2004 No. 339

MAGISTRATES' COURTS

The Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 2004

Made - - - - -	*4th August 2004*
Coming into operation	*1st September 2004*

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:

Citation and commencement

1. This Order may be cited as the Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 2004 and shall come into operation on 1st September 2004.

Magistrates' Courts Fees

2. For Schedules 1 and 2 to the Magistrates' Courts Fees Order (Northern Ireland) 1996(**b**) there shall be substituted the new Schedules 1 and 2 set out in the Schedule to this Order.

Signed by the authority of the Lord Chancellor

I concur

Christopher Leslie

Parliamentary Under-Secretary of State, Department for Constitutional Affairs

Dated 1st August 2004

We concur

John Heppell

Joan Ryan

Two of the Lords Commissioners of Her Majesty's Treasury

Dated 4th August 2004

(**a**) 1978 c. 23
(**b**) S.R. 1996 No. 102 as amended by S.R. 1996 No. 494, S.R. 1997 No. 179, S.R. 1998 No. 410 and S.R. 2002 No. 343

SCHEDULE

Article 2

"SCHEDULE 1

Article 4

Court Fees

A. In proceedings to which Part VI of the Order applies

	Fee
Debt Proceedings	
1. Process (ordinary, enforcement or committal)	£ 9·00
2. Set-off, counterclaim, decree (including an order made on application under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981) or dismiss	£ 9·00
Ejectment Proceedings	
3. Process (including proceedings where a claim for rent or sum due under Article 69 of the Order is joined with a claim for possession)	£ 9·00
4. Decree or dismiss	£ 9·00
Duplicate Orders and Extracts from Register	
5. Notice for duplicate orders	£ 9·00
6. Duplicate order	£ 9·00
7. Certified extract from register	£ 9·00

B. In proceedings to which Part VII of the Order applies

8. Notice of application or notice of appeal to a magistrates' court	£ 18·00

C. Appeals and case stated

9. Copy notice of appeal lodged with clerk of petty sessions for each complaint, application, appeal or process (except where appellant in prison), subject to a maximum fee of £40	£ 9·00
10. Written application for case stated	£ 9·00
11. Case stated	£ 23·00

D. Notices of application under the Licensing (Northern Ireland) Order 1996

12. (a) Application for renewal	£136·00
(b) Application for protection order under Article 26	£ 34·00
(c) Application for temporary continuance of business in other premises under Article 29	£ 34·00
(d) Application for transfer	£136·00
(e) Application for transfer and renewal	£272·00
(f) Application for order for alternative permitted hours under Article 43	£136·00
(g) Application for order for additional permitted hours under Article 44	£136·00
(h) Application for order under Article 48 (suitability of certain premises for functions)	£136·00
(i) Additional fee for application out of time under Article 16 for each month or part of a month	£ 57·00
(j) Application for the grant of each occasional licence under Article 30 –	
(i) for the first day	£ 41·00
(ii) for each additional day	£ 10·00
(k) Application for the grant of an extension licence	£ 34·00
(l) Application for the grant of a children's certificate	£ 79·00
(m) Children's certificate	£ 11·00

	Fee
13. (a) For each inspection of the register of licences as provided for under Article 35	£ 11·00
(b) For each copy of all or any part of any entry taken from the register of licences as provided for under Article 35 – in respect of each licensed premises	£ 11·00
14. A duplicate licence, being a certified copy of particulars recorded in the register of licences, issued under Article 38(2)	£ 68·00

E. Applications under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985

Bookmakers' Licences and Bookmaking Office Licences

15. A notice of application for the grant of a bookmaker's licence under Article 8(1)	£129·00
16. A notice of application for the grant of a bookmaking office licence under Article 12(1)	£129·00
17. A notice of application for the provisional grant of a bookmaking office licence under Article 14(1)	£129·00
18. A notice of application to have provisional grant of a bookmaking office licence declared final under Article 14(7)	£ 46·00
19. A notice of application for renewal of a bookmaker's licence under Article 16(1)	£ 93·00
20. A notice of application for renewal out of time of a bookmaker's licence under Article 20(1)	£149·00
21. A notice of application for renewal of a bookmaking office licence under Article 18(1)	£ 93·00
22. A notice of application for renewal out of time of a bookmaking office licence under Article 20(1)	£149·00
23. A notice of application for transfer of a bookmaking office licence under Article 23(1)	£ 93·00
24. A notice of application for concurrent transfer and renewal of a bookmaking office licence under Article 24(1)	£175·00
25. Application for temporary continuance of business in other premises under Article 26	£ 34·00
26. A notice of application for revocation of a bookmaker's licence under Article 27(1)	£ 93·00
27. A notice of application for revocation of a bookmaking office licence under Article 28(1)	£ 93·00

Bingo Club Licences

28. A notice of application for the grant of a bingo club licence under Article 63(1)	£ 93·00
29. A notice of application for the provisional grant of a bingo club licence under Article 65(1)	£ 93·00
30. A notice of application for the renewal of a bingo club licence under Article 67(1)	£ 93·00
31. A notice of application for the renewal out of time of a bingo club licence under Article 69(1)	£149·00
32. Bingo club grant declared final	£ 46·00

Gaming Machine Certificates and Permits

33. A notice of application for the grant of a gaming machine certificate under Article 85(1)	£ 93·00

	Fee
34. A notice of application for the renewal of a gaming machine certificate under Article 87(1)	£ 93·00
35. A notice of application for the renewal of a gaming machine certificate out of time under Article 89(1)	£149·00
36. A notice of application for the grant of a gaming machine permit under Article 85(3)	£ 93·00
Registration of Clubs	
37. A notice of application for the registration of a club under Article 96(1)	£ 93·00
38. A notice of application for the renewal of registration of a club under Article 98(1)	£ 93·00
39. A notice of application for the renewal of registration of a club out of time under Article 100(1)	£149·00
Lottery Certificates	
40. A notice of application for the grant of a lottery certificate under Article 142(1)	£113·00
41. A notice of application for renewal of a lottery certificate under Article 144(1)	£ 93·00
42. A notice of application for renewal out of time of a lottery certificate under Article 146(1)	£149·00
43. A notice of application for revocation of a lottery certificate under Article 149(1)	£ 93·00
Supplementary	
44. For each inspection and for each copy of all or any part of any entry taken from the register of licences, certificates and permits kept under Article 174(1)	£ 11·00
45. For each inspection and for each copy of all or any part of any entry taken from the register of clubs kept under Article 175(1)	£ 11·00
46. A duplicate of any licence, certificate or permit referred to in Article 179(1) being a certified copy of particulars recorded in the register kept under Article 174(1) or 175(1), as the case may be, and issued under Article 179(2)	£ 68·00
F. Applications under the Registration of Clubs (Northern Ireland) Order 1996	
47. On every application for the renewal of registration of a club under Article 7	£136·00
48. Additional fee for application out of time under Article 9 for each month or part of month	£ 57·00
49. Application for continuance of club in other temporary premises under Article 12	£ 34·00
50. Application for a children's certificate	£ 79·00
51. Children's certificate	£ 11·00
52. For each inspection of the register of clubs as provided for under Article 17	£ 11·00
53. A duplicate certificate of registration being a certified copy of particulars recorded in the register of clubs, issued under Article 20(2)	£ 68·00
G. Miscellaneous	
54. A certificate of conviction or order	£ 11·00

	Fee
55. A certificate authorising the grant of game dealer's licence	£ 11·00
56. A notice of application for a licence under section 1 of the General Dealers (Ireland) Act 1903.....	£ 11·00
57. A notice of application to a magistrates' court (other than an application under Article 91(3) or (4) of the Order) not otherwise provided for.....	£ 13·00
H. Applications under the Child Support (Northern Ireland) Order 1991	
58. A notice of application for a declaration of parentage under Article 28	£ 34·00
59. A summons on an application for a liability order under Article 33(2).....	£ 13·00
60. A summons or warrant under Regulation 29 of the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992	£ 13·00
I. Applications under the Children (Northern Ireland) Order 1995	
61. An application for an order under Parts II or III not otherwise provided for ...	£ 34·00
62. An application for an order under Article 50 (care or supervision order) 55, (education supervision order) or 62 (child assessment order).....	£ 57·00
63. An application for an order under Article 53 (contact or refusal of contact with a child in care) or 13 (change of child's surname or removal from the jurisdiction)	£ 23·00
64. An application for a financial provision order under Schedule 1	£ 34·00
65. An application to vary, extend or discharge an order made under any of the provisions of the Order mentioned at Items 56 to 59 above	£ 23·00
66. An application under Article 129 (affecting the registration of a child-minder) or an appeal under Article 131 (appeal in relation to registration of child-minder)	£ 57·00
67. An appeal under Article 113 (appeal in relation to foster parenting)	£ 57·00
68. An appeal under Article 145 (appeal in relation to licence to take part in public performance)	£ 57·00

Note:

Where an application under the Children (Northern Ireland) Order 1995 requires the leave of the Court the relevant fee applies where leave is sought but no further fee may be charged if leave is granted and the application is made.

SCHEDULE 2

Article 6

Fees Payable for Service of a Summons or Process

	Fee
1. (1) Subject to sub-paragraph (2) and paragraph 3, for the service of a summons or process or document.....	£10·00
(2) Where service of a summons or process is required to be personal.....	£13·00
2. For the service of a summons or process where there are two or more defendants or witnesses in the same proceedings there shall be a separate fee for each defendant or witness.	
3. Where a document relating to a summons is served together with the summons, for each document served.....	£ 3·00"

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the Magistrates' Courts Fees Order (Northern Ireland) 1996 so as to increase a number of the fees payable in respect of proceedings in Magistrates' Courts and increase fees payable for service of a summons or process.

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