

Case study 2 - family law - custody of the children - 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 - FPC refers to Family Proceedings Court, and FCC refers to Family Care Centre. A full list of court fees charged can be found at [the website of the Northern Ireland Court and Tribunals Service](#).

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	Transcription fees	Other fees
	Initial court fees		
Case A	Applications to discharge an existing contact order Family Proceedings Court - £50 Family Care Centre - £75 High Court £100	Fees are £0.78 pence per folio or CD audio recording, £25 per hour (if proceedings are recorded)	At the Family Proceedings Court, service of a summons is £10 or for personal service £13 and additional documents £3 each
	Register order in High Court - no fee Depending on the legislation that the order was granted under, the application will either be treated as a new application or a variation of an existing order		
	Application in respect of contact order Family Proceedings Court - £50 Family Care Centre - £75 High Court - £100		
	Application to vary an existing contact order Family Proceedings Court - £37.50 pence Family Care Centre - £57.50 pence High Court - £75		
Case B	High Court - £75	As above	At Family Proceedings Court - service of a summons is £10 or for personal service £13 and Additional documents £3 each

Case Study	Appeals	Transcription fees	Other fees	ADR Is this option open for this type of case?	Costs
Case A	Initial court fees Appeal from Family Proceedings Court to Family Care Centre - £75 Appeal from Family Care Centre to High Court - £100 Appeal against the decision of a Master - £200 Appeal against the decision of a Judge - £500	Fees are £0.78 pence per folio or CD audio recording; £25 per hour (if proceedings are recorded)	N/A	Court Children's Officer available at court	No fee charged Otherwise, ADR would be through external agencies with a professional charge
Case B	Initial court fees Appeal from Family Proceedings Court to Family Care Centre - £75 Appeal from Family Care Centre to High Court - £100 Appeal against the decision of a Master - £200 Appeal against the decision of a Judge - £500	As above	N/A	Court Children's Officer available at court	No fee charged Otherwise, ADR would be through external agencies with a professional charge

### Indicative costs for lawyer, bailiff and expert

Case Study	Lawyer	Bailiff	Expert
	Is representation compulsory? Average costs	Is representation compulsory? Average costs	Is use compulsory? Cost
Case A	No - but High Court cases are normally more complex N/K	N/A	No N/K
Case B	No - but High Court cases are normally more complex N/K	N/A	No N/K

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

Case Study	Witness compensation	Pledge or security Does this exist and when and how is it used?	Other fees
	Are witnesses compensated? Costs (e.g. loss of earnings) allowed at judicial discretion or agreed between parties	Cost used?	Cost Description Cost
Case A	Costs (e.g. loss of earnings) allowed at judicial discretion or agreed between parties	N/K N/A	N/A N/A N/A

Costs (e.g. loss of earnings) allowed at judicial discretion or Case B agreed between parties	N/K	N/A	N/A	N/A	N/A
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### Indicative costs for legal aid and other reimbursement

Case study	Legal Aid			
	When and under what conditions is it applicable?		When is support total?	Conditions?
Case A	The normal means and merits tests apply (see section on Legal Aid) Legal aid is available only for proceedings that take place in Northern Ireland (see section on Legal Aid)		See left	See left
Case B	Ireland (see section on Legal Aid)		See left	See left

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?
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	Clients may be liable to pay a contribution, depending on their income and capital (see Case Study 1A)
Case B	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	As above

### Indicative costs for translation and interpretation

Case study	Translation	
	When and under what conditions is it necessary?	Approximate cost?
Case A	If documents to be put before the court are not in English	The Current rate is £120 per 1000 words for every language or 12p per word.
Case B	If documents to be put before the court are not in English	The Current rate is £120 per 1000 words for every language or 12p per word.

Case study	Interpretation	Other costs specific to cross – border disputes?		
	When and under what conditions is it necessary?	Approximate cost?	Description	Approximate cost?

<p>If parties or witnesses do not speak or understand</p> <p>Case A English</p>	<p>Minimum payment of £30.00 per hour.</p>	<p>Costs associated with other Member State and how many service of documents attempts required</p>	<p>Depends on where to be served, acceptable methods of service in the</p>
<p>If parties or witnesses do not speak or understand</p> <p>Case B English</p>	<p>Minimum payment of £30.00 per hour.</p>	<p>Costs associated with other Member State and how many service of documents attempts required.</p>	<p>Depends on where to be served, acceptable methods of service in the</p>

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