# 1988 No. 419

## COUNTY COURTS

## The County Court Fees Order (Northern Ireland) 1988

*Made* . . . . . *21st November 1988*
*Coming into operation* . . *26th December 1988*

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) 1988 and shall come into operation on 26th December 1988.

**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*) 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 proceedings 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

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

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.

**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 November 1988 — *Mackay of Clashfern,* C.

We concur,

*Kenneth Carlisle*
*Tony Durant*

Dated 23rd November 1988 — Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE 1 Article 3, 4

FEES TO BE TAKEN IN COUNTY COURTS

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 to be taken under the Licensing Act (Northern Ireland) 1971 and the Registration of Clubs (Northern Ireland) Order 1987.

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 VI — Fees to be taken under the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 ("the Criminal Injuries Order") and the Criminal Damage (Compensation) (Northern Ireland) Order 1977 ("the Criminal Damage Order").

Section VII — Fees to be taken under the Family Law Act 1986.

SECTION I

**Fees to apply in respect of proceedings not otherwise specifically provided for in any subsequent section of this Schedule**

| Column 1<br>*No. of Fee* | Column 2<br>*Item* | Column 3<br>*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 ... | £ 7·00 |
| 3 | On a bond or recognizance ... | £ 2·00 |
| 4 | On a case stated ... | £24·00 |
| 5 | On a certificate of taxation of costs ... | £ 6·00 |
| 6 | On a certificate by a court officer (inclusive of search) ... | £ 4·00 |
| 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 £500 ... | £30·00 |
| | exceeding £500 but not exceeding £2,000 ... | £45·00 |
| | exceeding £2,000 ... | £50·00 |
| 8 | On a civil bill in an ejectment action ... | £42·00 |
| 9 | On any other civil bill ... | £42·00 |

| Column 1<br>*No. of Fee* | Column 2<br>*Item* | Column 3<br>*Amount of Fee* |
|---|---|---|
| 10 | On a third party notice ... | the same fee as on the civil bill in the action |
| 11 | On a counterclaim or set-off where the amount thereof— | |
| | does not exceed £500 ... | £15·00 |
| | exceeds £500 but does not exceed £2,000 ... | £23·00 |
| | exceeds £2,000 ... | £25·00 |
| 12 | On a copy of any document filed or any record kept in the Office (including comparison)—per page ... | £ 1·00 |
| 13 | On a comparison of a document filed in the Office—per page ... | £ 1·00 |
| 14 | On a decree, award, judgment, order or dismiss (other than an interlocutory order) ... | £18·00 |
| 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 entry of any defence ... | £ 6·00 |
| 17 | On late entry of a civil bill or defence, unless the Judge otherwise orders ... | £10·00 |
| 18 | On the entry of a remitted action ... | £ 6·00 |
| 19 | On a notice of appeal to a county court (not otherwise provided for) ... | £18·00 |
| 20 | On a notice of application to the Judge for payment of funds out of court ... | £ 2·00 |
| 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 ... | £18·00 |
| 23 | On a notice, petition, summons or other form of application (not otherwise provided for) initiating any proceedings ... | £30·00 |
| 24 | On a notice of application for a review by the Judge ... | £12·00 |
| 25 | On any other notice of application to the Judge or to the Circuit Registrar (not otherwise exempted) ... | £14·00 |
| 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 |

| Column 1<br>*No. of Fee* | Column 2<br>*Item* | Column 3<br>*Amount of Fee* |
|---|---|---|
| 28 | On a search or inspection ... | £ 4·00 |
| 29 | On a witness summons ... | £ 5·00 |
| | *Note*:<br>(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.<br>(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<br>*No. of Fee* | Column 2<br>*Item* | Column 3<br>*Amount of Fee* |
|---|---|---|
| 1 | On a civil bill or petition, where the property or estate of the subject matter of the proceedings—<br>(*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 ... | £42·00 |
| | (*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 ... | £48·00 |
| | Provided that in the case of a mortgage suit or creditor's administration suit | |

| Column 1<br>*No. of Fee* | Column 2<br>*Item* | Column 3<br>*Amount of Fee* |
|---|---|---|
| | where the amount claimed does not exceed £300 the fee on the civil bill shall be £36·00. | |
| 2 | On a primary or final decree, order or dismiss ... | £21·00 |
| 3 | On a decree or order not otherwise provided for (including an interlocutory order) ... | £21·00 |
| 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 ... | £24·00 |
| 5 | On the officer's certificate thereof ... | £ 7·00 |
| 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) ... | £21·00 |
| | *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 in the case of a probate suit, the Certificate of Decree to be transmitted to the Probate Registry. | |

SECTION III

**Fees to be taken under the Licensing Act (Northern Ireland) 1971 and the Registration of Clubs (Northern Ireland) Order 1987**

| Column 1<br>*No. of Fee* | Column 2<br>*Item* | Column 3<br>*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 ... | £90·00 |
| 2 | On a notice of application to the court for the grant of registration of a club under Article 6 of the Registration of Clubs (Northern Ireland) Order 1987 ... | £90·00 |

SECTION IV

**Miscellaneous fees relating to civil proceedings and matters**

| Column 1<br>*No. of Fee* | Column 2<br>*Item* | Column 3<br>*Amount of Fee* |
|---|---|---|
| | UNDER PART V (ENFORCEMENT OF COUNTY COURT DECREES OUTSIDE NORTHERN IRELAND) OF ORDER 40 | |
| 1 | On a certified copy of a decree, or a certificate in respect of a money provision, issued under Part V of Order 40 ... | £14·00 |
| | This fee includes provision of the appropriate certificate in Forms 295-298 | |
| | UNDER THE PARLIAMENTARY DOCUMENTS DEPOSIT ACT 1837 | |
| 2 | On a search in papers deposited under Standing Orders of Parliament, for each hour or part thereof ... | £ 5·00 |
| 3 | On an extract from papers so deposited — per page ... | £ 1·00 |

SECTION V

**Fees to apply in respect of applications for arbitration under Article 30(3) of the Order**

| Column 1<br>*No. of Fee* | Column 2<br>*Item* | Column 3<br>*Amount of Fee* |
|---|---|---|
| 1 | On lodging an application in which the amount claimed, or the value of the specific chattels claimed— | |
| | does not exceed £75 ... | £ 5·00 |
| | exceeds £75 ... | £12·00 |
| 2 | On a counterclaim or set-off where the amount thereof— | |
| | does not exceed £75 ... | £ 3·00 |
| | exceeds £75 ... | £ 6·00 |

SECTION VI

**Fees to be taken under the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 ("the Criminal Injuries Order") and the Criminal Damage (Compensation) (Northern Ireland) Order 1977 ("the Criminal Damage Order")**

| Column 1<br>*No. of Fee* | Column 2<br>*Item* | Column 3<br>*Amount of Fee* |
|---|---|---|
| 1 | On a notice of appeal to a county court under Article 16 of the Criminal Injuries Order ... | £50·00 |
| 2 | On a notice of application under Article 14 of the Criminal Injuries Order ... | £10·00 |
| 3 | On a notice of appeal to a county court under Article 15 of the Criminal Damage Order ... | £50·00 |

SECTION VII

**Fees to be taken under the Family Law Act 1986**

| Column 1<br>*No. of Fee* | Column 2<br>*Item* | Column 3<br>*Amount of Fee* |
|---|---|---|
| 1 | On an application under section 27 of the Family Law Act 1986 for the registration of a custody order ... | £10·00 |

SCHEDULE 2 Article 7

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 £500 | ... | £5·00 |
| | exceeds £500 | ... | £6·00 |
| | (*b*) of an equity or probate civil bill | ... | £4·00 |
| | (*c*) of an ejectment civil bill | ... | £4·00 |
| 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 | ... | £4·00 |
| 3. | For each service of any other petition or summons initiating any proceedings | ... | £4·00 |
| 4. | For each service of any notice of application to the court in relation to a licence for the sale of intoxicating liquor | ... | £4·00 |
| 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 | ... | £6·00 |
| 7. | For each service of any document not otherwise provided for | ... | £4·00 |
| 8. | For personal service of a summons under rule 1(1)(i) of Order 57 for contempt or for sequestration | ... | £5·00 |
| 9. | For personal service of a primary decree in equity (including completion of affidavit) | ... | £5·00 |

ORDERS REVOKED

| *Title* | *Reference* |
|---|---|
| The County Court Fees Order (Northern Ireland) 1981 | S.R. 1981 No. 174 |
| The County Court Fees (Amendment) Order (Northern Ireland) 1983 | S.R. 1983 No. 207 |
| The County Court Fees (Amendment) Order (Northern Ireland) 1984 | S.R. 1984 No. 137 |
| The County Court Fees (Amendment) Order (Northern Ireland) 1986 | S.R. 1986 No. 195 |
| The County Court Fees (Amendment No. 2 ) Order (Northern Ireland) 1986 | S.R. 1986 No. 348 |

## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order revokes and replaces the County Court Fees Order (Northern Ireland) 1981 (as amended). The new Order:

(*a*) increases a number of the fees to be taken in County Courts in respect of the matters specified in Schedule 1;

(*b*) increases the fees payable to process servers, as specified in Schedule 2;

(*c*) introduces a new fee to be taken on a notice of application for the grant of registration of a club under the Registration of Clubs (Northern Ireland) Order 1987;

(*d*) introduces a new fee to be taken on an application for the registration of a custody order under section 27 of the Family Law Act 1986.