

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---



# CONSULTATION PAPER

# PROPOSED INCREASE TO COURT FEES

# MARCH 2016



# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### Contents

<b>EXECUTIVE SUMMARY</b>	<b>3</b>
<b>1. INTRODUCTION</b>	<b>7</b>
<b>2. REVIEW OF NICTS COST RECOVERY MODEL</b>	<b>11</b>
<b>3. OPTIONS FOR CHANGE TO CURRENT FEE LEVELS</b>	<b>14</b>
<b>4. WIDER CONSIDERATIONS AND PREFERRED OPTION</b>	<b>25</b>
<b>5. NICTS REMISSIONS AND EXEMPTIONS POLICY</b>	<b>27</b>
<b>6. IMPACT ASSESSMENTS</b>	<b>28</b>
<b>7. LEGISLATIVE REQUIREMENTS</b>	<b>31</b>
<b>8. RESPONDING TO THIS CONSULTATION</b>	<b>32</b>
<b>ANNEX A-F LIST OF CURRENT AND PROPOSED FEES</b>	<b>35</b>
<b>ANNEX G CONSULTEE GROUPINGS</b>	<b>85</b>

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### EXECUTIVE SUMMARY

The Northern Ireland Courts and Tribunals Service (NICTS) is an Agency of the Department of Justice (DOJ) responsible for the provision of administrative support for all of Northern Ireland's courts and 14 of Northern Ireland's Tribunals. In addition the Agency is responsible for enforcing the judgments of the civil courts through the Enforcement of Judgments Office (EJO); for administering funds held in court through the Court Funds Office (CFO); and for providing administrative support to the Parole Commissioners.

NICTS receives funding from various sources: our Departmental allocation; the Consolidated Fund; income from court fees; and other income. In this consultation paper we are considering only the income received from court fees in the context of the requirement placed on NICTS to ensure full cost recovery.

In summary, the purpose of this consultation is to seek views on a proposal to increase the fees NICTS charges for the delivery of civil court business to enable NICTS to achieve full cost recovery. In seeking to explain why NICTS is publishing this consultation, it might be helpful to ask a series of questions, beginning with, why is NICTS charging fees?

### **Why is NICTS Charging Fees?**

In answering this question it is important to note that NICTS charges fees associated with the business in the civil and family courts. The civil courts in Northern Ireland deal with disputes covering a range of issues including non-payment of debt, personal injury, breach of contract, housing disputes, bankruptcy and family proceedings. By law [The Fees (Amendment) Orders (Northern Ireland) 2007] NICTS is entitled to recoup the costs associated with administering such cases. If NICTS was not able to recover such costs from the parties to these cases, the costs

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

would have to be met by the taxpayer. That would result in an additional burden on the taxpayer who in essence would be subsidising individuals, companies or corporations who initiate court proceedings seeking a judicial remedy for a dispute.

### **How does NICTS Charge?**

The requirements placed on public sector organisations such as NICTS, who charge for services, are outlined in HM Treasury's Fees and Charges Guide and in the Department of Finance and Personnel (DFP) Managing Public Money Northern Ireland (MPMNI) document. Chapter 6 of MPMNI states that *"the standard approach to setting charges for public services is full cost recovery."* The guidance then outlines what costs public sector organisations can seek to recover. Such costs include employment costs, accommodation costs, office equipment costs etc.

In setting fees NICTS is obliged to reflect the full cost of the services provided. Consequently, it is important to stress that in publishing this consultation document NICTS is not consulting on the principle of full cost recovery, but rather we are consulting on how we can seek to achieve full cost recovery?

In seeking to satisfy the requirement to achieve full cost recovery, it is important to note that we also have to ensure access to justice is protected for the less well-off. This is achieved by operating a system of exemptions and remissions and is explained in greater detail at Section 5 of this document.

### **Why is it necessary to increase Fees at this Time?**

The simple answer is because NICTS is no longer recouping the full cost of the services we provide. In the context of a wider NICTS Modernisation Programme, the NICTS Agency Board commissioned a review of court fees in 2015; the outcome of that review indicated that NICTS currently recovers around 75% of the costs

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

incurred on civil business. This position is not sustainable as it is placing an additional burden on NICTS and the DOJ at a time when public sector finances are under severe pressure. NICTS is not alone in seeking to increase fees. Court fees have also been, or shortly will be, increased in both England and Wales and Scotland.

### **Why is NICTS not currently recovering all its costs?**

Basically there are two reasons:

- NICTS has not increased its fees since 2007; and
- The review of our cost recovery (funding) model found that NICTS has not been fully reflecting the costs associated with the services we provide. For example, we have not been charging for the full cost of our accommodation; the fees charged have not reflected the staff and judicial time spent on civil business; and we have not included a cost to reflect the opportunity cost of the money tied up in running our business (as required by MPMNI).

### **How should NICTS increase Fees?**

The purpose of this consultation is to seek views as to how NICTS should increase court fees. Section 3 of the paper will consider three options, they are:

#### **Options:**

- Option 1 – Uplift all existing fees immediately to achieve Full Cost Recovery;
- Option 2 – Uplift all existing fees to reflect the inflationary costs since 2008 – this would involve increasing fees by 21.9%;
- Option 3 – Uplift all existing fees in stages over a three year period to achieve an appropriate uplift.

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### **Impact for court users:**

In reality there will be an impact on court users whether NICTS increases fees or not. If fees are not increased NICTS will, from within existing resources, have to subsidise what is an under-recovery position. This means NICTS will have to redirect resources from other areas and this will impact on wider service delivery. If fees are increased, that will mean increased costs for those court users who are required to pay fees. In considering this matter NICTS must act in a way that is fair to all court users recognising that court fees have not increased since 2007.

### **Conclusion:**

NICTS recognises that we need to recover our full costs in line with MPMNI. Consequently, it is important that NICTS takes urgent action to achieve this as failure to do so will result in NICTS having to meet, from its funding allocation, the shortfall in the income the Agency is generating. In practice this would mean NICTS having to implement further cuts, to court and tribunal services, beyond those set by the NI Executive, in order to balance its budget.

In the following sections of this document NICTS will explore the issues summarised above before inviting consultees to respond to the questions recorded at Section 8.

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### SECTION ONE

#### INTRODUCTION

NICTS charges over 1000 different fees for the conduct of civil business across the following business areas:

- Court of Judicature (i.e. Court of Appeal and High Court);
- County Court;
- Magistrates' Courts; and
- the Enforcement of Judgments Office (EJO).

The civil courts in Northern Ireland (and other United Kingdom jurisdictions) operate under a policy of full cost recovery i.e. the full costs of running the courts are recovered from fees charged for providing the service. The fees charged are based on recovering the administrative, judicial and other costs associated with the proceedings.

The policy on fee charging in Northern Ireland is set out in guidance published by DFP. In summary, the requirement is that fees should cover the full cost associated with providing the service and no more. Lower costs can be agreed where there is a sound policy justification; in the case of court fees NICTS has an Exemptions and Remissions Policy which protects access to justice for the less well-off. We are not, as part of this consultation, proposing any change to this policy.

As NICTS has not increased the fees it charges since 2007 a formal review of our cost recovery model was launched under the auspices of our Modernisation Programme in the summer of 2015. The outcome of the review, which is explained in more detail in Section 2, indicated that NICTS is not achieving full cost recovery.

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

In view of this, NICTS is required to take action to address the shortfall by increasing our fees. It is important to note that NICTS is taking this action in the context of having already implemented a series of measures aimed at reducing our costs.

### **Reduction in NICTS costs**

Since April 2014, NICTS has reduced its running costs by **£4.5m with a further reduction of £1.3m planned for 2016/17**. NICTS has achieved this by:

- reducing our staffing complement by 77 posts or almost 10.5%;
- relocating from leased accommodation the Enforcement of Judgments Office, the Tribunal Hearing Centre, the Office of the Parole Commissioners, the Taxing Office and the Coroners Service;
- temporarily closing the Old Townhall Building;
- streamlining our corporate services function;
- reducing the size of our Senior Management Team; and
- reducing the costs associated with contracted services.

**The savings delivered to date are summarised in Chart 1 below:**

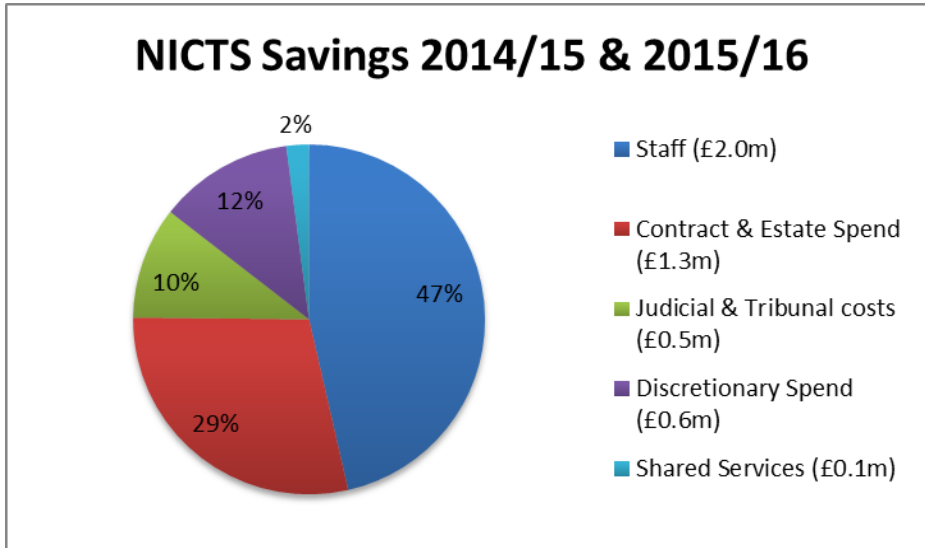


# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

**Chart 1: NICTS savings**



In 2016/17 NICTS plans to reduce costs further by, amongst other things, reducing the size of the Court Estate through the closure of six courthouses; turning Enniskillen Courthouse into a Hearing Centre; and the introduction of shared IT services.

There is, however, a limit to how much can be achieved through cost cutting measures alone. If access to justice is to be protected, and the overall cost of the courts to the taxpayer is to be reduced in line with budget commitments, it is incumbent on NICTS to ensure it is recovering the appropriate amount through the charging of fees for civil business.

In making the case for an increase in court fees, it is important to note that NICTS has not applied an inflationary increase to civil fees since 2007. Our fees have remained static, whilst significant changes have taken place across the NICTS business.

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

In publishing this consultation paper, NICTS is therefore seeking to achieve a number of policy objectives, they are:

- to meet the requirements placed on NICTS to achieve full cost recovery by maximising our fee income at, or as close as possible to, full cost levels;
- to ensure that our fee charging system is fair, easy to understand and cost effective to administer;
- to ensure our cost recovery model remains viable when patterns of demand change; and
- to protect access to justice through a system of exemptions and remissions.

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### SECTION TWO

#### REVIEW OF NICTS COST RECOVERY MODEL

In 2015 the NICTS undertook a review of our cost recovery model. The review analysed each of the civil business areas to ensure that NICTS was correctly covering all the elements of its costs for which it is permissible to charge fees.

Those elements are:

- accommodation, including capital charges for freehold properties
- fixtures and fittings
- maintenance, including cleaning
- utilities
- office equipment, including IT systems
- postage, printing and communications
- total employment costs of those providing the service, including training
- overheads, e.g. (shares of) payroll, audit, top management costs, legal services, etc.
- raw materials and stocks
- research and development
- depreciation of start-up and one-off capital costs
- taxes: VAT, rates, stamp duty, etc.
- capital charges
- notional or actual insurance premiums
- fees to sub-contractors
- distribution costs, including transport
- advertising
- bad debts
- and provisions

\*Not all of the elements referred to above are applicable to Court fees.

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

The review sought to capture the appropriate proportion of all relevant direct and overhead costs. It also included a review of the judicial time spent on civil business and a survey of staff time allocated to civil business.

The review identified a number of key issues which are summarised below:

- an increase in the amount of staff time working on civil business;
- the review of judicial involvement identified some judicial posts that should be included in the costs; and
- two adjustments were recommended based on recognised accountancy concepts: one to include a cost of capital charge<sup>1</sup> within the Model. This effectively recognises the cost of public funds invested in NICTS assets. The other adjustment was for costs associated with non-cash items for example depreciation of courthouses, provisions, and charges for shared services such as human resources, accounting support.

The NICTS' cost recovery model was adjusted to reflect the findings of the review.

By way of illustration, the revised cost recovery model resulting from the review concluded that the cost of administering civil court business in 2015/16 would be £28.9m, whereas the forecast income for 2015/16 would be approximately £21.5m. This means that NICTS only recovers around 75% of its costs and therefore we are under recovering by approximately £7.4m. If we look to the next financial year (2016/17) and take account of future efficiencies from the closure of Courthouses and the continuing fall in income, the cost recovery position deteriorates even further (see Table 1 below).

---

<sup>1</sup> In accordance with DFP's Managing Public Money (NI), Annex A.6.2.5 'How to Calculate Fees' it states that 'the standard approach to setting charges for public services is full cost recovery. It normally means recovering a real charge for the cost of capital (currently 3.5%)'. This charge represents the opportunity cost of public funds invested in NICTS assets such as courthouses.

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

Table 1 below shows the cost recovery performance in 2015/16 taking account of the review findings; it also shows the forecast position for 2016/17.

**Table 1: Forecast cost recovery performance 2015/16 and 2016/17**

<b>NICTS Cost Recovery</b>		
<b>Civil Business</b>	<b>2015/16</b>	<b>2016/17</b>
Cost £'000	28,869	28,700
Income £'000	21,540	20,910
Cost Recovery %	75%	73%

Given the position outlined above, NICTS is obliged to consider the options available to it to move towards a full cost recovery position.

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### SECTION THREE

#### OPTIONS FOR CHANGE TO CURRENT FEE LEVELS

As NICTS is under-recovering civil court costs, we are required to consider an increase in existing court fees.

#### Fee options – objectives

In considering potential options to achieve full cost recovery, NICTS has been guided by the following objectives:

- meeting the requirements to achieve full cost recovery by maximising our fee income at, or as close as possible to, full cost levels;
- ensuring that our fee charging system is fair, easy to understand and cost effective to administer;
- ensuring our cost recovery model remains viable when patterns of demand change; and
- protecting access to justice through a system of exemptions and remissions.

#### List of options

Maintaining the Status Quo is not open to us given the significant and widening gap between our costs and the fee income we receive. Consequently, this option has not been listed for consideration in this consultation document.

For this reason, NICTS is not seeking views on the principle of whether a fee increase should be implemented, but rather we are seeking views on how such an

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

increase should be implemented. The options presented are therefore focused on how we might progress towards a full cost recovery position.

NICTS has identified the following options for consideration:

- Option 1: Uplift all existing fees immediately to achieve Full Cost Recovery;
- Option 2: Uplift all existing fees to reflect the inflationary costs since 2008 – this would involve increasing fees by 21.9%;
- Option 3: Uplift all existing fees in stages over a three year period to achieve an appropriate uplift.

### **OPTION 1 - full cost recovery**

This option would involve increasing civil fees to bridge the total forecast gap in income as at 2016/17 which is £7.8m (costs £28.7m and income £20.9m – see Table 1). This would require an uplift of 37% to the forecast income level for 16/17 of £20.9m). This option would require an increase to the fees of approximately 37%, effective from 1 April 2017.

By way of an example we have selected a number of fees we currently charge and have illustrated them in Table 2 below to show what a 37% increase would mean in real terms.

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

**Table 2 – Showing a 37% increase to existing fee amount**

Fee Type	Description	Current NICTS Fee	Fee with 37% increase	Total Increase in Fee
Queen's Bench	Writ of Summons	£200	£274.00	£74.00
Divorce	Divorce petition (County Court ) & (High Court)	£200	£274.00	£74.00
Civil Bill	Application - exceeds £5,000	£185	£253.45	£68.45
Bankruptcy	Petition by debtor or personal representative	£115	£157.55	£42.55
Family Proceedings	Most applications including residence, contact orders or specific issue orders to the High Court	£100	£137.00	£37.00
Family Proceedings	Most applications including residence, contact orders or specific issue orders to the County Court (Family Care Centre)	£75	£102.75	£27.75
Divorce	Decree absolute certified (County Court)&(High Court)	£75	£102.75	£27.75
Small Claims	Application - exceeds £500 but does not exceed £1,000	£70	£95.90	£25.90
Family Proceedings	Most applications including residence, contact orders or specific issue orders to the Magistrates Court (Family Proceedings Centre)	£50	£68.50	£18.50
Small Claims	Application - does not exceed £300	£30	£41.10	£11.10
General	Manual copy of an order or decree	£10	£13.70	£3.70
General	Online copy of an order or decree	£8	£10.96	£2.96

This option would allow NICTS to achieve the objectives we have outlined on page 10 and enable us to return to a full cost recovery position by increasing our income by approximately £7.8m per annum. The additional income we would generate would place NICTS in a much stronger financial position. However, this must be balanced against the burden it would place on those using the services of the NICTS.

Such an option would result in a higher than inflation increase to fees and could ultimately have an adverse impact on access to justice. Because of this reason we do not recommend Option 1.



# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

**Q1.** Do you favour Option 1, a 37% increase to ensure a return to a full cost recovery position?

### **OPTION 2 – an inflation-based uplift of the existing fees**

This option would involve increasing court fees to reflect the increase in inflation since the last increase in fees in 2007. Based on the Government's Gross Domestic Product (GDP) deflator, the average percentage increase to the fees would be 21.9%, effective from 1 April 2017. By way of example we have, again using a selection of fees outlined in Table 2, presented what a 21.9% increase would mean in Table 3 below.

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

**Table 3: Showing a 21.9% increase to existing fee amount.**

Fee Type	Description	Current NICTS Fee	Fee with 21.9% increase	Total Fee Increase
Queen's Bench	Writ of Summons	£200	£243.80	£43.80
Divorce	Divorce petition (County Court ) & (High Court)	£200	£243.80	£43.80
Civil Bill	Application - exceeds £5,000	£185	£225.52	£40.52
Bankruptcy	Petition by debtor or personal representative	£115	£140.19	£25.19
Family Proceedings	Most applications including residence, contact orders or specific issue orders to the High Court	£100	£121.90	£21.90
Family Proceedings	Most applications including residence, contact orders or specific issue orders to the County Court (Family Care Centre)	£75	£91.43	£16.43
Divorce	Decree absolute certified (County Court) & (High Court)	£75	£91.43	£16.43
Small Claims	Application - exceeds £500 but does not exceed £1,000	£70	£85.33	£15.33
Family Proceedings	Most applications including residence, contact orders or specific issue orders to the Magistrates Court (Family Proceedings Centre)	£50	£60.95	£10.95
Small Claims	Application - does not exceed £300	£30	£36.57	£6.57
General	Manual copy of an order or decree	£10	£12.19	£2.19
General	Online copy of an order or decree	£8	£9.75	£1.75

There are advantages and disadvantages with this Option. Such an uplift would allow NICTS to significantly increase fee income by approximately £4.7m per annum, however it would not return NICTS to a full cost recovery position. The impact of this option is also similar to that of Option 1 in that it would result in a significant increase in fees on 1 April 2017 which could have an adverse impact on access to justice. If NICTS adopted this option, we would still be required to implement further significant fee increases to achieve a full cost recovery position most likely by 1 April 2018.

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

While one might argue that Option 2 is a more reasonable approach than Option 1, as it lessens the impact on those using our services, we do not recommend this option. Under this option court users would still be faced with a significant increase, in court fees, and with the prospect of further increases to follow.

**Q2.** Do you favour Option 2, a 21.9% inflationary increase?

### **OPTION 3 – a staged increase: uplifting existing fees in phases to achieve cost recovery.**

Under this option, NICTS would increase fees on a staged basis over a three year period beginning in April 2017. Rather than adopting the approach taken in Option 1 or Option 2 and increasing the fees significantly in one year, NICTS is proposing an alternative approach; NICTS would suggest that fees increase by 10% on 1 April 2017; by 7.5% on 1 April 2018 and by 5% on 1 April 2019.

By way of an example we have, again using a selection of fees as outlined in Table 2, presented what a phased percentage increase would mean – (see the following tables, Tables 4A, B, and C below).

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

**Tables 4A, B, C – showing increases phased over a three-year period**

**TABLE 4A – Year 1 2017/18 - 10%**

Fee Type	Description	Current NICTS Fee	Fee with 10% increase	*Fee Increase
Queen's Bench	Writ of Summons	£200	£220.00	£20.00
Divorce	Divorce petition (County Court ) & (High Court)	£200	£220.00	£20.00
Civil Bill	Application - exceeds £5,000	£185	£203.50	£18.50
Bankruptcy	Petition by debtor or personal representative	£115	£126.50	£11.50
Family Proceedings	Most applications including residence, contact orders or specific issue orders to the High Court	£100	£110.00	£10.00
Family Proceedings	Most applications including residence, contact orders or specific issue orders to the County Court (Family Care Centre)	£75	£82.50	£7.50
Divorce	Decree absolute certified (County Court) & (High Court)	£75	£82.50	£7.50
Small Claims	Application - exceeds £500 but does not exceed £1,000	£70	£77.00	£7.00
Family Proceedings	Most applications including residence, contact orders or specific issue orders to the Magistrates Court (Family Proceedings Centre)	£50	£55.00	£5.00
Small Claims	Application - does not exceed £300	£30	£33.00	£3.00
General	Manual copy of an order or decree	£10	£11.00	£1.00
General	Online copy of an order or decree	£8	£8.80	£0.80

(\*Note fees will be rounded to nearest £)

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

**TABLE 4B – Year 2 2018/19 - 7.5%**

Fee Type	Description	Revised Cumulative Increase Year 2	Fee with 7.5% increase	*Fee Increase
Queen's Bench	Writ of Summons	£220.00	£236.50	£16.50
Divorce	Divorce petition (County Court ) & (High Court)	£220.00	£236.50	£16.50
Civil Bill	Application - exceeds £5,000	£203.50	£218.76	£15.26
Bankruptcy	Petition by debtor or personal representative	£126.50	£135.99	£9.49
Family Proceedings	Most applications including residence, contact orders or specific issue orders to the High Court	£110.00	£118.25	£8.25
Family Proceedings	Most applications including residence, contact orders or specific issue orders to the County Court (Family Care Centre)	£82.50	£88.69	£6.19
Divorce	Decree absolute certified (County Court) & (High Court)	£82.50	£88.69	£6.19
Small Claims	Application - exceeds £500 but does not exceed £1,000	£77.00	£82.78	£5.78
Family Proceedings	Most applications including residence, contact orders or specific issue orders to the Magistrates Court (Family Proceedings Centre)	£55.00	£59.13	£4.13
Small Claims	Application - does not exceed £300	£33.00	£35.48	£2.48
General	Manual copy of an order or decree	£11.00	£11.83	£0.83
General	Online copy of an order or decree	£8.80	£9.46	£0.66

(\*Note fees will be rounded to nearest £)

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

**TABLE 4C – Year 3 2019/20 - 5%**

Fee Type	Description	Revised Cumulative Increase Year 3	Fee with 5% increase	*Fee Increase
Queen's Bench	Writ of Summons	£236.50	£248.33	£11.83
Divorce	Divorce petition (County Court ) & (High Court)	£236.50	£248.33	£11.83
Civil Bill	Application - exceeds £5,000	£218.76	£229.70	£10.94
Bankruptcy	Petition by debtor or personal representative	£135.99	£142.78	£6.80
Family Proceedings	Most applications including residence, contact orders or specific issue orders to the High Court	£118.25	£124.16	£5.91
Family Proceedings	Most applications including residence, contact orders or specific issue orders to the County Court (Family Care Centre)	£88.69	£93.12	£4.43
Divorce	Decree absolute certified (County Court) & (High Court)	£88.69	£93.12	£4.43
Small Claims	Application - exceeds £500 but does not exceed £1,000	£82.78	£86.92	£4.14
Family Proceedings	Most applications including residence, contact orders or specific issue orders to the Magistrates Court (Family Proceedings Centre)	£59.13	£62.09	£2.96
Small Claims	Application - does not exceed £300	£35.48	£37.25	£1.77
General	Manual copy of an order or decree	£11.83	£12.42	£0.59
General	Online copy of an order or decree	£9.46	£9.93	£0.47

(\*Note fees will be rounded to nearest £)

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

For ease of reference Table 5 below provides a summary of the three year phased approach:

**Table 5: summary table showing three-year phased approach**

Fee Type	Description	Current NICTS Fee	Year 1 Fee with 10% increase	Year 2 Fee with further 7.5% increase	Year 3 Fee with further 5% increase	*Total Increase (over 3 years) %
Queen's Bench	Writ of Summons	£200	£220.00	£236.50	£248.33	24%
Divorce	Divorce petition (County Court)& (High Court)	£200	£220.00	£236.50	£248.33	24%
Civil Bill	Application Exceeds £5,000	£185	£203.50	£218.76	£229.70	24%
Bankruptcy	Petition by debtor or personal representative	£115	£126.50	£135.99	£142.79	24%
Family Proceedings	Most applications including residence, contact orders or specific issue orders to the High Court	£100	£110.00	£118.25	£124.16	24%
Family Proceedings	Most applications including residence, contact orders or specific issue orders to the County Court (Family Care Centre)	£75	£82.50	£88.69	£93.12	24%
Divorce	Decree absolute certified (County Court) & (High Court)	£75	£82.50	£88.69	£93.12	24%
Small Claims	Application - exceeds £500 but does not exceed £1,000	£70	£77.00	£82.78	£86.91	24%
Family Proceedings	Most applications including residence, contact orders or specific issue orders to the Magistrates' Court (Family Proceedings Centre)	£50	£55.00	£59.13	£62.08	24%
Small Claims	Application - does not exceed £300	£30	£33.00	£35.48	£37.25	24%
General	Manual copy of an order or decree	£10	£11.00	£11.83	£12.42	24%
General	Online copy of an order or decree	£8	£8.80	£9.46	£9.93	24%

(\*Note these figures will vary slightly from those listed in the Fee Schedule at Annex A to this document; the differences are small and due to the rounding (to the nearest £)

This phased approach to increasing the fees would mean that, over the three year period, NICTS would increase income by approximately £5m. Whilst this would not

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

return us to a full cost recovery position based on current costs, Option 3 will take us some considerable way to achieving full cost recovery, based on current costs and:

- in a timeframe that is staged and therefore lessens the immediate impact; and
- in a way that provides scope to accommodate further changes to costs and income over the three year period and, therefore, minimises the risk of over-recovery.

In presenting this option NICTS acknowledges the importance of moving to a position of achieving full cost recovery but recognises that it must do so in a carefully planned and measured way to safeguard access to justice.

**Q3.** Do you favour Option 3, which involves an increase of 10% on 1 April 2017, a 7.5% increase on 1 April 2018 and a 5% increase on 1 April 2019?

**Q4.** Do you think there is an alternative way of moving towards our policy objective of securing full cost recovery?



# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### SECTION FOUR - WIDER CONSIDERATIONS and PREFERRED OPTION

#### ONGOING REFORMS

NICTS, through our Modernisation Programme, is significantly changing how we do our business and also where we do our business. In addition, the DOJ is taking forward further reforms to legal aid, in response to the Access to Justice II Report and NICTS is participating in the Review of Civil and Family Justice being led by Lord Justice Gillen.

As these initiatives have the potential to significantly reshape the delivery of civil and family business by the Courts in Northern Ireland, NICTS believes that a phased approach to increasing fees is more appropriate. The reforms referred to above are likely to result in changes to costs that will further impact on cost recovery. In view of this there is merit in seeking to increase fees more gradually by way of a staged approach over a three year period.

#### **NICTS preferred option**

In this context, NICTS recommend Option 3. As noted above, Option 3 would have the advantage of allowing NICTS to significantly bridge the income gap in a timeframe that is fair to service users by lessening the immediate impact on them. It would also provide scope for further changes to costs and income in the context of the significant reforms anticipated.

Option 3 could be delivered in a way that is easy to understand, administratively inexpensive and simple to collect. The staged approach would ensure the system remains affordable to court users and allow NICTS to react to patterns as demands change, by achieving a much closer match between income and costs. It would also allow the continued protection of access to justice through a system of exemptions

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

and remissions and it would ensure that the taxpayers' contributions to the cost of the court system remain affordable.

If this option is adopted, NICTS would intend to launch a more fundamental review of fees to ensure our approach is consistent with the outcome of the reforms described above. This fundamental review would include not only a review of the existing structure but also look at the introduction of new charges including a review of the fee structure across tribunals in the context of the changing landscape within which NICTS is operating.

Over the course of the Phase One Review we engaged with colleagues in DOJ and DFP to ensure that the approach we followed and the methodology, on which the cost recovery model was based, was appropriate. We have also engaged with the Northern Ireland Audit Office to ensure that the changes made to our model and, therefore, reflected in our Annual Report and Accounts, were viewed as reasonable.

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### SECTION FIVE

#### NICTS REMISSIONS AND EXEMPTIONS POLICY

The NICTS Remissions and Exemptions Policy was introduced in 2007 with the aim of strengthening safeguards to protect access to justice. The NICTS policy is in addition to the coverage provided by legal aid and can be split into two components:

- I. **Exemption** from paying a court fee which is granted if the applicant is in receipt of a qualifying benefit (for example, Income Support, Income Based Job Seekers Allowance). The same 'passporting' arrangement is currently in place in England and Wales and Scotland; and
- II. **Remission** (full or partial) from paying a court fee which is granted on the grounds of financial hardship or some other reasonable cause. In practice this means that some applicants make a contribution towards the cost of the court fee and some applicants pay nothing. NICTS means tests every application as the remission system does not operate within stated financial limits or income thresholds.

The current policy has ensured that access to the justice system is protected through a system of exemptions and remissions. Financial assistance is limited to those who need it the most, thereby ensuring the taxpayer contribution towards fee exemptions/remissions is minimised. The Remissions and Exemptions policy is outside the scope of this consultation and it is the intention that it will remain unchanged as a result of the proposed uplift to court fees. The policy came into effect in 2007 and it is now considered timely for it to be reviewed. This will be taken forward as part of the fundamental fee review.

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### SECTION SIX

#### IMPACT ASSESSMENTS

NICTS recognises that an increase in court fees will have an impact on court users and other stakeholders including:

**Court users:** private individuals, businesses and other organisations, who use the civil and family courts, will have to shoulder the burden of a fee increase.

**Solicitors:** it is recognised that it is normal practice for solicitors to incur court fees before passing such costs onto their clients at a later date. Therefore it is expected an increase in court fees may initially affect the cash flow of solicitors.

**Legal Services Agency NI:** court fees are covered by Legal Aid and an increase in fees will undoubtedly create additional pressure on the legal aid fund. We have been working with officials from the Legal Services Agency to determine the current level of fees payable to NICTS and this work has estimated that additional fees totalling £110k are likely over the three year period of any potential fee increase.

In acknowledging the impact on court users, consultees will be interested to note the following summary breakdown of civil fees. Table 7 below bands our fees into selected band ranges, and shows the number of fees that exist within each range. Over 85% of existing court fees fall below £200 in value, and 96% of fees below £300.

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

**Table 7: Number of Fees in Fee Range**

<b>Fee Range</b>	<b>Total number of fees in range</b>
Fees > £500	16
£400 - £499	7
£300 - £399	19
£200 - £299	110
£100 - £199	282
£50 - £99	213
£1 - £49	301
< £1	73
<b>TOTAL</b>	<b>1021</b>

Note: Over 50 fees are excluded from this range table, as the fee charged is dependent on the monetary value of the case.

### **Equality Impact Assessment**

Section 75 of the Northern Ireland Act 1998 requires all public authorities in Northern Ireland to have due regard to equality of opportunity between the nine equality categories and have regard to promoting good relations between persons of different religious belief, political opinion or racial group. Public Authorities are also required to meet legislative obligations under the Disability Discrimination Act, particularly in the formation of public policy making.

NICTS is fully committed to fulfilling its Section 75 obligations on the promotion of equality of opportunity, good relations and meeting legislative requirements in Northern Ireland.

The options set out in this consultation need to be subjected to equality impact screening. This will be carried out over the coming weeks. However, initial screening indicates that there is no adverse equality impacts identified and has not identified any other Section 75 impacts. When completed, the full equality screening

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

form will be made available on the NICTS and DOJ websites. Comments are welcomed on any aspect of the equality screening assessment.

NICTS has commenced a Regulatory Impact Assessment (RIA) and initial findings indicate that an increase in court fees will not have a significant impact on businesses within Northern Ireland. On completion, the RIA will be made available on the NICTS and DOJ websites.

Responses to this consultation will be used to refine the impact assessments referred to in the paragraphs above.

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### SECTION SEVEN

#### LEGISLATIVE REQUIREMENTS

Irrespective of the Option adopted by NICTS, there is a lead in time to implementation. Civil fees are currently set out under The Fees (Amendment) Orders (Northern Ireland) 2007. It is noted that any change to the existing fee levels, if agreed following consultation, will require changes to the existing Secondary Legislation. The process to change legislation can be quite lengthy. If a change in fee is agreed then it will likely be April 2017 before it can be introduced.

There are a number of processes that will need to be completed but the following shows an estimate of activity and time.

Activity	Estimated Timeline
Consultation Document Issued and Responses received.	Summer 2016
Consideration of Responses to Consultation Document.	Autumn 2016
Justice Committee briefings on the Outcome of the Consultation.	Autumn 2016
Justice Committee and Ministerial briefings as part of Secondary Legislative processes.	September to December 2016
Any amending Fees Order drafted and made.	February to March 2017

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### SECTION EIGHT

#### RESPONDING TO THIS CONSULTATION

You are invited to comment on the proposals contained in this paper. NICTS welcomes responses to the following questions:

**Question 1 (page 17)** – Do you favour Option 1, a 37% increase to ensure a return to a full cost recovery position?

**Question 2 (page 19)** – Do you favour Option 2, a 21.9% inflationary increase?

**Question 3 (page 24)** - Do you favour Option 3, which involves an increase of 10% on 1 April 2017, a 7.5% increase on 1 April 2018 and a 5% increase on 1 April 2019?



# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

**Question 4 (page 24)** - Do you think there is an alternative way of moving towards our policy objective of securing full cost recovery?

Responses or requests for further information should be made in writing and emailed to [FeeConsultation@courtsni.gov.uk](mailto:FeeConsultation@courtsni.gov.uk) or sent by post to:

Fee Consultation  
Finance Branch  
Northern Ireland Courts & Tribunals Service  
Laganside House  
23-27 Oxford Street  
BELFAST  
BT1 3LA

The consultation period will end at 5pm on Wednesday 8<sup>th</sup> June 2016.

A response template is available for completion on the website. When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding as an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Responses will be analysed and we will aim to publish a summary of the responses to this consultation and the proposed way forward on the NICTS website within two

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

months of the end of the consultation period. Unless individual respondents specifically indicate that they wish their response to be treated in confidence, their name and the nature of their response may be included in any published summary of responses. Respondents should also be aware that the Agency's obligations under the Freedom of Information Act may require that any responses not subject to specific exemptions under the Act, be disclosed to other parties on request.

This document is available in alternative formats; please contact us via the postal or email addresses above or by telephone on 028 9041 2338 to discuss your requirements. A list of consultee groupings who have been notified about this consultation is presented at Annex G.

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### ANNEX A-F SCHEDULE OF FEES

Below find a list of over 400 generic fees. In total there are over 1000 fees in civil business and these are supported by the generic fees listed below.

#### ANNEX A

#### Court of Judicature Northern Ireland Civil Business Fees

#### Fees to be taken in proceedings in the Court of Judicature Northern Ireland

- Section 1 Fees payable in every department of the Court of Judicature Northern Ireland
- 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 Taxing Office
- Section 6 Fees payable in the Office of Care and Protection

#### Section 1 Fees payable in every Department of the Court of Judicature Northern Ireland

2007 Fee Order Code	Description	Current	2017/18	2018/19	2019/20
			10%	7.5%	5%
1	On Sealing – a) Writ of summons	£200	£220	£237	£248

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

	b) Originating summons or originating notice of motion except for the payment out of court of a sum not exceeding £1500 or where a fee under Section 6 is payable and where no other fee is specifically provided	£200	£220	£237	£248
	c) Originating summons or writ of summons under Order 88	£150	£165	£177	£186
	d) An originating notice of motion, except a notice of appeal to the High Court	£200	£220	£237	£248
	e) A petition, except where a fee under Section 4 or 6 is payable	£200	£220	£237	£248
2	Sealing an Originating Summons –				
	a) approval for minor settlement	£150	£165	£177	£186
	b) under Section 31 or 32 Administration of Justice Act 1970 for discovery before commencement of proceedings	£75	£83	£89	£93
	c) On a third party notice	£200	£220	£237	£248
	d) On a counterclaim	£200	£220	£237	£248
3	On a notice of motion for judicial review where application for leave has been granted	£200	£220	£237	£248
4	On sealing a summons, a notice of appointment, or notice of motion	£115	£127	£136	£143
5	a) On an ex parte application to a judge for an injunction	£200	£220	£237	£248
	b) On an ex parte minor's settlement for approval to a judge	£150	£165	£177	£186
	c) Application to master for payment out of Minor's Fund	£15	£17	£18	£19
	d) Ex parte application before a				
	i) Master	£150	£165	£177	£186
	ii) Judge	£200	£220	£237	£248
6	Application to transfer action to the commercial list	£150	£165	£177	£186
7	Entering and setting down any cause for trial in court				

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

	a) Without a jury b) With a jury	£300 £500	£330 £550	£355 £591	£372 £621
8	a) Setting down a cause on motion or notice for Judgment b) Motion treated as trial of action in addition to(a)	£300 £300	£330 £330	£355 £355	£372 £372
9	On setting down other party pleadings	£300	£330	£355	£372
10	On the examination of a witness before trial	£50	£55	£59	£62
11	a) On an inquiry, reference for trial or assessment of damages before a Master or Admiralty Registrar b) On an assessment of interest before a Master	£150 £115	£165 £127	£177 £136	£186 £143
12	On sealing a notice of appeal from a Master or Admiralty Registrar or District Judge to a Judge in Chambers.	£200	£220	£237	£248
13	On filing – a) Notice of appeal to the High Court b) Case stated or special case c) Notice of cross appeal to High Court d) Respondent's notice of appeal to the High Court	£200 £200 £200 £200	£220 £220 £220 £220	£237 £237 £237 £237	£248 £248 £248 £248
14	On an application for an attachment of earnings order to secure maintenance payments	£115	£127	£136	£143
15	Registration of Foreign and Commonwealth Judgments a) Under Part II of the Administration of Justice Act 1920 or the Foreign Judgments (Reciprocal Enforcement) Act 1933 - (i) On an ex parte application to register an incoming judgment or order	£50	£55	£59	£62

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

	(ii) On providing a certified copy of a judgment or order for use abroad	£75	£83	£89	£93
	b) Under the Maintenance Order Act 1950 or the Maintenance and Affiliation Orders Act (Northern Ireland) 1966 –				
	(i) On an ex parte application to register an outgoing order	£50	£55	£59	£62
	(ii) On processing an incoming registration	£50	£55	£59	£62
	c) Under the Maintenance Orders (Facilities for Enforcement) Act 1920 –				
	(i) On an ex parte application to register an outgoing order	£50	£55	£59	£62
	(ii) On processing an incoming registration	£50	£55	£59	£62
	d) Under the Maintenance Orders (Reciprocal Enforcement) Act 1972 – On an ex parte application to register an outgoing Order	£50	£55	£59	£62
16	On an application for leave to enforce an arbitration award	£75	£83	£89	£93
17	On a decree, award, judgement, order or dismiss	£75	£83	£89	£93
18	a) Copy document (5 sheets or less) not otherwise provided for	£5	£6	£6	£6
	b) Additional copy per page	£0.50	£0.50	£0.50	£0.50
	c) On a copy Order/Decree including certified or sealed	£10	£11	£12	£12
	d) On a copy Order/Decree produced online	£8	£9	£9	£10

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

19	For a certified copy written judgment	£75	£83	£89	£93
20	a) Filing any document under Bills of Sale (NI) Acts 1879 to 1883, other than fiat of satisfaction b) filing fiat of satisfaction	£30	£33	£35	£37
21	a) For a 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 b) For every additional name if included in the same certificate	£30	£33	£35	£37
22	a) On taking an affidavit or affirmation or declaration	£30	£33	£35	£37
23	a) On a search of court documents, except where item 21 or 33 applies Additional fee where the search is carried out by an officer of the court	£20	£22	£24	£25
24	b) On sealing a writ of subpoena	£30	£33	£35	£37
25	On an application for a warrant of arrest under Article 5(3) of the Protection from Harassment (NI) Order 1997	£0	£0	£0	£0

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### Section 2 Fees payable in the Central Office

2007 Fee Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
26	Tax Appeal – application to judge to review Taxing Master’s decision	£200	£220	£237	£248
27	Admiralty – a) On lodging an Instrument under Order 75 Rule 5(1) b) On the sale of a ship or goods (i) for every £100 or fraction of £100 of the price up to £100,000 (ii) for every £100 or fraction of £100 of the price exceeding £100,000 c) entering a Reference for Hearing by the Registrar d) On retaining possession of a ship with or without cargo, or a ship’s cargo without a ship, per day	£200  £2 £1 £200 £50	£220  £2 £1 £220 £55	£237  £2 £1 £237 £59	£248  £2 £1 £248 £62
28	Court of Appeal – a) filing a Notice of Appeal or Case Stated b) filing a Notice of Cross Appeal or Respondent’s Notice  c) On any other application to the Court of Appeal	£500 £375  £500	£550 £413  £550	£591 £443  £591	£621 £466  £621
29	A transcript of the shorthand or stenographic notes or of a recording taken by mechanical means of the whole or any part of any proceedings in respect of which – a) an appeal lies to the Court of Appeal, for each page b) leave has been given by a judge – i) in a criminal trial for each folio	  £1  £0.78	  £1  £1	  £1  £1	  £1  £1



## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

	ii) in a civil trial for each folio	£0.68	£1	£1	£1
	iii) for each page of a second or subsequent transcript	£1	£1	£1	£1
	c) On an audio recording produced on CD in respect of any court proceedings - for each hour recorded of part thereof	£25	£28	£30	£31
30	Application for a deed poll	£50	£55	£59	£62

#### Section 3 Fees payable in the Office of the Lord Chief Justice

2007 Fee Order Code	Description	Current	2017/18	2018/19	2019/20
			10%	7.5%	5%
31	On presenting a Memorial for appointment as Commissioner for Oaths or Notary Public	£75	£83	£89	£93
32	On every certificate of such appointment	£75	£83	£89	£93

#### Section 4 Fees payable in the Bankruptcy and Companies Office

2007 Fee Order Code	Description	Current	2017/18	2018/19	2019/20
			10%	7.5%	5%
33	a) On sealing a petition for winding-up of a company b) On sealing a bankruptcy petition:	£150	£165	£177	£186

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

	(i) if presented by a debtor or personal representative	£115	£127	£136	£143
	(ii) if presented by a creditor or any other person	£150	£165	£177	£186
	c) any other petition	£150	£165	£177	£186
	d) On hearing of a public examination	£150	£165	£177	£186
34	On sealing –				
	a) any originating application	£150	£165	£177	£186
	b) any other application	£115	£127	£136	£143
35	Request for a certificate to discharge bankruptcy	£75	£83	£89	£93
36	Petition for an administration order	£150	£165	£177	£186
37	a) On any search (including an inspection) other than by a bankrupt, director proposing a company voluntary arrangement, a debtor proposing an individual voluntary arrangement, or the Official Receiver when acting as such	£20	£22	£24	£25
	b) Additional fee where the search is carried out by an officer of the court	£10	£11	£12	£12

#### Section 5 Fees payable in the Taxing Office

2007 Fee Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
38	On an application for taxation under the Solicitors (NI) Order 1976	£115	£127	£136	£143
39	On the lodgement of a Bill of Costs. Where the bill is taxed, credit for this fee is to be given against the final fee payable.	5% of original bill	5% of original	5% of original	5% of original

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

			bill	bill	bill
40	a) On taxing a cash account between solicitor and own client for every £50 or fraction received and paid	£0.30	£0.30	£0.30	£0.30
	b) On the taxation of bill of costs –				
	i) where the amount allowed does not exceed £500	£60	£66	£71	£74
	(ii) where the amount exceeds £500 for every £1 or fraction of £1 of the amount allowed	£0.15	£0.15	£0.15	£0.15
	c) Additional fee (at the discretion of the Taxing Master) on the withdrawal of a bill of costs	Calculated	Calculated	Calculated	Calculated
	d) On assessing costs in the Chancery Division for every £1 or fraction of £1	£0.10	£0.10	£0.10	£0.10
	e) On an application to the Taxing Master to review his decision	£115	£127	£136	£143

#### Section 6 Fees payable in the Office of Care and Protection

2007 Fee Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
41	Wardship and Adoption/Parental Order (under Section 30 Human Fertilisation and Embryology Act 1990) – application by petition or summons	£100	£110	£118	£124
42	Family Law Act 1986 – Registration of Custody Order	£75	£83	£89	£93
43	Registration of enduring powers of attorney	£115	£127	£136	£143
44	Enduring Powers of Attorney – application pursuant to court direction	£200	£220	£237	£248

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

45	Enduring Powers of Attorney – application for search of register	£20	£22	£24	£25
46	1) Commencement Fee (Patient’s Affairs) – first application for the appointment of a controller except where it appears that the patient’s clear annual income is less than £1000 2) In addition to (1), commencement pursuant to a request by a personal application	£200 £200	£220 £220	£237 £237	£248 £248
47	Annual Administrative Fee a) Administrative Fee per annum where funds are operated out of court b) Administrative Fee per annum where funds are held by Court Funds Office.	£250 £350	£275 £385	£296 £414	£310 £435
48	Transaction Fee 1) On any order made by the court in the exercise of powers conferred by – i) Article 99 (1) – b), c), d), h), k) of the Mental Health (Northern Ireland) Order 1986 ii) Article 102 of the Order iii) section 35 (9) of the Trustee Act (Northern Ireland) 1958 iv) section 57(3) of the Trustee Act (Northern Ireland) 1958  2) On making by the court of any order or authority under Article 99(1)(e) of the Order	£80 or in a special case ¼% of the pecuniary consideration as defined in Note 3 of the Fees Order if greater than £80  £200	£88 or in a special case ¼% of the pecuniary consideration as defined in Note 3 of the Fees Order if greater than £88  £220	£95 or in a special case ¼% of the pecuniary consideration as defined in Note 3 of the Fees Order if greater than £95  £237	£99 or in a special case ¼% of the pecuniary consideration as defined in Note 3 of the Fees Order if greater than £99  £248
49	Control Fees –				

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

	On passing an account where an Officer of the Court (including Official Solicitor) is appointed	£500	£550	£591	£621
50	Winding-up fee on the death of a patient	£275	£303	£325	£341
51	Application to purchase, sell or transfer house or land, release life interest or right of residence	£150	£165	£177	£186
52	Enduring power of attorney account fee	£150	£165	£177	£186
53	Referral of patient to OCP including issue of enabling certificate and masters direction by certificate	£75	£83	£89	£93
54	Application to appoint a new controller	£200	£220	£237	£248
55	Masters subsequent direction by certificate where no Controller Order or Short Procedure Order issued	£75	£83	£89	£93
56	Issue of a Controller ad interim Order or a Short Procedure Order	£75	£83	£89	£93
57	On appointment of a Controller	£115	£127	£136	£143

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### **ANNEX B**

#### County Court Civil Business Court Fees

These fees are inclusive of subsidies as described under section 6 above.

- I. Fees in respect of proceedings not otherwise specifically provided for in any subsequent section of this Schedule.
- II. Fees for specified proceedings within the equity and probate jurisdiction.
- III. Fees to be taken in respect of proceedings under the Licensing (Northern Ireland) Order 1996 and the Registration of Clubs (Northern Ireland) Order 1996 and the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985
- IV. Miscellaneous fees relating to civil proceedings and matters.
- V. Fees in respect of applications for small claims under Article 30(3) of the Order.
- VI. Fees to be taken in respect of proceedings under the Criminal Damage (Compensation) (Northern Ireland) Order 1977 ("the Criminal Damage Order").
- VII. Fees to be taken in respect of proceedings under the Family Law Act 1986.

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### Section I Fees in respect of proceedings not otherwise specifically provided for in any subsequent section of this Schedule

2007 Fee Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
1	On any affidavit	No fee	No fee	No fee	No fee
2	On attendance of an officer to produce records (in addition to the officer's expenses), for each hour or part thereof	£14 per hour	£15 per hour	£17 per hour	£17 per hour
3	On a bond of recognizance	£50	£55	£59	£62
4	On a case stated	£150	£165	£177	£186
5	On a certificate by a court officer (inclusive of search)	£30	£33	£35	£37
6	On an Ordinary 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  does not exceed £1000 exceeds £1000 but does not exceed £5000 exceeding £5000	 £150 £165 £185	 £165 £182 £204	 £177 £195 £219	 £186 £205 £230
7	On a civil bill action in an ejectment action	£150	£165	£177	£186
8	On any other civil bill	£150	£165	£177	£186

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

9	On a third party notice	Same fee as on the civil bill in the action	Same fee as on the civil bill in the action	Same fee as on the civil bill in the action	Same fee as on the civil bill in the action
10	On a counterclaim or set-off where the amount thereof - does not exceed £1000 exceeds £1000 but does not exceed £5000 exceeding £5000	£150 £165 £185	£165 £182 £204	£177 £195 £219	£186 £205 £230
11	On a copy document a) 5 sheets or less b) For each sheet thereafter c) On a copy Order/Decree including certified or sealed d) On a copy Order/Decree produced online	£5 £0.50 £10 £8	£6 £0.50 £11 £9	£6 £0.50 £12 £9	£6 £0.50 £12 £10
12	On a decree, award, judgment, order or dismiss (other than an interlocutory order)	£75	£83	£89	£93
13	On an interlocutory order, including an order for payment out of, or transfer or investment of, funds in court	No fee	No fee	No fee	No fee
14	Certificate of Readiness	£250	£275	£296	£310
15	On a notice of appeal to a County Court (not otherwise provided for)	£150	£165	£177	£186
16	On a notice of application to the judge for payment of funds out of court	£15	£17	£18	£19
17	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	No fee	No fee	No fee
18	In any proceedings under the Adoption (Northern Ireland) Order 1987 as	£75	£83	£89	£93



## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

	modified by the Parental Orders (Human Fertilisation and Embryology) Regulations 1994 or under Section 30 of the Human Fertilisation and Embryology Act 1990				
19	On a notice, petition, summons or other form of application (not otherwise provided for) initiating any proceedings	£150	£165	£177	£186
20	On a notice of application for a review by the judge	£115	£127	£136	£143
21	On any notice of application, summons or motion to the judge or to the district judge (not otherwise provided for)	£115	£127	£136	£143
22	a) On a search or inspection b) Additional fee where the search is carried out by an officer of the court	£20 £10	£22 £11	£24 £12	£25 £12
23	On a witness summons	£30	£33	£35	£37
24	On a certificate of application for discovery	£50	£55	£59	£62
25	Entry of a remitted action where a setting down fee has not already been paid	£250	£275	£296	£310

#### Section II Fees for specified proceedings within the equity and probate jurisdiction

2007 Fee Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
1	On a civil bill or petition, where the property or estate of the subject matter of the proceedings				

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

	a) Either insofar as it consists of lands or premises does not exceed a capital value of £185,000 or insofar as it consists of personalty does not exceed £500 in amount or value	£150	£165	£177	£186
	b) Either insofar as it consists of lands or premises exceeds a capital value of £185,000 or insofar as it consists of personalty exceeds £500 in amount or value	£175	£193	£207	£217
	c) Provided that in a case of a mortgage suit or creditors administration suit where the amount claimed does not exceed £300 the fee on the civil bill shall be	£150	£165	£177	£186
2	On a primary or final decree, order or dismiss	£75	£83	£89	£93
3	On a decree or order not otherwise provided for (including an interlocutory order)	£75	£83	£89	£93
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	£75	£83	£89	£93
5	On the officer's certificate thereof	£30	£33	£35	£37
6	On an affidavit for the lodgement in court of a sum of money (fee to cover all necessary notices and certificate by the Chief Clerk)	£50	£55	£59	£62
7	On a counterclaim in equity proceedings	£150	£165	£177	£186

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

**Section III Fees to be taken in respect of proceedings under the Licensing (Northern Ireland) Order 1996 and the Registration of Clubs (Northern Ireland) Order 1996 and the Betting, Gaming Lotteries and Amusements (Northern Ireland) Order 1985**

2007 Fee Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
1	On a notice of application to the court in relation to a licence, including notice of application for declaration under Article 10 of the Licensing (NI) Order 1996 or for an order under Article 31 of that Order	£432	£475	£511	£536
2	On a notice of application under Article 44	£272	£299	£322	£338
3	On a notice of application to the court for the grant of registration of a club or indoor arena under Article 5 of the Registration of Clubs (NI) Order 1996	£432	£475	£511	£536
4	Children's certificate under Article 59 of the Licensing (Northern Ireland) Order 1996 or under Article 33 of the Registration of Clubs (Northern Ireland) Order 1996	£75	£83	£89	£93
5	Grant or provisional grant of a Bookmakers office licence	£432	£475	£511	£536

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### Section IV Miscellaneous fees relating to civil proceedings and matters

<b>2007 Fee Order Code</b>	<b>Description</b>	<b>Current</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>
			<b>10%</b>	<b>7.5%</b>	<b>5%</b>
1	On a certified copy of a decree, or a certificate in respect of money provision under Part V of Order 40	£50	£55	£59	£62
2	On a search in papers deposited under Standing Orders of Parliament for each hour or part thereof	£20	£22	£24	£25
3	On an application for a warrant of arrest under Article 5 of the Protection from Harassment (NI) Order 1997	£0	£0	£0	£0

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### Section V Fees in respect of applications for small claims under Article 30(3) of the Order.

2007 Fee Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
1	On lodging an application in which the amount claimed,  does not exceed £300 exceeds £300 but not £500 exceeds £500 but not £1000 exceeds £1000	£30 £50 £70 £100	£33 £55 £77 £110	£35 £59 £83 £118	£37 £62 £87 £124
2	On a counterclaim or set-off where the amount thereof  does not exceed £300 exceeds £300 but not £500 exceeds £500 but not £1000 exceeds £1000	£30 £50 £70 £100	£33 £55 £77 £110	£35 £59 £83 £118	£37 £62 £87 £124
3	On a notice of appeal under Article 30(4)(ab)	£150	£165	£177	£186
4	On a third party notice in a small claims action	Same fee as on the small claim application in the action	Same fee as on the small claim application in the action	Same fee as on the small claim application in the action	Same fee as on the small claim application in the action

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

#### Section VI Fees to be taken in respect of proceedings under the Criminal Damage (Compensation) (Northern Ireland) Order 1977 (“the Criminal Damage Order”).

2007 Fee Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
1	On a notice of appeal to a County Court under Article 15 of the Criminal Damage Order	£150	£165	£177	£186
2	On a Certificate of Readiness	£250	£275	£296	£310

#### Section VII Fees to be taken in respect of proceedings under the Family Law Act 1986.

Current Fees Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
1	On an application under Section 27 of the Family Law Act 1986 for the registration of a custody order	£75	£83	£89	£93

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### ANNEX C

#### Magistrates Court Civil Business Court Fees

##### A. Debt and Ejectment Proceedings, Duplicate Orders and Extracts from Register

2007 Fee Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
1	Process – Ordinary, Enforcement or Committal	£30	£33	£35	£37
2	Process – Set-off, counterclaim, decree or dismiss	£20	£22	£24	£25
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)	£30	£33	£35	£37
4	Ejectment Decree or Dismiss	£20	£22	£24	£25
5	Notice for duplicate orders	£30	£33	£35	£37
6	Duplicate order	£30	£33	£35	£37
7	Certified extract from Register	£30	£33	£35	£37

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

#### B. Appeals to Magistrates Court

2007 Fee Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
8	Notice of application or notice of appeal to a Magistrates' Court	£100	£110	£118	£124

#### C. Appeals and case stated

2007 Fee Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
9	Copy notice of appeal lodged with Clerk of Petty Sessions or process in relation to civil proceedings	£100	£110	£118	£124
10	Copy notice of appeal lodged with Clerk of Petty Sessions for each complaint, application, appeal or process (except where appellant is in prison or in respect of civil proceedings), subject to a maximum fee of the equivalent of five complaints.	£30	£33	£35	£37
11	Written application for Case Stated	£100	£110	£118	£124
12	Case stated	£100	£110	£118	£124



# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### D. Notices of application under the Licensing (Northern Ireland) Order 1996

2007 Fee Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
13	a) Application for renewal under Article 14	£272	£299	£322	£338
	b) Application for protection order under Article 26	£68	£75	£80	£84
	c) Application for temporary continuance of business in other premises under Article 29	£68	£75	£80	£84
	d) Application for transfer under Article 22	£272	£299	£322	£338
	e) Application for transfer and renewal under Article 23	£544	£598	£643	£675
	f) Application for Article 43 Order	£272	£299	£322	£338
	g) Application for Article 44 Order	£272	£299	£322	£338
	h) Application for Article 48 Order	£272	£299	£322	£338
	i) Additional fee for renewal out of time under Article 16 for each month or part of a month	£114	£125	£135	£142
	j) Application for grant of an occasional licence under Article 30-				
	i) for the first day	£82	£90	£97	£102
	ii) for each additional day	£20	£22	£24	£25
	k) Application for grant of extension licence	£68	£75	£80	£84
	l) Application for the grant of a Children's Certificate	£158	£174	£187	£196
	m) Children's Certificate	£30	£33	£35	£37
	n) Application to vary/remove conditions for an indoor arena	£272	£299	£322	£338

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

14	a) Each inspection of Register of Licences as provided for under Article 35	£22	£24	£26	£27
	b) Each copy of all or any part of any entry supplied from the Register of Licences as provided for under Article 35 in respect of each licensed premises	£10	£11	£12	£12
15	Duplicate being a certified copy of particulars recorded in the Register of Clubs kept under Article 38(2)	£150	£165	£177	£186

#### E. Applications under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985

2007 Fee Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
	<b>Bookmakers' Licences and Bookmaking Office Licences</b>				
16	Application for grant of bookmaker's licence under Article 8(1)	£258	£284	£305	£320
17	Application for renewal of bookmaker's licence under Article 16(1)	£186	£205	£220	£231
18	Application for renewal out of time of a bookmaker's licence under Article 20(1)	£298	£328	£352	£370
19	Application for renewal of bookmaking office licence under Article 18(1)	£186	£205	£220	£231
20	Application for renewal out of time of bookmaking office licence under Article 20(1)	£298	£328	£352	£370

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

21	Application for transfer of bookmaking office licence under Article 23(1)	£186	£205	£220	£231
22	Application for concurrent transfer and renewal of bookmaking office licence under Article 24(1)	£350	£385	£414	£435
23	Application for temporary continuance of business in other premises under Article 26	£68	£75	£80	£84
24	Application for revocation of bookmaker's licence under Article 27(1)	£186	£205	£220	£231
25	Application for revocation of bookmaking office licence under Article 28(1)	£186	£205	£220	£231
	<b>Bingo Club Licences</b>				
26	Application for grant of bingo club licence under Article 63(1)	£186	£205	£220	£231
27	Application for provisional grant of bingo club licence under Article 65(1)	£186	£205	£220	£231
28	Application for renewal of bingo club licence under Article 67(1)	£186	£205	£220	£231
29	Application for renewal out of time of bingo club licence under Article 69(1)	£298	£328	£352	£370
30	Bingo club grant declared final	£100	£110	£118	£124
	<b>Gaming Machine Certificates and Permits</b>				
31	Application for grant of a gaming machine certificate under Article 85(1)	£186	£205	£220	£231
32	Application for renewal of a gaming machine certificate under Article 87(1)	£186	£205	£220	£231

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

33	Application for renewal of a gaming machine certificate out of time under Article 89(1)	£298	£328	£352	£370
34	Application for the grant of a gaming machine permit under Article 85(3)	£186	£205	£220	£231
	<b>Registration of Clubs</b>				
35	Application for the registration of a club under Article 96(1)	£186	£205	£220	£231
36	Application for the renewal of registration of a club under Article 98(1)	£186	£205	£220	£231
37	Application for the renewal of registration of a club out of time under Article 100(1)	£298	£328	£352	£370
	<b>Lottery Certificates</b>				
38	Application for the grant of a lottery certificate under Article 142(1)	£226	£249	£267	£281
39	Application for renewal of lottery certificate under Article 144(1)	£186	£205	£220	£231
40	Application for renewal out of time of a lottery certificate under Article 146(1)	£298	£328	£352	£370
41	Application for revocation of lottery certificate under Article 149(1)	£186	£205	£220	£231
	<b>Supplementary</b>				
42	a) For each inspection of the Register of Licences, Certificates and Permits kept under Article 174(1)	£22	£24	£26	£27
	b) For each copy of all or part of any entry taken from this register	£10	£11	£12	£12

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

43	a) For each inspection of the Register of Clubs kept under Article 175(1)	£22	£24	£26	£27
	b) For each copy of all or part of any entry taken from this register	£10	£11	£12	£12
44	Duplicate being a certified copy of particulars recorded in the Register of Clubs kept under Article 174(1) or 175(1)	£150	£165	£177	£186

#### F. Applications under the Registration of Clubs (Northern Ireland) Order 1996

2007 Fee Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
45	Every application by a club for the renewal of a certificate under the Registration of Clubs (NI) Order 1996 under Article 7	£272	£299	£322	£338
46	Additional fee for application out of time under Article 9 for each month or part of month	£104	£114	£123	£129
47	Application for continuance of Club in other temporary premises under Article 12	£68	£75	£80	£84
48	Application for a Children's Certificate	£158	£174	£187	£196
49	Children's Certificate	£30	£33	£35	£37
50	a) For each inspection of the Register as provided for under Article 17	£22	£24	£26	£27
	b) For each copy of all or any part of any entry taken from the Register	£10	£11	£12	£12

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

51	A duplicate certificate of registration being a certified copy of particulars recorded in the Register of Clubs, issued under Article 20(2)	£150	£165	£177	£186
----	---	------	------	------	------

#### G. Miscellaneous

2007 Fee Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
52	Certificate of conviction and order	£30	£33	£35	£37
53	Certificate authorising the grant of a game dealer's licence	£100	£110	£118	£124
54	Notice of application for a licence under Section 1 of the General Dealers (Ireland) Act 1903	£100	£110	£118	£124
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	£100	£110	£118	£124
56	On a copy document a) 5 sheets or less b) for each sheet thereafter c) On a copy Order/Decree including certified or sealed d) On a copy Order/Decree produced online	£5 £0.50 £10 £8	£6 £0.50 £11 £9	£6 £0.50 £12 £9	£6 £0.50 £12 £10

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

#### H. Applications under the Child Support (Northern Ireland) Order 1991

2007 Fee Order Code	Description	Current	2017/18	2018/19	2019/20
			10%	7.5%	5%
57	Notice of Application for Declaration of Parentage under Article 28	£50	£55	£59	£62
58	Summons of Application for a Liability Order under Article 33(2)	£50	£55	£59	£62
59	Summons/Warrant under Regulation 29 of the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992	£50	£55	£59	£62

#### I. Applications under the Children (Northern Ireland) Order 1995

2007 Fee Order Code	Description	Current	2017/18	2018/19	2019/20
			10%	7.5%	5%
60	An application for leave to apply for an application for an order under	£50	£55	£59	£62

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

	Parts II or III not otherwise provided for				
61	An application for leave to apply for or an application for an order under Article 50 (care or supervision order), 55 (education supervision order), or 62 (child assessment order)	£50	£55	£59	£62
62	An application for leave to apply for 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)	£50	£55	£59	£62
63	An application for a financial provision order under Schedule 1	£50	£55	£59	£62
64	An application for leave to apply for or 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	£37.50	£41	£44	£47
65	An application for leave to apply for or 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)	£50	£55	£59	£62
66	An application for leave to apply for or an appeal under Article 113 (appeal in relation to foster parenting)	£50	£55	£59	£62
67	An application for leave to apply for or an appeal under Article 145 (appeal in relation to licence to take part in public performance)	£50	£55	£59	£62
68	Any ex-parte (emergency) application under Article 63	£0	£0	£0	£0
69	Full application under Article 63	£0	£0	£0	£0



## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

70	Application for maintenance order to be sent outside Northern Ireland for enforcement	£50	£55	£59	£62
71	On a C2 application	£50	£55	£59	£62
72	Application for leave to apply under Article 44 (secure accommodation)	£50	£55	£59	£62

#### J. Applications under the Family Homes and Domestic Violence (NI) Order 1998

2007 Fee Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
73	Any ex-parte (emergency) application	£0	£0	£0	£0
74	Full application	£0	£0	£0	£0
75	On a C2 application	£0	£0	£0	£0
76	Any other application under Family Homes and Domestic Violence (NI) Order 1998, not otherwise provided for	£0	£0	£0	£0

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

#### K. Applications under the Domestic Proceedings (NI) Order 1980

<b>2007 Fee Order Code</b>	<b>Description</b>	<b>Current</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>
			<b>10%</b>	<b>7.5%</b>	<b>5%</b>
77	Registration of an incoming maintenance order	£50	£55	£59	£62
78	Any other application under Domestic Proceedings (NI) Order 1980 & Art 98 of the Magistrates' Court Order	£50	£55	£59	£62

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### SCHEDULE 2

#### Fees Payable for Service of a Summons or Process

2007 Fee Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
1	1) Subject to sub-paragraph (2) and paragraph 3, for the service of a summons or process or document	£10	£11	£12	£12
	2) Where service of a summons or process is required to be personal	£13	£14	£15	£16
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 separate fee for each defendant or witness.	No change	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	£3	£4	£4

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### ANNEX D

#### Court of Judicature Northern Ireland (Non Contentious Probate) Fees

##### Schedule 1

2007 Fee Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
1	On an application for grant (or for resealing a grant) other than an application to which Fee No. 3 applies:-  a) if the assessed value does not exceed £10,000  b) if the assessed value exceeds £10,000	No Fee  £200	No Fee  £220	No Fee  £237	No Fee  £248
2	In addition to (1), on an application for a grant by a personal applicant where the value of the estate exceeds £10,000	£50	£55	£59	£62
3	a) Grant in respect of estate exempt from inheritance tax. b) Grant limited to trust property. c) Duplicate grant. d) Any second grant relating to the deceased person	£150 £150 £150 £150	£165 £165 £165 £165	£177 £177 £177 £177	£186 £186 £186 £186
4	Alteration in Grants, etc – notation on or amendment to a grant	£50	£55	£59	£62
5	Caveats –				

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

	a) For the entry of a caveat	£75	£83	£89	£93
	b) For an extension or a warning to a caveat	£50	£55	£59	£62
6	Depositing a will for safe custody	£30	£33	£35	£37
7	a) For a search for a grant	£20	£22	£24	£25
	b) Additional payment where the search is carried out by an officer of the court	£10	£11	£12	£12
8	On inspection of a will or other documents	£30	£33	£35	£37
9	a) Copy document (5 sheets or less) not otherwise provided for	£5	£6	£6	£6
	b) Additional copy per page	£0.50	£0.50	£0.50	£0.50
	c) Copy signed by Master and Lord Chief Justice	£75	£83	£89	£93
10	On an audio recording produced on CD in respect of any court proceedings- For each hour recorded or part thereof	£25	£28	£30	£31
11	Oaths and guarantees –				
	a) for administering an oath	£30	£33	£35	£37
	c) execution of guarantee for surety	£50	£55	£59	£62

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

12	On an application for the production of documents to be given as evidence:-  On attendance of an officer to produce records (in addition to the officer's expenses), for each hour or part thereof	£14 per hour	£15 per hour	£17 per hour	£17 per hour
13	For perusing and settling citations:- For each document settled	£115	£127	£136	£143
14	On any application to the master not otherwise provided for	£115	£127	£136	£143
15	On a Subpoena	£30	£33	£35	£37

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### ANNEX E

#### Family Proceedings Fees (County Court & Court of Judicature Northern Ireland)

2007 Fee Order Code	Description	Current	2017/18 10%	2018/19 7.5%	2019/20 5%
1	a) Sealing – writ of summons or an originating summons	£200	£220	£237	£248
	b) Sealing – originating notice of motion or presenting a petition other than a second petition presented with leave granted				
	(i) When presented in the High Court	£200	£220	£237	£248
	(ii) When presented to a divorce county court or civil partnership proceedings county court	£200	£220	£237	£248
	c) On filing an answer/reply to a petition/answer	£100	£110	£118	£124
	d) Personal Application Fee for a matrimonial review	£50	£55	£59	£62
2	Entering or setting down for trial				
	a) High Court	£300	£330	£355	£372
	b) County Court	£250	£275	£296	£310
3	Certificate of Decree Absolute (Form 10)	£75	£83	£89	£93

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

4	<p>Proceedings under the Children (NI) Order 1995</p> <p>a) On an application for an order relating to the custody, education, access, committal to care, provision of supervision of a child including Article 7(1)(a) or 4, 10(1) or (2), 159(1)</p> <p>i) High Court</p> <p>ii) County Court</p> <p>b) Terminate appointment of Guardian Article 13(1) or 163(1)</p> <p>i) High Court</p> <p>ii) County Court</p> <p>c) Financial Provision Order Paragraph 2(1),3(1), 7(5), 16(1) of Schedule 1</p> <p>i) High Court</p> <p>ii) County Court</p> <p>d) Vary a Financial Provision Order Paragraph 2(4), 3(5), 6(6), 7(7), 7(8), 10(2), 12(2) or 13 of Schedule 1</p> <p>i) High Court</p> <p>ii) County Court</p> <p>e) Secure Accommodation - Article 44</p> <p>i) High Court</p> <p>ii) County Court</p>	<p>£100</p> <p>£75</p> <p>£75</p> <p>£57.50</p> <p>£100</p> <p>£75</p> <p>£75</p> <p>£57.50</p> <p>£100</p> <p>£75</p>	<p>£110</p> <p>£83</p> <p>£83</p> <p>£63</p> <p>£110</p> <p>£83</p> <p>£83</p> <p>£63</p> <p>£110</p> <p>£83</p>	<p>£118</p> <p>£89</p> <p>£89</p> <p>£68</p> <p>£118</p> <p>£89</p> <p>£89</p> <p>£68</p> <p>£118</p> <p>£89</p>	<p>£124</p> <p>£93</p> <p>£93</p> <p>£71</p> <p>£124</p> <p>£93</p> <p>£93</p> <p>£71</p> <p>£124</p> <p>£93</p>
---	--	--	--	--	--



## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

f) Care/Supervision Order - Article 50 i) High Court ii) County Court	£100 £75	£110 £83	£118 £89	£124 £93
g) Vary Care/Supervision Order & leave to change child's name Article 52(7), 57(8)(b), 58(1), (2), (3) or (4), paragraph 6(3) of Schedule 3 or paragraph 10(3) of Schedule 8 i) High Court ii) County Court	£75 £57.50	£83 £63	£89 £68	£93 £71
h) Contact with child in care Article 53(2), (3), (4) or (9) i) High Court ii) County Court	£75 £57.50	£83 £63	£89 £68	£93 £71
i) Placement abroad - Article 33(1) i) High Court ii) County Court	£75 £57.50	£83 £63	£89 £68	£93 £71
j) Education Supervision - Article 55(1) i) High Court ii) County Court	£100 £75	£110 £83	£118 £89	£124 £93
k) Vary Education Supervision Paragraph 5(2) or 7(1) of Schedule 4 i) High Court ii) County Court	£75 £57.50	£83 £63	£89 £68	£93 £71

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

l) Child Assessment - Article 62(1)				
i) High Court	£100	£110	£118	£124
ii) County Court	£75	£83	£89	£93
m) Vary Child Assessment - Article 62 (12)				
i) High Court	£75	£83	£89	£93
ii) County Court	£57.50	£63	£68	£71
n) Emergency Protection - Article 63, 64 & 67				
i) High Court	£0.00	£0.00	£0.00	£0.00
ii) County Court	£0.00	£0.00	£0.00	£0.00
o) Recovery of Children - Article 69				
i) High Court	£100	£110	£118	£124
ii) County Court	£75	£83	£89	£93
p) Miscellaneous – Article 178				
i) High Court	£75	£83	£89	£93
ii) County Court	£57.50	£63	£68	£71
q) On commencing an appeal under				
i) Article 166 or Article 41(11)(ii) to the High Court	£100	£110	£118	£124
ii) Article 166 or Article 41(11)(i) to the County Court	£75	£83	£89	£93
r) On any application brought under form C2				
i) High Court	£75	£83	£89	£93
ii) County Court	£57.50	£63	£68	£71

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

5	Proceedings under the Family Homes and Domestic Violence (Northern Ireland) Order 1998  a) Application for a non -molestation or occupation order i) High Court ii) County Court  c) On an ex-party (emergency) application  d) On the following full application  f) Application under the Family Homes & Domestic Violence Order not otherwise provided for	£0 £0  £0  £0  £0	£0 £0  £0  £0  £0	£0 £0  £0  £0  £0	£0 £0  £0  £0  £0
6	On filing a notice of application for ancillary relief i) High Court ii) County Court	£300 £250	£330 £275	£355 £296	£372 £310
	Other Application in Proceedings – a) on any application in matrimonial proceedings or civil partnership proceedings, except where it is otherwise provided for in this Schedule, or is for an order by consent, made i) to a master ii) to a judge  b) Ex parte application to remove a petitioner’s address from the petition. (Fee charged at judicial discretion)	£115 £150  £57.50	£127 £165  £63	£136 £177  £68	£143 £186  £71
8	Writ of Subpoena or Witness Summons	£30	£33	£35	£37

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

9	a) On a copy document not otherwise provided for i) 5 sheets or less	£5	£6	£6	£6
	ii) On any additional copy per page	£0.50	£0.50	£0.50	£0.50
	b) On a copy order/decreed including certified or sealed	£10	£11	£12	£12
	c) On a copy order/decreed produced online	£8	£9	£9	£10
	d) On an audio recording produced on CD in respect of any court proceedings- For each hour recorded or part thereof	£25	£28	£30	£31
10	a) On making a search in the index of Parental Responsibility Agreements kept in the Office of Care and Protection in accordance with regulations made under Article 7 of the Children (NI) Order 1995 and, if appropriate, providing a copy of an agreement	£20	£22	£24	£25
	b) (i) On a search (including inspection) other than one for which a fee is prescribed under 10(a) above	£20	£22	£24	£25
	(ii) Additional fee where search is carried out by an officer of the court	£10	£11	£12	£12
	c) For an official certificate of the result of a search in any index	£30	£33	£35	£37
11	For signing, settling or approving an advertisement	£30	£33	£35	£37
12	Appeals				
	a) Notice of appeal from a master to judge in chambers b) Entering interlocutory appeal to Court of Appeal	£200 £500	£220 £550	£237 £591	£248 £621

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

13	<p>Taxation</p> <p>a) On lodgement of a bill of costs. Provided that where the bill is taxed, credit for this fee is to be given against the final amount payable.</p> <p>b) On the taxation of the bill of costs:            Where the amount allowed does not exceed £5            Where the amount exceeds £5 but does not exceed £100, for every £1 or fraction thereof</p> <p>Where the amount allowed exceeds £100 –</p> <p style="padding-left: 20px;">i) for the first £100</p> <p style="padding-left: 20px;">ii) for every £1 or fraction thereof over £100</p> <p>c) Additional fee (at the discretion of the Taxing Master) on the withdrawal of a bill of costs</p>	5% of original bill	5% of original bill	5% of original bill	5% of original bill
		£1	£1	£1	£1
		£0.15	£0.17	£0.18	£0.19
		£24	£26	£28	£30
		£0.15	£0.17	£0.18	£0.19
		Calculated	Calculated	Calculated	Calculated
14	Enforcement – enforcement of a matrimonial or civil partnership order	£150	£165	£177	£186

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### ANNEX F

**Enforcement of Judgments Office Fees  
Judgments Enforcement (Northern Ireland) Order 1981  
Judgments Enforcement Rules (Northern Ireland) 1981**

#### PART 1

2007 Fee Order Code	Description	Current	2017/18  10%	2018/19  7.5%	2019/20  5%
1	On lodging Notice of Intent to apply for enforcement under Rule 6; in respect of each person to be served	£20	£22	£24	£25
2	On lodging an application for enforcement under Article 22 of the Order; in respect of each respondent; where the sum due on foot of the judgment:				
	1) does not exceed £300	30p in the pound, Min Fee £15	30p in the pound, Min Fee £15	30p in the pound, Min Fee £15	30p in the pound, Min Fee £15
	2) exceeds £300, does not exceed £1000	£97 plus £12 per additional £100 or part thereof of the sum due in excess of £300	£107 plus £13 per additional £100 or part thereof of the sum due in excess of £300	£115 plus £14 per additional £100 or part thereof of the sum due in excess of £300	£120 plus £15 per additional £100 or part thereof of the sum due in excess of £300

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

	3) exceeds £1000, does not exceed £3000	£210 plus £8.50 per additional £100 or part of the sum thereof due in excess of £1000	£231 plus £9 per additional £100 or part of the sum thereof due in excess of £1000	£248 plus £10 per additional £100 or part of the sum thereof due in excess of £1000	£261 plus £11 per additional £100 or part of the sum thereof due in excess of £1000
	4) exceeds £3000, does not exceed £10000	£435 plus £2.30 per additional £100 or part thereof of the sum due in excess of £3000	£478 plus £3 per additional £100 or part thereof of the sum due in excess of £3000	£514 plus £3 per additional £100 or part thereof of the sum due in excess of £3000	£540 plus £3 per additional £100 or part thereof of the sum due in excess of £3000
	5) exceeds £10000	£645 plus £1.80 per additional £100 or part thereof the sum due in excess of £10,000	£710 plus £2 per additional £100 or part thereof the sum due in excess of £10,000	£763 plus £2 per additional £100 or part thereof the sum due in excess of £10,000	£801 plus £2 per additional £100 or part thereof the sum due in excess of £10,000
3	On lodging an application under Article 23 (1) of the Order; including one copy of the report: for each respondent  Where an application is made under Article 22 of the Order subsequent to an application under Article 23 (1) of the Order the fee paid under Fee No 2 shall be reduced by the amount paid under Fee	£150	£165	£177	£186

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

	No 3.				
4	On lodging an application for repossession of land	£515	£566	£609	£639
	On lodging an application for Goods & Money	£165 + money amount	£182 + money amount	£195 + money amount	£205 + money amount
	On lodging an application for Land & Money	£515 + money amount	£566 + money amount	£609 + money amount	£639 + money amount
5	On lodging an application for restitution of goods	£165	£182	£195	£205
6	On lodging an application under rule 104 to Stay Enforcement	£20	£22	£24	£25
7	On lodging an application for a search of the register of judgements:				
	1) Search per name of register of judgments	£8	£9	£9	£10
	2) Where the search is carried out by an officer of the court	£18	£20	£21	£22
8	On a copy document				
	a) 5 sheets or less	£5.00	£6	£6	£6
	b) For each sheet thereafter	£0.50	£0.50	£0.50	£0.50
9	For a Certificate of Satisfaction	£15	£17	£18	£19



## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

10	On an Administration Order made under Article 80 of the order	for every £1 of the money paid into the Office in respect of debts due to creditors, 10p	for every £1 of the money paid into the Office in respect of debts due to creditors, 10p	for every £1 of the money paid into the Office in respect of debts due to creditors, 10p	for every £1 of the money paid into the Office in respect of debts due to creditors, 10p
11	<p>I. For the removal, in accordance with a seizure order under Article 31 of the Order, of goods, or taking steps to remove such goods to a place of deposit. This fee includes the reasonable expenses of feeding and caring for animals</p> <p>II. For sale by auction of property seized (to cover all expenses of sale incurred in connection therewith including valuation, advertisement, auctioneers' fee)</p> <p>III. Where goods are sold otherwise than in auction, for the valuation of the goods</p>	The reasonable expenses thereof	The reasonable expenses thereof	The reasonable expenses thereof	The reasonable expenses thereof

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### PART 2

#### Judgment Enforcement (Recovery of Admitted Debts) Rules (Northern Ireland) 1985

2007 Fee Order Code	Description	Current	2017/18  10%	2018/19  7.5%	2019/20  5%
12	On lodging notice of intention to apply for recovery of a debt under rule 8; in respect of each person to be served	£15	£17	£18	£19
13	On lodging an application for recovery of a debt under Article 95 (1) of the Order; in respect of each debtor	£15	£17	£18	£19
14	On the Chief Enforcement Officer's direction for recover of an admitted debt under rule 16 (1); in respect of each debtor; where the admitted debt:				
	1) does not exceed £300	30p in the £1 less £15 min fee £10	30p in the £1 less £15 min fee £10	30p in the £1 less £15 min fee £10	30p in the £1 less £15 min fee £10
	2) exceeds£300, does not exceed £1000	£82 plus £12 per add £100 or part thereof of the debt in excess of £300	£90 plus £13 per add £100 or part thereof of the debt in excess of £300	£97 plus £14 per add £100 or part thereof of the debt in excess of £300	£102 plus £15 per add £100 or part thereof of the debt in excess of £300

## CONSULTATION

### NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

	3) exceeds £1000 but does not exceed £3000	£195 plus £8.50 per add £100 or part thereof of the debt in excess of £1000	£214 plus £9 per add £100 or part thereof of the debt in excess of £1000	£231 plus £10 per add £100 or part thereof of the debt in excess of £1000	£242 plus £11 per add £100 or part thereof of the debt in excess of £1000
15	On lodging a certificate of corresponding debt under Rule 18; in respect of each debtor	£15	£17	£18	£19
16	On Masters direction for enforcement of corresponding debt under Rule 20(1); in respect of each debtor; where the sum certified as corresponding debt;				
	1) does not exceed £300	30p in the £1 less £15 min fee £10	30p in the £1 less £15 min fee £10	30p in the £1 less £15 min fee £10	30p in the £1 less £15 min fee £10
	2) exceeds £300, does not exceed £1000	£82 plus £12 per add £100 or part of the debt in excess of £300	£90 plus £13 per add £100 or part of the debt in excess of £300	£97 plus £14 per add £100 or part of the debt in excess of £300	£102 plus £15 per add £100 or part of the debt in excess of £300
	3) exceeds £1000, does not exceed £3000	£195 plus £8.50 per add £100 or part of the debt in excess of £1000	£214 plus £9 per add £100 or part of the debt in excess of £1000	£231 plus £10 per add £100 or part of the debt in excess of £1000	£242 plus £11 per add £100 or part of the debt in excess of £1000

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### **To Note:**

- all new rates, with the exception of rates less than £0.50p, have been rounded to the nearest £1;
- the rounding policy applied is £0.01p to £0.49 is rounded down with £0.50p to £0.99p rounded up;
- the proposed increases are a three year phased increase of 10%, 7.5% and 5%;
- the first increase will take effect from 1 April 2017; and,
- Fee parameters set in legislation in 2007 have not been amended.

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

### ANNEX G

#### CONSULTEE GROUPINGS

Business representative bodies and institutions

Community groups

Local councils

Government departments and other public bodies

Health organisations

Housing Associations

Judiciary

Legal profession

Elected Members (includes MLAs, MEPs and MPs)

Political parties

Trade Unions

Other relevant groups

# CONSULTATION

## NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

---

Northern Ireland Courts and Tribunals Service  
Laganside House  
23-27 Oxford Street  
Belfast  
BT1 3LA

[www.courtsni.gov.uk](http://www.courtsni.gov.uk)

