STATUTORY RULES OF NORTHERN IRELAND

2019 No. 177

COUNTY COURTS

The County Court Fees (Amendment) Order (Northern Ireland) 2019

Made - - - -	*9th September 2019*
Coming into operation -	*1st October 2019*

The Department of Justice, in exercise of the powers conferred by section 116(1) and (1A) of the Judicature (Northern Ireland) Act 1978(**a**) and now vested in it(**b**), makes the following Order with the concurrence of the Department of Finance(**c**).

The Department has, in accordance with section 116(1) of that Act, consulted with the Lord Chief Justice.

Citation and commencement

1. This Order may be cited as the County Court Fees (Amendment) Order (Northern Ireland) 2019 and shall come into operation on 1st October 2019.

Amendments to the County Court Fees Order (Northern Ireland) 1996

2. The County Court Fees Order (Northern Ireland) 1996(**d**) is amended as follows.

3. In Article 4(5) (Fees to be taken in proceedings in county courts) at the beginning insert "Subject to Article 10,".

4. In Article 8 at the beginning of paragraph (1) insert "Subject to Article 10,".

5. After Article 9 insert—

"Exceptions to Remissions and Exemptions

10. No reduction or remission under Article 4(2) or exemption under Article 9 is available in respect of the fees prescribed by this Order for—

(a) copy (including a photographic copy) or duplicate documents;

(b) searches and inspections.".

(**a**) 1978 c. 23 as amended by Article 15(1) and paragraph 6(h) of Schedule 17 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010 No. 976); and s.59 of the Justice Act (Northern Ireland) 2016 (2016 c.21 (N.I.)).

(**b**) Article 15(4)(b) of the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010 No. 976).

(**c**) Formerly the Department of Finance and Personnel, see the Departments Act (Northern Ireland) 2016 (2016 c.5 (N.I.)), Section 1(4) and Schedule 1.

(**d**) S.R. 1996 No. 103 to which relevant amendments are made by S.R. 2007 No. 378 and S.R. 2017 No. 15.

6. For Schedule 1 substitute the new Schedule 1 set out in the Schedule to this Order.

Sealed with the Official Seal of the Department of Justice on 9th September 2019



Peter May
A senior officer of the Department of Justice

The Department of Finance concurs in the making of this Order.

Sealed with the Official Seal of the Department of Finance on 9th September 2019



Emer Morelli
A senior officer of the Department of Finance

SCHEDULE

Article 6

"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 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 hour or part thereof	£18.00
3	On a bond or recognizance	£65.00
4	On a case stated	£195.00
5	On a certificate by a court officer (inclusive of search)	£39.00
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	£195.00
	exceeding £1000 but not exceeding £5000	£216.00
	exceeding £5000	£242.00
7	On a civil bill action in an ejectment action	£195.00
8	On any other civil bill	£195.00
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	£195.00
	exceeding £1000 but does not exceed £5000	£216.00
	exceeds £5000	£242.00
11	On a copy, including a photographic copy, of all or any part of any document not otherwise provided for —	
	a) five sheets or less	£6.00
	b) for each sheet thereafter	£0.50
	c) on a copy order/decree including certified or sealed	£14.00
	d) on a copy order/decree produced online	£12.00
12	On a decree, award, judgment, order or dismiss (other than an interlocutory order)	£98.00

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	£327.00
15	On a notice of appeal to a county court (not otherwise provided for)	£195.00
16	On a notice of application to the judge for payment of funds out of court	£20.00
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	£98.00
19	On a notice, petition, summons or other form of application (not otherwise provided for) initiating any proceedings	£195.00
20	On a notice of application for a review by the judge	£151.00
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)	£151.00
22	a) On a search or inspection	£26.00
	b) Additional fee where the search is carried out by an Officer of the court	£14.00
23	On a witness summons	£39.00
24	On a certificate of application for discovery	£65.00
25	Entry of a remitted action where a setting down fee has not already been paid	£327.00

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 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 a capital value of £185,000 or insofar as it consists of personalty does not exceed £500 in amount or value	£195.00
	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	£228.00
	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	£195.00
2	On a primary or final decree, order or dismiss	£98.00
3	On a decree or order not otherwise provided for (including an interlocutory order)	£98.00
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	£98.00
5	On the officer's certificate thereof	£39.00
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)	£65.00
7	On a counterclaim in equity proceedings	£195.00

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 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

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	£564.00
2	On a notice of an application under Article 44	£354.00
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	£564.00
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)	£98.00
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)	£564.00

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 This fee includes provision of the appropriate certificate in Forms 295-298	£65.00
	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	£26.00
	UNDER ARTICLE 5 OF THE PROTECTION FROM HARASSMENT (NORTHERN IRELAND) ORDER 1997	
3	On an application for a warrant of arrest	£0.00
	UNDER RULE 91 OF THE LAND REGISTRATION RULES (NORTHERN IRELAND) 1994 AND SECTION 3(2) OF THE REGISTRATION OF DEEDS ACT (NORTHERN IRELAND) 1970	
4	On a request for certification of a pending action required under Rule 91(3) of the Land Registration Rules (Northern Ireland) 1994 or section 3(2) of the Registration of Deeds Act (Northern Ireland) 1970	£90.00

SECTION V

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	£39.00
	exceeds £300 but does not exceed £500	£65.00
	exceeds £500 but does not exceed £1000	£91.00
	exceeds £1000	£130.00
2	On a counterclaim or set-off where the amount thereof—	
	does not exceed £300	£39.00
	exceeds £300 but does not exceed £500	£65.00
	exceeds £500 but does not exceed £1000	£91.00
	exceeds £1000	£130.00
3	On a notice of appeal under Article 30(4)(ab)	£195.00
4	On a third party notice in a small claims action	Same fee as on the small claim application in the action

SECTION VI

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	£195.00
2	On a Certificate of Readiness	£327.00

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	£98.00”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the County Court Fees Order (Northern Ireland) 1996 (S.R. No. 103) to increase the fees payable in respect of proceedings in the County Court from 1 October 2019 and to introduce a new fee for certification of a pending action for the purpose of registering it as a burden affecting land (Fee 4 in section IV). The Order also provides that exemptions and remissions are not available in respect of fees for copy documents, searches and inspections.

An Explanatory Memorandum and a Regulatory Impact Assessment have been produced and are available from the Northern Ireland Courts and Tribunals Service, Laganside House, 23-27 Oxford Street, Belfast BT1 3LA or online alongside this Statutory Rule at http://www.legislation.gov.uk/nisr.

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