STATUTORY RULES OF NORTHERN IRELAND

2017 No. 14

MAGISTRATES' COURTS

The Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 2017

Made - - - - 16th January 2017

Coming into operation in accordance with Article 1

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, commencement and interpretation

1.—(1) This Order may be cited as the Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 2017.

(2) Articles 1 and 3 shall come into operation on 1st April 2017.

(3) Article 2 shall come into operation immediately after the coming into operation of the Universal Credit Regulations (Northern Ireland) 2016(**d**).

(4) In this Order "the principal Order" means the Magistrates' Courts Fees Order (Northern Ireland) 1996(**e**).

Amendments to the principal Order

2. In Article 10(2) (Exemptions and refunds) of the principal Order—

(a) at the end of sub-paragraph (d) for "." substitute "; or"; and

(b) after sub-paragraph (d) insert—

"(e) universal credit paid under Part 2 of the Welfare Reform (Northern Ireland) Order 2015(**f**).".

(**a**) 1978 c. 23 as amended by the Courts Act 2009 (c. 39) and s.59 of the Justice Act (Northern Ireland) 2016 (2016 c. 21 (N.I.)).

(**b**) 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).

(**c**) Article 15(4)(b) of the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010 No. 976). 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. 2016 No. 216.

(**e**) S.R. 1996 No. 102 to which relevant amendments are made by S.R. 2007 No. 379.

(**f**) 2015 No. 2006 (N.I. 1).

3. For Schedules 1 and 2 to the principal Order there shall be substituted the new Schedules 1 and 2 set out in the Schedule to this Order.

Sealed with the Official Seal of the Department of Justice on 16th January 2017



Claire Sugden
Minister of Justice

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

Sealed with the Official Seal of the Department of Finance on 16th January 2017



Emer Morelli
A senior officer of the
Department of Finance

SCHEDULE

Article 3

"SCHEDULE 1

Article 4

Court Fees

A. In proceedings to which Part VI of the Order applies				
Debt Proceedings		**Fee**		
		As from 01/04/17	As from 01/04/18	As from 01/04/19
1.	Process (ordinary, enforcement or committal)	£33.00	£35.00	£37.00
2.	Set-off, counterclaim, decree (including an order made on application under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981) or dismiss	£22.00	£24.00	£25.00
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)	£33.00	£35.00	£37.00
4.	Decree or dismiss	£22.00	£24.00	£25.00
Duplicate Orders and Extracts from Register				
5.	Notice for duplicate orders	£33.00	£35.00	£37.00
6.	Duplicate order	£33.00	£35.00	£37.00
7.	Certified extract from register	£33.00	£35.00	£37.00
B. In proceedings to which Part VII of the Order applies				
8.	Notice of application or notice of appeal to a magistrates' court	£110.00	£118.00	£124.00
C. Appeals and case stated				
9.	Copy notice of appeal lodged with Clerk of Petty Sessions or process in relation to civil proceedings	£110.00	£118.00	£124.00
10.	Copy notice of appeal lodged with Clerk of Petty Sessions for a complaint, application, appeal or process (except where appellant in prison or in respect of civil proceedings), subject to a maximum fee of £150	£33.00	£35.00	£37.00

11.	Written application for case stated		£110.00	£118.00	£124.00
12.	Case stated		£110.00	£118.00	£124.00
D. Notices of application under the Licensing (Northern Ireland) Order 1996					
13.	(a)	Application for renewal	£299.00	£321.00	£337.00
	(b)	Application for protection order under Article 26	£75.00	£81.00	£85.00
	(c)	Application for temporary continuance of business in other premises under Article 29	£75.00	£81.00	£85.00
	(d)	Application for transfer	£299.00	£321.00	£337.00
	(e)	Application for transfer and renewal	£598.00	£643.00	£675.00
	(f)	Application for order for alternative permitted hours under Article 43	£299.00	£321.00	£337.00
	(g)	Application for order for additional permitted hours under Article 44	£299.00	£321.00	£337.00
	(h)	Application for order under Article 48 (suitability of certain premises for functions)	£299.00	£321.00	£337.00
	(i)	Additional fee for application out of time under Article 16 for each month or part of a month	£125.00	£134.00	£141.00
	(j)	Application for the grant of each occasional licence under Article 30—			
		(i) for the first day	£90.00	£97.00	£102.00
		(ii) for each additional day	£22.00	£24.00	£25.00
	(k)	Application for the grant of an extension licence	£75.00	£81.00	£85.00
	(l)	Application for the grant of a children's certificate	£174.00	£187.00	£196.00
	(m)	Children's certificate	£33.00	£35.00	£37.00
	(n)	Application to vary/remove conditions with respect to a licence for an indoor arena under Article 77A	£299.00	£321.00	£337.00
14.	(a)	For each inspection of the register of licences as provided for under Article 35	£24.00	£26.00	£27.00
	(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	£12.00	£13.00
15.		A duplicate licence, being a certified copy of particulars recorded in the register of licences, issued under Article 38(2)	£165.00	£177.00	£186.00
E. Applications under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985					
Bookmakers' Licences and Bookmaking Office Licences					
16.		A notice of application for the grant of a bookmaker's licence under Article 8(1)	£284.00	£305.00	£320.00

17.		A notice of application for renewal of a bookmaker's licence under Article 16(1)	£205.00	£220.00	£231.00
18.		A notice of application for renewal out of time of a bookmaker's licence under Article 20(1)	£328.00	£353.00	£371.00
19.		A notice of application for renewal of a bookmaking office licence under Article 18(1)	£205.00	£220.00	£231.00
20.		A notice of application for renewal out of time of a bookmaking office licence under Article 20(1)	£328.00	£353.00	£371.00
21.		A notice of application for transfer of a bookmaking office licence under Article 23(1)	£205.00	£220.00	£231.00
22.		A notice of application for concurrent transfer and renewal of a bookmaking office licence under Article 24(1)	£385.00	£414.00	£435.00
23.		Application for temporary continuance of business in other premises under Article 26	£75.00	£81.00	£85.00
24.		A notice of application for revocation of a bookmaker's licence under Article 27(1)	£205.00	£220.00	£231.00
25.		A notice of application for revocation of a bookmaking office licence under Article 28(1)	£205.00	£220.00	£231.00
Bingo Club Licences					
26.		A notice of application for the grant of a bingo club licence under Article 63(1)	£205.00	£220.00	£231.00
27.		A notice of application for the provisional grant of a bingo club licence under Article 65(1)	£205.00	£220.00	£231.00
28.		A notice of application for the renewal of a bingo club licence under Article 67(1)	£205.00	£220.00	£231.00
29.		A notice of application for the renewal out of time of a bingo club licence under Article 69(1)	£328.00	£353.00	£371.00
30.		Bingo club grant declared final	£110.00	£118.00	£124.00

Gaming Machine Certificates and Permits					
31.		A notice of application for the grant of a gaming machine certificate under Article 85(1)	£205.00	£220.00	£231.00
32.		A notice of application for the renewal of a gaming machine certificate under Article 87(1)	£205.00	£220.00	£231.00
33.		A notice of application for the renewal of a gaming machine certificate out of time under Article 89(1)	£328.00	£353.00	£371.00
34.		A notice of application for the grant of a gaming machine permit under Article 85(3)	£205.00	£220.00	£231.00
Registration of Clubs					
35.		A notice of application for the registration of a club under Article 96(1)	£205.00	£220.00	£231.00
36.		A notice of application for the renewal of registration of a club under Article 98(1)	£205.00	£220.00	£231.00
37.		A notice of application for the renewal of registration of a club out of time under Article 100(1)	£328.00	£353.00	£371.00
Lottery Certificates					
38.		A notice of application for the grant of a lottery certificate under Article 142(1)	£249.00	£268.00	£281.00
39.		A notice of application for renewal of a lottery certificate under Article 144(1)	£205.00	£220.00	£231.00
40		A notice of application for renewal out of time of a lottery certificate under Article 146(1)	£328.00	£353.00	£371.00
41.		A notice of application for revocation of a lottery certificate under Article 149(1)	£205.00	£220.00	£231.00
Supplementary					
42.	(a)	For each inspection of the register of licences, certificates and permits kept under Article 174(1)	£24.00	£26.00	£27.00
	(b)	For each copy of all or any part of an entry taken from the register of licences, certificates and permits kept under Article 174(1)	£11.00	£12.00	£13.00
43.	(a)	For each inspection of the register of clubs kept under Article 175(1)	£24.00	£26.00	£27.00

	(b)	For each copy of all or part of an entry taken from the register of clubs kept under Article 175(1)	£11.00	£12.00	£13.00
44.		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)	£165.00	£177.00	£186.00
F. Applications under the Registration of Clubs (Northern Ireland) Order 1996					
45.		On every application for the renewal of registration of a club under Article 7	£299.00	£321.00	£337.00
46.		Additional fee for application out of time under Article 9 for each month or part of month	£114.00	£123.00	£129.00
47.		Application for continuance of club in other temporary premises under Article 12	£75.00	£81.00	£85.00
48.		Application for a children's certificate	£174.00	£187.00	£196.00
49.		Children's certificate	£33.00	£35.00	£37.00
50.	(a)	For each inspection of the register of clubs as provided for under Article 17	£24.00	£26.00	£27.00
	(b)	For each copy of all or any part of any entry taken from the register of clubs as provided for under Article 17	£11.00	£12.00	£13.00
51.		A duplicate certificate of registration being a certified copy of particulars recorded in the register of clubs, issued under Article 20(2)	£165.00	£177.00	£186.00
G. Miscellaneous					
52.		A certificate of conviction or order	£33.00	£35.00	£37.00
53.		A certificate authorising the grant of game dealer's licence	£110.00	£118.00	£124.00
54.		A notice of application for a licence under section 1 of the General Dealers (Ireland) Act 1903	£110.00	£118.00	£124.00
55.		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	£110.00	£118.00	£124.00
56.	(a)	A copy document (5 sheets or less) not otherwise provided for	£6.00	£6.00	£6.00

	(b)	Additional copy per page	£0.50	£0.50	£0.50
	(c)	On a copy order/decree including certified or sealed	£11.00	£12.00	£13.00
	(d)	On a copy order/decree produced online	£9.00	£10.00	£11.00
H. Applications under the Child Support (Northern Ireland) Order 1991					
57.		A notice of application for a declaration of parentage under Article 28	£55.00	£59.00	£62.00
58.		A summons on an application for a liability order under Article 33(2)	£55.00	£59.00	£62.00
59.		An application for a summons or warrant under regulation 29 of the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992	£55.00	£59.00	£62.00
I. Applications under the Children (Northern Ireland) Order 1995					
60.		An application for an order under Parts II or III not otherwise provided for	£55.00	£59.00	£62.00
61.		An application for an order under Article 50 (care or supervision order) 55, (education supervision order) or 62 (child assessment order)	£55.00	£59.00	£62.00
62.		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)	£55.00	£59.00	£62.00
63.		An application for a financial provision order under Schedule 1	£55.00	£59.00	£62.00
64.		An application to vary, extend or discharge an order made under any of the provisions of the Order mentioned at items 54, 55, 57 and 58 above	£41.00	£44.00	£46.00
65.		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)	£55.00	£59.00	£62.00
66.		An appeal under Article 113 (appeal in relation to foster parenting)	£55.00	£59.00	£62.00
67.		An appeal under Article 145 (appeal in relation to licence to take part in public performance)	£55.00	£59.00	£62.00
68.		Any ex-parte application under Article 63 (emergency protection)	£0.00	£0.00	£0.00

69.		Full application under Article 63	£0.00	£0.00	£0.00
70.		Application for a maintenance order to be sent outside Northern Ireland for enforcement	£55.00	£59.00	£62.00
71.		On a C2 application	£55.00	£59.00	£62.00
72.		Application for leave to apply under Article 44 (secure accommodation)	£55.00	£59.00	£62.00
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.					
J. Applications under the Family Homes and Domestic Violence (Northern Ireland) Order 1998					
73.		Any ex-parte (emergency) application	£0.00	£0.00	£0.00
74.		Full application	£0.00	£0.00	£0.00
75.		On a C2 application	£0.00	£0.00	£0.00
76.		Any other application under the Family Homes and Domestic Violence (Northern Ireland) Order 1998, not otherwise provided for	£0.00	£0.00	£0.00
K. Applications under the Domestic Proceedings (Northern Ireland) Order 1980					
77.		Registration of an incoming maintenance order under the Maintenance Orders (Reciprocal Enforcement) Act 1972	£55.00	£59.00	£62.00
78.		Any other application under the Domestic Proceedings (Northern Ireland) Order 1980 and Article 98 of the Magistrates' Court (Northern Ireland) Order 1981	£55.00	£59.00	£62.00

SCHEDULE 2

Article 3

Fees Payable for Service of a Summons or Process

			Fee		
			As from 01/04/17	As from 01/04/18	As from 01/04/19
1.	(1)	Subject to sub-paragraph (2) and paragraph 3, for the service of a summons or process or document	£11.00	£12.00	£13.00
	(2)	Where service of a summons or process is required to be personal	£14.00	£15.00	£16.00
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	No change	No change	No change
3.		Where a document relating to a summons is served together with the summons, for each document served	£3.00	£4.00	£4.00”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Magistrates' Courts Fees Order (Northern Ireland) 1996 (S.R. 1996 No. 102) to increase the fees payable in respect of proceedings in Magistrates' Courts over a three year period (10% increase effective from 1 April 2017, 7.5% increase effective from 1 April 2018 with a further 5% increase effective from 1 April 2019). The Order also updates the qualifying benefits for the purpose of exemptions from fees in consequence of part 2 of the Welfare Reform (Northern Ireland) Order 2015.

An Explanatory Memorandum and a Regulatory Impact Assessment have been produced and are available from Northern Ireland Courts and Tribunals Service, Central Management Team, 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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