1979 No. 160

JUDICATURE, NORTHERN IRELAND

FEES AND PERCENTAGES

Supreme Court Fees Order (Northern Ireland) 1979

Made . . . . . 30*th April* 1979

Coming into operation . . . . 21*st May* 1979

The Lord Chancellor, after consultation with the Lord Chief Justice and with the concurrence of the Treasury, in exercise of the powers conferred by section 116 of the Judicature (Northern Ireland) Act 1978(**a**) and sections 2 and 3 of the Public Offices Fees Act 1879(**b**) hereby makes the following Order.

1. This Order may be cited as the Supreme Court Fees Order (Northern Ireland) 1979 and shall come into operation on 21st May 1979.

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(**c**);

(*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—

(*a*) non-contentious probate business;

(*b*) proceedings in the Family Division (Office of Care and Protection);

(*c*) 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.

(**a**) 1978 c. 23
(**b**) 1879 c. 58
(**c**) S.R. & O. 1936 No. 70 (II p. 2559)

(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.

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 Master or Registrar of the Supreme Court 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 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. The fees taken under this Order shall be applied as the Lord Chancellor, with the concurrence of the Treasury, may direct.

Dated the 26th April 1979.

(Signed) *Elwyn-Jones, C.*

We concur

Dated the 30th April 1979.

(Signed) *T. M. Cox*
T. E. Graham
Lords Commissioners of
Her Majesty's Treasury.

SCHEDULE

PART I

FEES PAYABLE IN EVERY DIVISION OF THE HIGH COURT
(unless otherwise provided)

Nature	*Fees*	*Document to be stamped*
Writs, etc.	£	
*1. On sealing a writ of summons	15·00	The copy filed
*2. On sealing an originating motion	15·00	The copy filed
*3. On sealing an originating summons, except where fee 4 or fee 21 is payable	15·00	The copy filed
*4. On sealing an originating summons for the payment out of court of a sum not exceeding £1,500	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 copy	0·25 per page	The requisition
*7. For a typewritten copy of any document and marking the same as an office 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 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

Nature	*Fees*	*Document to be stamped*
	£	
*11(*a*) For a stencilled copy of a written judgment and marking the same as an office copy	0·10 per page	The requisition
(*b*) For any other stencilled copy and marking the same as an office copy	first copy 0·25 per page subsequent copies 0·10 per page;	The requisition
12. In a probate or matrimonial cause or matter—		
(*a*) For a copy of all or part of any document, issued as an office copy, for each page	0·25	The requisition
(*b*) For a certified copy of any document And for each page after the first a further additional fee of	0·50 0·25	The requisition
(*c*) For a sealed and certified copy of any document And for each page after the first, a further additional fee of	1·00 0·25	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

Nature	*Fees*	*Document to be stamped*
Hearing	£	
16.(*a*) On entering or setting down a cause or issue for trial or hearing (including a special case, case stated or statutory appeal, but excluding a civil bill appeal) 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	The setting down docket
Judgments, Decrees and Orders		
*17.(*a*) For filing any final judgment or final order except where fee 16 has been paid and except in applications for wardship	4·00	The judgment or requisition
(*b*) For filing any interlocutory judgment or interlocutory order except in applications for wardship	2·00	The judgment or requisition
*18. For filing any final or interlocutory order in applications for wardship	1·00	The requisition
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, 26, 47 or 54 are payable	15·00	The petition or copy filed
21. On any application by way of petition or originating summons for wardship or adoption	10·00	The petition or copy filed

Nature	*Fees*	*Document to be stamped*
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 the office under O.67 r.1 and for transmitting the 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
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 or 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;	1·00	The affidavit
and, in addition thereto, for each exhibit therein referred to and required to be marked	0·40	The affidavit

PART II

FEES PAYABLE IN ADMIRALTY MATTERS

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
*33. On filing and enrolling any recognizance or bond (save security for costs) including a bail bond and giving certificate	2·00	The recognizance or bond
*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 Master	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 PROBATE AND MATRIMONIAL OFFICE

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 praecipe
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 BANKRUPTCY AND COMPANIES OFFICE

Nature	*Fees*	*Document to be stamped*
	£	
*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, or application to the court other than an application by the Official Assignee	2·00	The notice or summons
*49. On a bond	1·00	The bond

Nature	*Fees*	*Document to be stamped*
*50. On the audit of the account of the Official Assignee or examination of the account of a trustee— On the amount brought to credit— On the first £10,000—for every £100 or fraction thereof On all further sums.	£ 2·50 Nil	The account
*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

PART V

FEES PAYABLE IN THE COURT OF APPEAL

Nature	*Fees*	*Document to be stamped*
	£	
52. On entering any interlocutory appeal	7·50	The notice of appeal
53. On entering any other appeal or a case stated	10·00	The notice of appeal or requisition

PART VI

FEES PAYABLE IN THE OFFICE OF THE CLERK OF THE CROWN FOR NORTHERN IRELAND AND PRINCIPAL SECRETARY TO THE LORD CHIEF JUSTICE

Nature	*Fees*	*Document to be stamped*
	£	
54. On presenting a memorial	1·00	The petition
55. For every copy of an order	0·25	The copy order
56. For every office copy	Fee as in Part I	The office copy

Nature	*Fees*	*Document to be stamped*
57. For every certificate	1·00	The certificate
58. For filing any document	0·25	The document
59. For sealing every exemplification of an order	2·00	The requisition
60. On every patent granting fairs and markets	5·00	The patent
61. On every charter	25·00	The charter
62. On a search for any record or document	0·25	The requisition

PART VII

FEES PAYABLE IN THE COURT FUNDS OFFICE

Nature	*Fees*	*Document to be stamped*
	£	
*63. On every certificate of funds	0·25	The requisition
*64. On every transcript of account	0·03 per entry, the total fee to be rounded up or down to the nearest 0·05	The requisition
*65. 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
*66. On every privity for lodgment	0·25	The privity

PART VIII

TAXING OFFICE

Nature	*Fees*	*Document to be stamped*
67. 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
68. 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).		
69. 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 72 if the bill had been allowed in full) as shall appear to the Taxing Master to be fair and reasonable	The bill

Nature	*Fees*	*Document to be stamped*
Official liquidator's remuneration		
70. 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) 1977. It increases the fee payable on a writ of summons, originating summons and petition from £10 to £15.