

1984 No. 14

SUPREME COURT

Supreme Court Fees Order (Northern Ireland) 1984

Made 16th January 1984

Coming into operation 20th February 1984

The Lord Chancellor, after consultation with the Lord Chief Justice and with the concurrence of the Treasury, in exercise of the powers conferred on him 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) 1984 and shall come into operation on 20th February 1984.

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

- (a) an Order or rule referred to by number means the Order or rule so numbered in the Rules of the Supreme Court (Northern Ireland) (Revision) 1980(c) and expressions defined in those Rules shall have the same meaning in this Order;
- (b) a fee referred to by number means the fee so numbered in the Schedule to this Order.

3. The fees set out in column 2 of the Schedule to this Order shall be taken in the Supreme Court of Northern Ireland in respect of the items set out opposite thereto in column 1.

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

- (a) non-contentious probate business;
- (b) criminal proceedings (except proceedings on the Crown side of the Queen's Bench Division to which the scale contained in the Schedule is applicable);
- (c) matrimonial proceedings.

5. Where it appears to the Lord Chancellor 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 Chancellor may reduce or remit the fee in that case.

6. 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.

7.—(1) Subject to paragraph (4), the fees prescribed by this Order shall be taken by adhesive or impressed stamps.

(2) The document to be stamped shall be the document indicated in column 3 of the Schedule.

(3) 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.

(4) Fees No. 22(b) and (d) (being certain fees payable in an Admiralty matter) shall be taken by transfer from money in court.

(a) 1978 c. 23

(b) 1879 c. 58

(c) S.R. 1980 No. 346

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

11. The Supreme Court Fees Order (Northern Ireland) 1980(a), the Supreme Court Fees (Amendment) Order (Northern Ireland) 1981(b) and Article 9(1) of the Matrimonial Causes Fees Order (Northern Ireland) 1981(c) are hereby revoked, save as to any fee due or payable before the commencement of this Order.

Dated 29th December 1983

Hailsham of St. Marylebone, C.

We concur

Dated 16th January 1984

T. Garel-Jones

D. J. F. Hunt

Two of the Lords Commissioners
of Her Majesty's Treasury

(a) S.R. 1980 No. 264
(b) S.R. 1981 No. 173
(c) S.R. 1981 No. 195

SCHEDULE

- Section 1 Fees payable in every Department of the Supreme Court
 Section 2 Fees payable in the Central Office
 Section 3 Fees payable in the Office of the Lord Chief Justice
 Section 4 Fees payable in the Bankruptcy and Companies Office
 Section 5 Fees payable in the Office of Care and Protection
 Section 6 Fees payable in the Taxing Office

SECTION 1

FEES PAYABLE IN EVERY DEPARTMENT OF THE SUPREME COURT

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Fee £</i>	<i>Document to be stamped</i>
A. COMMENCEMENT OF A CAUSE OR MATTER		
1. On sealing—		
(a) a writ of summons, or	50-00	The filed copy
(b) an originating summons, except for the payment out of Court of a sum not exceeding £1,500 or where a fee under section 5 is payable and where no other fee is specifically provided, or	50-00	The filed copy
(c) an originating notice of motion, except a notice of appeal to the High Court, or	50-00	The filed copy
(d) a petition, except where a fee under section 4 or 5 of this Schedule is payable	50-00	The filed copy
2. On sealing an originating summons—		
(a) on approval of a minor settlement	10-00	The filed copy
(b) under section 31 or 32(1) of the Administration of Justice Act 1970 for discovery before commencement of proceedings	10-00	The filed copy
3. On an application for leave to apply for judicial review under Order 53: Provided that where the applicant obtains leave to move, credit for this fee is to be given against the fee payable in item 1	10-00	The application

Column 1	Column 2	Column 3
Item	Fee £	Document to be stamped
B. PROGRESS OF PROCEEDINGS		
<i>Entering and setting down for trial in Court</i>		
4. On entering or setting down any cause or matter for trial, hearing or further consideration in court, except where it is otherwise provided in this Schedule	20·00	The setting down docket
5. On setting down a cause on motion for judgment	10·00	The motion or summons
<i>Examination of witness before trial</i>		
6. On the examination of a witness before trial	5·00	The order
<i>Inquiries, trials and assessment of damages or interest by Master</i>		
7. (a) On an inquiry, reference for trial or assessment of damages before a Master or Admiralty Registrar	5·00	The order, judgment or certificate
(b) On an assessment of interest before a Master	2·00	The judgment
<i>Appeals to Judge in Chambers</i>		
8. On sealing a notice of appeal from a Master or Admiralty Registrar or Circuit Registrar to Judge in Chambers	5·00	The notice filed
<i>Appeals to High Court</i>		
9. On filing—		
(a) a notice of appeal to the High Court, or	15·00	The notice filed
(b) a case stated or a special case for the opinion of the High Court pursuant to statute and setting the appeal or case down for hearing, or	15·00	The case
(c) a notice of cross-appeal to the High Court, or	10·00	The notice filed
(d) a respondent's notice of appeal to the High Court	10·00	The notice filed
C. ENFORCEMENT OF JUDGMENTS		
<i>Application in aid of enforcement</i>		
10. On an application for an attachment of earnings order to secure maintenance payments	2·00	The affidavit in support of the application

Column 1	Column 2	Column 3
Item	Fee £	Document to be stamped
<i>Registration of Foreign and Commonwealth Judgments</i>		
11. (a) Under Part II of the Administration of Justice Act 1920 or the Foreign Judgments (Reciprocal Enforcement) Act 1933—		
(i) on an <i>ex parte</i> application to register an incoming judgment or order	10·00	The affidavit in support of the application
(ii) on providing a certified copy of a judgment or order for use abroad	10·00	The affidavit in support of the application
(b) Under the Maintenance Orders Act 1950 or the Maintenance and Affiliation Orders Act (Northern Ireland) 1966—		
(i) on an <i>ex parte</i> application to register an outgoing order	2·00	The affidavit in support of the application
(ii) on processing an incoming registration	2·00	The affidavit or order
(c) Under the Maintenance Orders (Facilities for Enforcement) Act 1920—		
(i) on an <i>ex parte</i> application to register an outgoing order	10·00	The affidavit in support of the application
(ii) on processing an incoming registration	10·00	The affidavit or order
(d) Under the Maintenance Orders (Facilities for Enforcement) Act 1972—		
on an <i>ex parte</i> application to register an outgoing order	10·00	The affidavit or statement in support of the application
<i>Enforcement of Arbitration Award</i>		
12. On an application for leave to enforce an arbitration award	10·00	The application

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Fee £</i>	<i>Document to be stamped</i>
D. MISCELLANEOUS PROCEEDINGS OR MATTERS		
<i>Copy Documents</i>		
13. For a photographic copy of or part of any document, whether or not issued as an office copy, for each photographic sheet	0.25	The requisition
14. For a typewritten copy document, per page, whether or not issued as an office copy, and for each page of any additional carbon copy bespoken, half of this fee	0.50	The requisition
15. For examining a plain copy and marking the same as an office copy — for each sheet	0.25	The requisition
16. For a certified copy of a written judgment, per page	0.25	The requisition
17. For any other stencilled copy and marking the same as an office copy, first copy per page	0.25	The requisition
<i>Bills of sale</i>		
18. On filing—		
(a) any document under the Bills of Sale (Ireland) Acts 1879 and 1883, other than a fiat of satisfaction	5.00	The document filed
(b) fiat of satisfaction	5.00	The application
19. (a) For an official certificate of the result of a search in one name in any register or index under the custody of the Registrar of Bills of Sale	2.00	The requisition for search
for every additional name if included in the same certificate	1.00	The requisition for search
(b) for a continuation of search, if made within one calendar month of date of official certificate (the result to be endorsed on each certificate)	1.00	The requisition for search
<i>Taking affidavits</i>		
20. (a) On taking an affidavit or an affirmation or a declaration	2.00	The affidavit, affirmation or declaration
(b) In addition thereto for each exhibit referred to and required to be marked	0.50	The affidavit, affirmation or declaration
<i>Searches</i>		
21. On a search of court documents, except where item 19 or 32 applies	1.00	The requisition

SECTION 2

FEES PAYABLE IN THE CENTRAL OFFICE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Fee £</i>	<i>Document to be stamped</i>
<i>Admiralty</i>		
22. (a) On lodging with the Marshal an instrument under Order 75, rule 5(1)	20.00	The praecipe
(b) On the sale of a ship or goods—		
(i) for every £100 or fraction of £100 of the price up to £100,000	1.00	Paid by transfer
(ii) for every £100 or fraction of £100 of the price exceeding £100,000	0.50	Paid by transfer
(c) On entering a reference for hearing by the registrar	15.00	The notice for hearing
(d) 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
<i>Court of Appeal</i>		
23. (a) On filing a notice of appeal or case stated	15.00	The notice of appeal or requisition
(b) On filing a notice of cross-appeal or a respondent's notice under Order 59, rule 6(1)	10.00	The notice

SECTION 3

FEES PAYABLE IN THE OFFICE OF THE LORD CHIEF JUSTICE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Fee £</i>	<i>Document to be stamped</i>
24. On presenting a memorial for appointment as commissioner for oaths or notary public	5.00	The memorial
25. For every certificate of such appointment	2.00	The certificate

SECTION 4

FEES PAYABLE IN THE BANKRUPTCY AND COMPANIES OFFICE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Fee £</i>	<i>Document to be stamped</i>
26. (a) On sealing a petition for the winding-up of a company by or under the supervision of the court, or for an order under Article 77 of the Companies (Northern Ireland) Order 1981	20·00	The filed copy
(b) On sealing any other petition under the Companies Acts (Northern Ireland) 1960 to 1982	40·00	The filed copy
27. On sealing a debtor's summons	12·00	The filed copy
28. On filing a declaration of inability to pay debts	1·00	The declaration
29. On sealing a petition under the Bankruptcy Acts (Northern Ireland) 1857 to 1980—		
(a) by a debtor or the personal representative of a deceased debtor	12·00	The petition or filed copy
(b) by any other person	25·00	The petition or filed copy
30. On a notice of a sitting of the court or an application to the court under the Bankruptcy Acts (Northern Ireland) 1857 to 1980, except by the Official Assignee when applying otherwise than as assignee of the property of a bankrupt, deceased insolvent or arranging debtor	6·00	The notice, summons, affidavit or report
31. On a bond	2·00	The bond
32. On a search (including an inspection) other than by the petitioner, bankrupt, arranging debtor, trustee, liquidator, Official Assignee or other officer of the court	1·00	The search docket

SECTION 5

FEES PAYABLE IN THE OFFICE OF CARE AND PROTECTION

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Fee £</i>	<i>Document to be stamped</i>
33. On an application by way of petition or originating summons for wardship or adoption	15·00	The filed copy

SECTION 6

FEES PAYABLE IN THE TAXING OFFICE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Fee £</i>	<i>Document to be stamped</i>
34. On an application for taxation under the Solicitors (Ireland) Act 1849 or the Solicitors (Northern Ireland) Order 1976	10.00	The application
35. (a) On taking a cash account between solicitor and own client under the Solicitors (Ireland) Act 1849 or the Solicitors (Northern Ireland) Order 1976— for every £50 or fraction of £50 of the amounts found to have been received and paid	0.05	The account
(b) On the taxation of a bill of costs—		
(i) where the amount allowed does not exceed £500	25.00	The bill
(ii) where the amount exceeds £500, for every £1 or fraction of £1 of the amount allowed: Provided that the 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 (Ireland) Act 1849 and the Solicitors (Northern Ireland) Order 1976, the fee payable in respect of the cash account)	0.05	The bill
(c) 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 para (b) if the bill had been allowed in full) as shall appear to the Master to be reasonable having regard to the amount of work done in the Office	
(d) On assessing costs in the Chancery Division for every £1 or fraction of £1 of the sum assessed	0.05	The bill

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order fixes the fees to be taken in the Supreme Court of Northern Ireland in all proceedings other than:

- (a) non-contentious probate business;
- (b) criminal proceedings (other than proceedings on the Crown side of the Queen's Bench Division);
- (c) matrimonial proceedings.

In so doing, it revokes the Supreme Court Fees Order (Northern Ireland) 1980 and the Supreme Court Fees (Amendment) Order (Northern Ireland) 1981 ("the revoked Orders").

In many cases the fees prescribed in this Order are higher than those which applied under the revoked Orders. Also, a number of fees have been introduced which had no equivalent in the revoked Orders.