1981 No. 174

COUNTY COURTS

The County Court Fees Order (Northern Ireland) 1981

Made	*1st June 1981*
Coming into operation	*22nd June 1981*

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 and 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) 1981 and shall come into operation on 22nd June 1981.

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

(*a*) "the Order" means the County Courts (Northern Ireland) Order 1980(b);

(*b*) "the County Court Rules" means the Rules for the time being in force under Article 47 of the Order;

(*c*) an Order or rule referred to by number means an Order or rule 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, Schedule 2 and Schedule 3 mean respectively Schedule 1, Schedule 2 and Schedule 3 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 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.

(a) 1978 c. 23
(b) S.I. 1980/397 (N.I. 3)
(c) 1954 c. 21 (N.I.)

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. The Orders specified in Schedule 3 shall be revoked save as to any fee or other sum due or payable thereunder before the commencement of this Order.

Dated 21st May 1981.

Hailsham of St. Marylebone, C.

We concur,

J. A. Douglas-Hamilton
J. A. Cope
Two of the Lords Commissioners of Her Majesty's Treasury

Dated 1st June 1981.

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 Article 30(3) of the Order.

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	£7.00
5	On a certificate of taxation of costs	£3.00
6	On a certificate by a court officer (inclusive of search)	£1.00
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—	
	not exceeding £200	£6.00
	exceeding £200 but not exceeding £500	£12.00
	exceeding £500 but not exceeding £1,000	£18.00
	exceeding £1,000	£24.00
8	On a civil bill in an ejectment action	£12.00
9	On any other civil bill	£12.00
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 £200	£3.00
	exceeds £200 but not £500	£6.00
	exceeds £500 but not £1,000	£9.00
	exceeds £1,000	£12.00
12	On a copy of any document filed or any record kept in the Office (including comparison) — per page	50p

Column 1 *No. of Fee*	Column 2 *Item*	Column 3 *Amount of Fee*
13	On a comparison of a document filed in the Office — per page	50p
14	On a decree, award, judgment, order of dismiss (other than an interlocutory order)	£6.00
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	£1.00
17	On late entry of a civil bill or defence, unless the Judge otherwise orders	£2.00
18	On the initial entry of a remitted action	£1.00
19	On a notice of appeal to or from a county court (not otherwise provided for)	£10.00
20	On a notice of application to the judge for payment of funds out of court	£1.00
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
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	£12.00
24	On a notice of application for a review by the Judge	£2.00
25	On any other notice of application to the Judge or to the Circuit Registrar (not otherwise exempted)	£3.00
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	£1.00
29	On a witness summons	£1.00
	Note: (1) In the application of item 7 to proceedings under the Judgments Enforcement (Northern Ireland) Order 1981 the fee on the 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 inclusive 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	£12.00
	(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	£18.00
	Provided that in the case of a mortgage suit or creditor's administration suit where the amount claimed does not exceed £250 the fees on the civil bill shall be £6.00.	
2	On a primary or final decree, order or dismiss	£6.00
3	On a decree or order not otherwise provided for (including an interlocutory order)	£6.00
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	£10.00
5	On the officer's certificate thereof	£5.00
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)	£6.00
	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 and in the case of a Probate suit, the Certificate of Decree to be transmitted to the Probate Registry.	

SECTION III

Fees for Spirit Licensing Proceedings

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 section 8 of the Licensing Act (Northern Ireland) 1971 or for an order under section 31 of that Act	£25.00

SECTION IV

Miscellaneous Fees Relating to Civil Proceedings and Matters

Column 1 *No. of Fee*	Column 2 *Item*	Column 3 *Amount of Fee*
	UNDER THE INFERIOR COURTS JUDGEMENTS EXTENSION ACT 1882	
1	On a certificate issued or registered under the Act	£6.00
2	On a copy of any such certificate	50p
	UNDER THE PARLIAMENTARY DOCUMENTS DEPOSIT ACT 1837	
3	On a search in papers deposited under Standing Orders of Parliament, for each hour or part thereof	£1.00
4	On an extract from papers so deposited per page	50p

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 £50 exceeds £50	 £2.00 £5.00
2	On a counterclaim or set-off where the amount thereof— does not exceed £50 exceeds £50	 £1.00 £2.50

SCHEDULE 2

Fees Payable to Process Servers

		Fee
1. For each service—		
(*a*) of an ordinary, default or summary civil bill where the amount claimed—		
does not exceed £100	...	£2.00
exceeds £100 but does not exceed £500	...	£3.00
exceeds £500	...	£4.00
(*b*) of an equity or probate civil bill	...	£2.00
(*c*) of an ejectment civil bill	...	£2.00
2. In proceedings under the Adoption Act (Northern Ireland) 1967 for each service (however effected) of the petition, notice of hearing or application, including completion of affidavit of service (other than commissioner's fee) and the amount of postage where used	...	£2.00
3. For each service of any other petition or summons initiating any proceedings	...	£2.00
4. For each service of any notice of application to the court in relation to a licence for the sale of intoxicating liquor	...	£2.00
5. (*a*) Where in any case personal service of any document is requisite the appropriate fee as above prescribed shall be increased by half		
(*b*) Service (except where personal service is requisite) on more than one defendant resident in the same premises shall count as only one service		
6. For service of each witness summons	...	£3.00
7. For each service of any document not otherwise provided for	...	£2.00
8. For personal service of a summons under rule 1(1)(i) of Order 48 for contempt or for sequestration	...	£3.00
9. For personal service of a primary decree in equity (including completion of affidavit)	...	£3.00

SCHEDULE 3

Orders revoked

Title	*Reference*
The County Court Fees Order (Northern Ireland) 1979	S.R. 1979 No. 154
The County Court Fees (Amendment) Order (Northern Ireland) 1980	S.R. 1980 No. 87
The County Court Fees (Amendment No. 2) Order (Northern Ireland) 1980	S.R. 1980 No. 239

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order which replaces the County Court Fees Order (Northern Ireland) 1979 increases most of the fees to be taken in the county court.

The fees payable in respect of the small claims procedure and the fees payable to process servers remain unchanged.