

Case study 1 - family law - divorce - Northern Ireland

### Important Points to Note About the Information Provided

It should be noted that it is not possible to give definitive costs and the matters included below are indicative only. Where possible actual fees have been included for certain aspects of the processes but these should be viewed as a guide only. Fees often depend on the tier of court used and the steps involved in the individual case, a full list of court fees charged can be found at [the website of the Northern Ireland Court and Tribunals Service](#).

We are not aware of any extra fees associated with cross-border divorces therefore Case B fees are assumed to be the same as Case A (except for costs associated with service of documents and any translations required which would be dependent on which Member State is involved). In Case B, the petitioner must be resident in NI for 6 months before a petition for divorce can be presented.

N/A is shown where the answer is Not Applicable and N/K is shown where the answer is Not Known.

### Indicative costs in Northern Ireland

#### Indicative costs for court, appeals and alternative dispute resolution

##### Case Study Court

	Initial court fees	Transcription fees	Other fees
			High Court Setting Down - £300 County Court Setting Down - £250 Personal application fee for a matrimonial interview - £50 Application to remove a petitioner's address from the petition: £57.50 pence (charged at judicial discretion)
Case A	High Court Petition -£200 County Court Petition - £200	Fees are £0.78 pence per folio or CD audio recording £25 per hour	
Case B	As above	As above	As above

##### Case Study

	Appeals Initial court fees	Transcription fees	Other fees	ADR Is this option open for this type of case?	Costs
					Mediation may be available via other organisations for example <a href="#">Relate Northern Ireland</a> who charge £35 per session; or <a href="#">Family Mediation Northern Ireland</a> who charge £40 for initial appointment then £60 per session
Case A	N/A	N/A	N/A	Not usually court-mandated	
Case B	As above	As above	As above	As above	As above

## Indicative costs for lawyer, bailiff and expert

Case Study	Lawyer	Average costs	Bailiff Is representation compulsory?	Pre-judgement costs	Post-judgement costs	Expert Is use compulsory?	Cost
	Not at either court tier, but contested divorces (i.e. High Court) are normally more complex	N/K	N/A	-	Enforcement of a matrimonial order - £150	Not at either court tier	N/K
Case A	As above	As above	As above	As above	As above	As above	As above

## Indicative costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation	Cost	Pledge or security Does this exist and when and how is it used?	Cost	Other fees Description	Cost
	Are witnesses compensated? At County Court only, Viaticum (by petitioner) is paid when the summons is first served on the witness. Other costs (e.g. loss of earnings, travelling expenses etc.) may be allowed at judicial discretion or agreed between parties.	N/K	N/A	N/A	Certificate of Decree Absolute	£75
Case A	As above	As above	As above	As above	As above	As above

## Indicative costs for legal aid and other reimbursement

Case study	Legal Aid When and under what conditions is it applicable?	When is support total? Where funding is granted, uncontested divorce cases will usually be dealt with via civil legal aid	Conditions? In uncontested proceedings, representation is available only after the usual means and merits tests have been satisfied
Case A	Funding is granted for a divorce, subject to the normal means and merits tests Legal aid is only available for proceedings that take place in Northern Ireland. The issue of consent (above) applies.	As above	As above

Case study	Reimbursement				
	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total, what is the percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?	Contributions are required towards the cost of legal aid from those applicants who are assessed as having a disposable income above £3335 pa or disposable capital above the limit of £3000. The contribution required from income is a proportion of disposable income above the lower limit, payable in 12 monthly instalments
Case A	Such costs would normally be included in any agreement between parties or as ordered by the judge.	N/K	All costs have the potential to be included as part of a court order	The contribution required from capital is all disposable capital above £3000.	
Case B	As above	As above	As above	As above	

## Indicative costs for translation and interpretation

Case study	Translation When and under which conditions is it necessary?	Approximate cost?	Interpretation When and under which conditions is it necessary?	Approximate cost?	Other costs specific to cross-border disputes?	
					Description	Approximate cost?
Case A	If documents to be put before the court are not in English	Our service provider does not have a specific rate per page, as each job is sent to translators based on availability etc. and rates are different according to the language requested.  Current rates per 1000 words are Portuguese £103.00, Latvian £116.00, Slovak £102.00, Polish £107.00, Lithuanian £106.00, Russian £103.00 and Cantonese - £99.00. All plus VAT at 20%.	If parties or witnesses do not speak or understand English	Minimum payment of £30.00 per hour thereafter	Costs associated with service of documents	Depends on where to be served, acceptable methods of service in the other Member State and how many attempts required
Case B	As above	As above	As above	As above	As above	As above

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