2007 No. 378

COUNTY COURTS

The County Court Fees (Amendment) Order (Northern Ireland) 2007

Made - - - -	*30th August 2007*
Coming into operation -	*24th September 2007*

The Lord Chancellor, in exercise of the powers conferred on him by section 116(1) and (1A) 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, commencement and interpretation

1.—(1) This Order may be cited as the County Court Fees (Amendment) Order (Northern Ireland) 2007 and shall come into operation on 24th September 2007.

(2) In this Order "the principal Order" means the County Court Fees Order (Northern Ireland) 1996(**b**).

Amendments to the principal Order

2. After Article 7 of the principal Order insert the following new Articles:—

"Exemptions and refunds

8.—(1) No fee shall be payable under this Order by a party who, at the time when a fee would otherwise become payable—

(a) is in receipt of any qualifying benefit, and

(b) is not in receipt of legal aid under Part II of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**c**) for the purposes of the proceedings.

(2) The following are qualifying benefits for the purposes of paragraph (1)(a) above—

(a) income support under the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**d**);

(b) income-based jobseeker's allowance under the Jobseekers (Northern Ireland) Order 1995(**e**);

(**a**) 1978 c. 23 as amended by the Courts Act 2003 (c. 39)
(**b**) S.R. 1996 No. 103 as amended by S.R. 1997 No. 178, S.R. 1998 No. 409, S.R. 1999 No. 136, S.R. 2002 No. 342, S.R. 2004 No. 338 and S.R. 2004 No. 526
(**c**) S.I. 1981/228 (N.I. 8)
(**d**) 1992 c. 7
(**e**) S.I. 1995/2705 (N.I. 15)

(c) guarantee credit under the State Pension Credit Act (Northern Ireland) 2002(**a**);

(d) working tax credit, provided that—

(i) child tax credit is being paid to the party or otherwise following a claim for child tax credit made jointly by the members of a married couple or an unmarried couple (as defined respectively in section 3(5) and (6) of the Tax Credits Act 2002(**b**)) which includes the party; or

(ii) there is a disability element or severe disability element (or both) to the tax credit received by the party;

and that the gross annual income taken into account for the calculation of the working tax credit is £16,017 or less.

9.—(1) Subject to paragraph (2), where a fee has been paid at a time—

(a) when, under Article 8, it was not payable, the fee shall be refunded;

(b) where the Lord Chancellor, if he had been aware of all the circumstances, would have reduced the fee, the amount by which the fee would have been reduced shall be refunded; and

(c) where the Lord Chancellor, if he had been aware of all the circumstances, would have remitted the fee under Article 4(5), the fee shall be refunded.

(2) No refund shall be made under paragraph (1) unless the party who paid the fee applies within 6 months of paying the fee.

(3) The Lord Chancellor may extend the period of 6 months referred to in paragraph (2) if he considers that there is good reason for an application being made after the end of the period of 6 months.".

3. For Schedule 1 to the principal Order there shall be substituted the new Schedule 1 set out in the Schedule to this Order.

(**a**) 2002 c. 14
(**b**) 2002 c. 21

Signed by the authority of the Lord Chancellor

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

Dated 16th August 2007

We concur

Steve McCabe
Claire Ward
Two of the Lords Commissioners
of Her Majesty's Treasury

Dated 30th August 2007

SCHEDULE

Article 3

"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 1996, the Registration of Clubs (Northern Ireland) Order 1996 and the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.
Section IV	-	Miscellaneous fees relating to civil proceedings and matters.
Section V	-	Fees in respect of applications for small claims under Article 30(3) of the Order.
Section VI	-	Fees to be taken in respect of proceedings under 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 1

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 hour or part thereof	…	£14.00
3	On a bond or recognizance	…	£50.00
4	On a case stated	…	£150.00
5	On a certificate by a court officer (inclusive of search)	…	£30.00
6	On a 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 £1000	…	£150.00
	exceeding £1000 but not exceeding £5000	…	£165.00
	exceeding £5000	…	£185.00
7	On a civil bill in an ejectment action	…	£150.00
8	On any other civil bill	…	£150.00
9	On a third party notice	…	The same fee as on the civil bill in the action
10	On a counterclaim or set-off where the amount thereof -		
	does not exceed £1000	…	£150.00
	exceeding £1000 but does not exceed £5000	…	£165.00
	exceeds £5000	…	£185.00

Column 1 No. of Fee	Column 2 Item		Column 3 Amount of Fee
11	On a copy, including a photographic copy, of all or any part of any document filed or any record kept in the office (including comparison) -		
	a) for five sheets or less	…	£5.00
	b) for each sheet thereafter	…	£0.50
	c) on a copy order/decree including certified or sealed	…	£10.00
	d) on a copy order/decree produced online	…	£8.00
12	On a decree, award, judgment, order or dismiss (other than an interlocutory order)	…	£75.00
13	On an interlocutory order, including an order for payment out of, or transfer or investment of, funds in court	…	No fee
14	On a Certificate of Readiness	…	£250.00
15	On a notice of appeal to a county court (not otherwise provided for)	…	£150.00
16	On a notice of application to the Judge for payment of funds out of court	…	£15.00
17	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
18	In any proceedings under the Adoption (Northern Ireland) Order 1987, under that Order as modified by the Parental Orders (Human Fertilisation and Embryology) Regulations 1994 or under section 30 of the Human Fertilisation and Embryology Act 1990	…	£75.00

Column 1 No. of Fee	Column 2 Item		Column 3 Amount of Fee
19	On a notice, petition, summons or other form of application (not otherwise provided for) initiating any proceedings	…	£150.00
20	On a notice of application for a review by the Judge	…	£115.00
21	On any notice of application, summons, notice of motion or other form of application to the Judge or to the District Judge (not otherwise exempted or specifically provided for)	…	£115.00
22	a) On a search or inspection	…	£20.00
	b) Additional fee where the search is carried out by an Officer of the court	…	£10.00
23	On a witness summons	…	£30.00
24	On a certificate of application for discovery	…	£50.00
25	Entry of a remitted action where a setting down fee has not already been paid	…	£250.00
	NOTE: In the application of item 6 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.		

SECTION 2

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 a capital value of £185,000 or insofar as it consists of personalty does not exceed £500 in amount or value	… £150.00
	(b) either insofar as it consists of lands or premises exceeds a capital value of £185,000 or insofar as it consists of personalty exceeds £500 in amount or value	… £175.00
	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 £150	
2	On a primary or final decree, order or dismiss	… £75.00
3	On a decree or order not otherwise provided for (including an interlocutory order)	… £75.00
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	… £75.00
5	On the officer's certificate thereof	… £30.00
6	On an affidavit for the lodgement in court of a sum of money (fee to cover all necessary notices and certificates by the chief clerk)	… £50.00
7	On a counterclaim in equity proceedings	… £150.00
	Note: The fees prescribed above at items 1 and 2 cover, in the case of a probate suit, the Certificate of Decree to be transmitted to the Probate Registry.	

SECTION 3

Fees to be taken in respect of proceedings under the Licensing (Northern Ireland) Order 1996, the Registration of Clubs (Northern Ireland) Order 1996 and the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985

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 10 of the Licensing (Northern Ireland) Order 1996 or for an order under Article 31 of that Order	…	£432.00
2	On a notice of an application under Article 44 -	…	£272.00
3	On a notice of application to the court for the grant of registration of a club under Article 5 of the Registration of Clubs (Northern Ireland) Order 1996	…	£432.00
4	Children's certificate (under Article 59 of the Licensing (Northern Ireland) Order 1996 or Article 33 of the Registration of Clubs (Northern Ireland) Order 1996)	…	£75.00
5	On a notice of application to the Court in relation to a bookmaking office licence (under Article 12(1) and Article 14(1) of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985)	…	£432.00

SECTION 4

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	…	£50.00
	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	…	£20.00
	UNDER ARTICLE 5 OF THE PROTECTION FROM HARASSMENT (NORTHERN IRELAND) ORDER 1997		
3	On an application for a warrant of arrest	…	£0.00

SECTION 5

Fees to apply in respect of applications for small claims 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 £300	…	£30.00
	exceeds £300 but does not exceed £500	…	£50.00
	exceeds £500 but does not exceed £1000	…	£70.00
	exceeds £1000	…	£100.00
2	On a counterclaim or set-off where the amount thereof -		
	does not exceed £300	…	£30.00
	exceeds £300 but does not exceed £500	…	£50.00
	exceeds £500 but does not exceed £1000	…	£70.00
	exceeds £1000	…	£100.00
3	On a notice of appeal under Article 30(4)(ab)	…	£150.00
4	On a third party notice in a small claims action	…	Same fee as on the small claim application in the action

SECTION 6

Fees to be taken in respect of proceedings under 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 15 of the Criminal Damage Order	…	£150.00
2	On a Certificate of Readiness	…	£250.00

SECTION 7

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	…	£75.00”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the County Court Fees Order (Northern Ireland) 1996 so as to—

(a) introduce the following new fees in Schedule 1:—

on a copy, including a photographic copy, of all or any part of a document filed or any record kept in the office (Section I Fee No.11);

where the search is carried out by an officer of the court (Section I Fee No.22(b));

on the entry of a remitted action where a setting down fee has not already been paid (Section I Fee No.25);

on a counterclaim in equity proceedings (Section II Fee No.7);

on a third party notice in a small claims action (Section V Fee No.4);

on a certificate of readiness in respect of proceedings under the Criminal Damage (Compensation) (Northern Ireland) Order 1977 (Section VI Fee No.2);

(b) remove the fee on an application for a warrant of arrest under the Protection from Harassment (Northern Ireland) Order 1997 (Section IV Fee No.3);

(c) increase a number of fees; and

(d) provide for exemptions from fees payable in the circumstances as outlined in Article 2 and refunds where appropriate.

A Regulatory Impact Assessment of the costs and benefits of this Order (and other Orders relating to court fees) was placed in the libraries of both Houses of Parliament and is available on the Court Service's web-site at www.courtsni.gov.uk.

Published and printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. N3359. C2. 9/07. Gp. 130. 14567.