofar as it consists of lands or premises does not exceed £300 in annual value or insofar as it consists of personalty does not exceed £500 in amount or value ...	£54·00
	(*b*) either insofar as it consists of lands or premises exceeds £300 in annual value or insofar as it consists of personalty exceeds £500 in amount or value ...	£65·00
	Provided that in the case of a mortgage suit or creditor's administration suit where the amount claimed does not exceed £300 the fee on the civil bill shall be £43·00	
2	On a primary or final decree, order or dismiss ...	£27·50
3	On a decree or order not otherwise provided for (including an interlocutory order) ...	£27·50
4	On the taking of an account or the holding of an inquiry by an officer pursuant to an order of the Judge, for each hour or part thereof ...	£30·00
5	On the officer's certificate thereof ...	£ 8·50
6	On an affidavit for the lodgment in court of a sum of money (fee to cover all necessary notices and certificates by the chief clerk) ...	£27·50
	Note: The fees prescribed above at items 1 and 2 cover all necessary copies for service, entries in the Office, summons to proceed, all notices of motion, and all other notices (not otherwise specifically provided for) filed in the Office during the course of the suit or matter and before final judgment in the case of a probate suit, the Certificate of Decree to be transmitted to the Probate Registry.	

SECTION III

Fees to be taken in respect of proceedings under the Licensing (Northern Ireland) Order 1990 and the Registration of Clubs (Northern Ireland) Order 1987

Column 1 *No. of Fee*	Column 2 *Item*	Column 3 *Amount of Fee*
1	On a notice of application to the court in relation to a licence, including notice of application for a declaration under Article 11 of the Licensing (Northern Ireland) Order 1990 or for an order under Article 36 of that Order ...	£120·00
2	On a notice of application to the court for the grant of registration of a club under Article 6 of the Registration of Clubs (Northern Ireland) Order 1987 ...	£120·00

SECTION IV

Miscellaneous fees relating to civil proceedings and matters

Column 1 *No. of Fee*	Column 2 *Item*	Column 3 *Amount of Fee*
	UNDER PART V (ENFORCEMENT OF COUNTY COURT DECREES OUTSIDE NORTHERN IRELAND) OF ORDER 40	
1	On a certified copy of a decree, or a certificate in respect of a money provision, issued under Part V of Order 40 ...	£18·00
	This fee includes provision of the appropriate certificate in Forms 295–298.	
	UNDER THE PARLIAMENTARY DOCUMENTS DEPOSIT ACT 1837	
2	On a search in papers deposited under Standing Orders of Parliament, for each hour or part thereof ...	£ 6·00
3	On an extract from papers so deposited— per page ...	£ 1·50

SECTION V

Fees to apply in respect of applications for arbitration under Article 30(3) of the Order

Column 1 *No. of Fee*	Column 2 *Item*	Column 3 *Amount of Fee*
1	On lodging an application in which the amount claimed, or the value of the specific chattels claimed—	
	does not exceed £75 ...	£ 7·50
	exceeds £75 but does not exceed £300 ...	£18·00
	exceeds £300 ...	£24·00
2	On a counterclaim or set-off where the amount thereof—	
	does not exceed £75 ...	£ 3·75
	exceeds £75 but does not exceed £300 ...	£ 9·00
	exceeds £300 ...	£12·00

SECTION VI

Fees to be taken in respect of proceedings 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")

Column 1 *No. of Fee*	Column 2 *Item*	Column 3 *Amount of Fee*
1	On a notice of appeal to a county court under Article 16 of the Criminal Injuries Order ...	£65·00
2	On a notice of application under Article 14 of the Criminal Injuries Order ...	£13·00
3	On a notice of appeal to a county court under Article 15 of the Criminal Damage Order ...	£65·00

SECTION VII

Fees to be taken in respect of proceedings under the Family Law Act 1986

Column 1 *No. of Fee*	Column 2 *Item*	Column 3 *Amount of Fee*
1	On an application under section 27 of the Family Law Act 1986 for the registration of a custody order ...	£12·00

SCHEDULE 2 Article 6

Fees Payable to Process Servers

		Fee
1.	Subject to paragraph 2, for each service of any civil bill, petition, notice, summons or other document	£ 7·00
2.	Where service of any document referred to in paragraph 1 is required to be personal	£10.00

Note: (*a*) Service (except where personal service is requisite) on more than one defendant resident in the same premises shall count as only one service.

(*b*) The above fees are to include completion of affidavit of service (other than commissioner's fees) and the amount of postage, where appropriate.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the County Court Fees Order (Northern Ireland) 1989 by substituting—

(*a*) a new Schedule 1 which increases the court fees to be taken in proceedings in county courts; and

(*b*) a revised form of Schedule 2 which consolidates and increases the fees payable to process servers.

The Order also introduces a new fee of £7 which is payable on a certificate of application for discovery under the new procedure governing discovery in Order 15 of the County Court Rules (Northern Ireland) 1981.