1976 No. 215

FEES AND PERCENTAGES

Supreme Court Fees Order (Northern Ireland) 1976

The Right Honourable Sir Robert Lynd Erskine Lowry, Lord Chief Justice of Northern Ireland, with the concurrence of the Treasury, in exercise of the powers conferred by the Supreme Court of Judicature (Ireland) Acts 1877 to 1897(a), the Government of Ireland Act 1920(b), the Supreme Court of Judicature (Northern Ireland) Order 1921(c) and sections 2 and 3 of the Public Offices Fees Act 1879(d) and all other powers and authorities enabling me in this behalf do hereby order and direct as follows:

1. The Interpretation Act 1889(e) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

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

(*a*) an Order or rule referred to by number means an Order or rule so numbered in the Rules of the Supreme Court (Northern Ireland) 1936(f),

(*b*) a fee referred to by number means the fee so numbered in the Schedule to this Order.

3. The fees set out in the second column of the Schedule shall be taken in the Supreme Court of Northern Ireland in respect of the items set out in the first column of the Schedule.

4. The provisions of this Order shall not apply to—

(i) non-contentious probate business;

(ii) proceedings in the Department for the Affairs of Patients;

(iii) criminal proceedings (except proceedings on the Crown side of the Queen's Bench Division to which the scale contained in the Schedule is applicable).

5. Where it appears to the Lord Chief Justice that the payment of any fee specified in the Schedule would, owing to the exceptional circumstances of the particular case, involve undue hardship, the Lord Chief Justice may reduce or remit the fee in that case.

6.—(1) Where by any convention entered into by Her Majesty with any foreign power it is provided that no fee shall be required to be paid in respect of any proceedings, the fees specified in this Order shall not be taken in respect of those proceedings.

(2) The fees specified in this Order shall be remitted where such fees, if taken, would be payable out of money provided by the Parliament of the United Kingdom.

(a) 40 & 41 Vict. c. 57; 50 & 51 Vict. c. 6; and 60 & 61 Vict. c. 66
(b) 10 & 11 Geo. 5 c. 67
(c) S.R. & O. 1921, No. 1802 (p. 1332)
(d) 42 & 43 Vict. c. 58
(e) 52 & 53 Vict. c. 63
(f) S.R. & O. 1936, No. 70 (II, p. 2559)

7.—(1) The fees prescribed by this Order shall, subject to the provisions of this paragraph, be taken by impressed stamps.

(2) Those items marked with an asterisk may be taken either by adhesive or impressed stamps.

(3) A Registrar or the Chief Clerk may permit any fee to be taken by adhesive stamps.

(4) The document to be stamped shall be the document indicated in the third column of the Schedule.

(5) Any impressed or adhesive stamp used for the purpose of this Order shall be of such design and character as the Commissioners of Inland Revenue may from time to time adopt.

8. For the purposes of this Order an impressed stamp means an impressed Northern Ireland judicature fee stamp, and an adhesive stamp means an adhesive Northern Ireland judicature fee stamp.

9. Every adhesive stamp used in pursuance of this Order shall be cancelled by the proper officer of the Supreme Court of Northern Ireland.

10. In the case of fees on proceedings in bankruptcy—

(*a*) where the stamp is to be impressed, the party presenting the document for stamping shall inform the stamping officer, by means of an indication on the document or otherwise, that the fee relates to such proceedings; and

(*b*) where the stamp is to be adhesive, it shall be a stamp on which the word "Bankruptcy" is printed.

11. A folio is to comprise seventy-two words, every figure being counted as one word. Part of a folio shall be deemed to be one folio and part of a page shall be deemed to be one page.

12.—(1) Subject to paragraph (2), the Supreme Court Fees Order (Northern Ireland) 1971(g) is hereby revoked, save as to any fee due or payable before the commencement of this Order.

(2) Where a bankrupt or an arranging debtor has made an offer of composition before the commencement of this Order the fees payable in such proceedings shall be assessed as if this Order had not been made.

13. This Order may be cited as the Supreme Court Fees Order (Northern Ireland) 1976, and shall come into operation on the 1st day of September 1976.

Dated this 7th day of July 1976.

(Signed) *Robert Lowry*
Lord Chief Justice

We concur in this Order.

(Signed) *Donald R. Coleman*
David Stoddart
Lords Commissioners of Her Majesty's Treasury

(g) S.R. & O. (N.I.) 1971, No. 28 (p. 195)

SCHEDULE

PART I

FEES PAYABLE IN EVERY DIVISION OF THE HIGH COURT

Nature	***Fees***	*Document to be stamped*
Writs, etc.	£	
*1. On sealing a writ of summons	10·00	The copy filed
*2. On sealing an originating notice of motion	10·00	The copy filed
*3. On sealing an originating summons, except where fee 4 or fee 21 is payable	10·00	The copy filed
*4. On sealing an originating summons for the payment out of court of a sum not exceeding £500	2·00	The copy filed
*5. On sealing a writ of subpoena, per person	1·00	The praecipe
Copies of Documents		
*6. For examining a plain copy, and marking the same as an office or certified copy	0·25 per page	The requisition
*7. For a typewritten copy of any document and marking the same as an office or certified copy	0·50 per page	The requisition
*8. For a reproduction of any document or part thereof, by photographic or other similar process—and marking the same as an office or certified copy	0·25 per page	The requisition
*9. For a copy, other than a photographic copy, in a foreign language	Reasonable cost as certified by proper officer	The requisition
*10. For a copy, other than a photographic copy, of a plan, map, section, drawing, photograph or diagram	Reasonable cost as certified by proper officer	The requisition
*11 For a stencilled copy and marking the same as an office or certified copy	0·50	The requisition

Nature	*Fees*	*Document to be stamped*
	£	
*12. On sealing or certifying any copy in a matrimonial cause or matter	0·50	The requisition
Registration of Judgments		
*13. Under the Judgments Extension Act 1868—		
(*a*) On a certificate of a judgment for registration in England or Scotland	2·00	The requisition
(*b*) On registration of a certificate issued by an English or Scottish Court.	2·00	The certificate
Searches and Inspections		
*14. On a search (including inspection), except in bankruptcy	0·25	The search docket
*15. For an official certificate of the result of a search in any register or index	0·50 for first name 0·25 every other name	The requisition
Hearing		
16.(*a*) On entering or setting down a cause or issue for trial or hearing (including a special case, case stated, statutory appeal including a civil bill appeal or issue) and for filing the judgment or order	10·00	The setting down docket
(*b*) On setting down an action on motion for judgment under O. 27 r. 12 and for filing the judgment or order	4·00	
Judgments, Decrees and Orders		
17. For filing any judgment or final order not provided for under fees 16 and 18	4·00	The judgment or requisition
18. For drawing up and entering any judgment or order including interlocutory judgment	2·00	The requisition

Nature	*Fees*	*Document to be stamped*
Accounts	£	
19. For taking and certifying the result of any account of money received by any person liable to account therefor or due to any person, for every £100, or fraction thereof, of amount received or found due, but excluding the amount of any balance carried forward on a previous account in the cause, except in bankruptcy	0·25 (Minimum fee £2·00 maximum fee £25·00)	The requisition
Petitions		
20. On presenting a petition except where fees 21 or 26 are payable	10·00	The petition or copy filed
21. On any application by way of petition or originating summons for wardship or adoption	1·00	The petition or copy filed
Advertisements		
22. For signing, settling or approving an advertisement, except in bankruptcy	2·00	The requisition
Service of Summonses, Notices, etc. in Chancery Division		
*23. On every notice or summons lodged for service through office under 0.67 r.1 and for transmitting first copy	0·50	The copy filed
*24. On each additional copy of such notice or summons lodged and transmitted	0·20	The copy filed under fee 23
Enrolment		
25. For enrolment of every deed or document, other than letters patent, bonds or recognizances, for each roll of 10 folios or part thereof	2·00	The copy filed

Nature	Fees	Document to be stamped
Proceedings under Companies Act (N.I.) 1960	£	
*26. On presenting a petition under one or more of the following— (*a*) section 56, to confirm the reduction of a share premium account; (*b*) section 57, to sanction the issue of shares at a discount; (*c*) section 58(1)(*d*) to confirm a reduction of a capital redemption reserve fund; (*d*) section 67, to confirm a reduction of capital; or (*e*) section 197, to sanction a compromise of arrangement	25·00	The petition or copy filed
27. On a certificate as to debts	15·00	The requisition
Miscellaneous		
*28. On an affidavit taken before an officer of the Supreme Court; and in addition thereto, for each exhibit therein referred to and required to be marked	1·00 0·40	The affidavit The affidavit

PART II

FEES PAYABLE IN QUEEN'S BENCH DIVISION (ADMIRALTY)

Nature	Fees	Document to be stamped
	£	
*29. On a Warrant of Arrest	10·00	The notice or praecipe
*30. On every instrument not otherwise specified prepared in the registry and issued under the seal of the court.	5·00	The requisition
*31. On filing a consent or agreement	2·00	The consent or agreement
*32. On filing a caveat	2·00	The caveat

Nature	*Fees*	*Document to be stamped*
	£	
*33. On filing and enrolling any recognizance (save security for costs) including a bail bond and giving certificate	2·00	The recognizance
*34. On filing any vacate of a recognizance, and giving certificate	2·00	The vacate
*35. On a request for the attendance of assessors on the hearing of an Admiralty action or reference	2·00	The requisition
*36. For drawing up and entering an order made on an agreement filed in court	2·00	The requisition
*37. On entering a reference for hearing by the Registrar	10·00	The notice for hearing
*38. On the appointment and swearing of appraisers	10·00	The certificate of appraisement
39. On the sale of a ship or goods for every £100 or fraction of £100 of the price	1·00	[Paid by transfer]
40. On retaining possession of a ship with or without cargo, or of a ship's cargo without a ship, per day	0·50	[Paid by transfer]

PART III

FEES PAYABLE IN THE QUEEN'S BENCH DIVISION (PROBATE AND MATRIMONIAL)

Nature	*Fees*	*Document to be stamped*
	£	
41. On settling and sealing a citation	2·00	The copy filed
42. On sealing a writ of subpoena under section 19 of the Court of Probate Act (Ireland) 1859 per person	1·00	The præcipe
43. On taking account of persons liable to account	0·25 per 100·00 (Minimum 2·00 maximum 25·00)	The requisition
44. On filing a notice of application for ancillary relief	7·00	The notice

PART IV

FEES PAYABLE IN THE QUEEN'S BENCH DIVISION (IN BANKRUPTCY)

Nature	*Fees*	*Document to be stamped*
	£	
Section A—Fees Payable in the Office of the Registrar		
45. On sealing a debtor's summons	5·00	The copy filed
46. On filing a declaration of insolvency	0·50	The declaration
47. On presenting a petition	5·00	The petition
48. On a notice of a sitting of the court, and application to the court other than an application by the Official Assignee, except in proceedings under section 88 of the Judgments (Enforcement) Act (N.I.) 1969	2·00	The notice or summons
49. On a bond	1·00	The bond
50. On the audit of the account of the Official Assignee or examination of the account of a trustee—	2·50	
On the amount brought to credit—		The account
On the first £10,000—for every £100 or fraction thereof	2·50	
On all further sums	Nil	
51. On a search (including inspection) other than by the petitioner, bankrupt, arranging debtor, trustee, Official Assignee or any other officer of the court	0·25	The search docket

Nature	*Fees*	*Document to be stamped*
Section B—Fees Payable in the Office of Official Assignee	£	
52. On the amount brought to credit other than cash provided under the terms of a composition, after deducting any sums paid to secured creditors in respect of their securities and any sums spent out of money received in carrying out the business of the bankrupt—		
On the first £2,500—for every £100 or fraction thereof	13·50	These fees are paid by transfer from the estate account to the Official Assignee's fees account
On the next £7,500—for every £100 or fraction thereof	10·00	
On the next £90,000—for every £100 or fraction thereof	6·50	
On all further sums—for every £100 or fraction thereof	3·50	
53. On the amount distributed to creditors otherwise than under a composition—		
On the first £2,500—for every £100 or fraction thereof	6·50	ditto
On the next £7,500—for every £100 or fraction thereof	5·00	
On all further sums	Nil	
54. On the amount distributed to creditors under a composition—		
On the first £2,500—for every £100 or fraction thereof	6·50	ditto
On the next £7,500—for every £100 or fraction thereof	5·00	
On the next £90,000—for every £100 or fraction thereof	2·00	
On all further sums—for every £100 or fraction thereof	1·50	
55. On the withdrawal or dismissal of an arrangement petition	15·00	ditto

PART V

FEES PAYABLE IN THE COURT OF APPEAL

Nature	*Fees*	*Document to be stamped*
	£	
56. On entering any interlocutory appeal	7·50	The requisition
57. On entering any other appeal or motion for a new trial or a case stated	10·00	The requisition

PART VI

FEES PAYABLE IN THE OFFICE OF THE CLERK OF THE CROWN FOR NORTHERN IRELAND AND PERMANENT SECRETARY TO THE SUPREME COURT

Nature	*Fees*	*Document to be stamped*
	£	
58. On presenting a petition	1·00	The petition
59. For every copy of any order	0·25	The copy order
60. For every office copy	Fee as in Part I	The office copy
61. For every certificate	1·00	The certificate
62. For filing any document	0·25	The document
63. For sealing every exemplification of orders	2·00	The requisition
64. On every patent granting fairs and markets	5·00	The patent
65. On every charter for cities and towns corporate	25·00	The charter
66. On a search for any record or document	0·25	The requisition

PART VII

FEES PAYABLE IN THE ACCOUNTANT-GENERAL'S OFFICE

Nature	*Fees*	*Document to be stamped*
	£	
*67. On every certificate of funds	0·25	The requisition
*68. On every transcript of account	0·03 per entry	The requisition
*69. On every direction to pay exceeding £20, excepting any dividend, annuity or other periodical payment: For each £100 or part thereof	0·10 (maximum £10)	The direction to pay
*70. On every privity for lodgment	0·25	The privity

PART VIII

TAXING OFFICE

Nature	*Fees*	*Document to be stamped*
	£	
71. On taking a cash account between solicitor and own client under the Solicitors' Acts 1849-1943, or otherwise: For every £100 or fraction of the amounts found to have been received and paid	0·05	The account
72. On the taxation of a bill of costs: where the amount allowed does not exceed £5	0·25	The bill
where the amount allowed exceeds £5 but does not exceed £100, for every £1 or fraction of £1	0·05	
where the amount allowed exceeds £100— (i) for the first £100	5·00	
(ii) for every £2 or fraction thereof over £100	0·05	
Provided that the Taxing Master may in any case require the bill of costs to be stamped before taxation with the whole or part of the amount of fees which would be payable if the bill were allowed by him at the full amount thereof (including in cases under the Solicitors' Acts 1849-1943, the fee payable in respect of the cash account).		
73. On the withdrawal of a bill of costs which has been lodged for taxation	Such fee (not exceeding the amount which would have been payable under fee 2 if the bill had been allowed in full) as shall appear to the Taxing Master to be fair and reasonable	The bill
Official Liquidator's remuneration		
74. For every £100 of the measured remuneration or fraction thereof	1·00	The requisition

EXPLANATORY NOTE

(*This note is not part of the Order but is intended to indicate its general purport.*)

This Order replaces the Supreme Court Fees Order (Northern Ireland) 1971 and substitutes new fees for proceedings in the Supreme Court of Northern Ireland. It increases a number of fees and abolishes certain obsolete items.