

In the field of civil justice, pending procedures and proceedings initiated before the end of the transition period will continue under EU law. The e-Justice Portal, on the basis of a mutual agreement with the UK, will maintain the relevant information related to the United Kingdom until the end of 2024.

Costs

Northern Ireland

In this case study on family law – divorce, Member States were asked to advise the party that files for divorce on litigation costs in order to consider the following situations: Case A – National situation: a couple gets married. Later they separate and agree to a divorce. Case B – Transnational situation: Two nationals from a same Member State (Member State A) get married. The marriage is celebrated in Member State A. After the wedding, the couple moves to live and work in another Member State (Member State B) where they establish their residence. Shortly thereafter the couple separates with the wife returning to Member State A and the husband remaining in Member State B. The couple agrees to a divorce. Upon her return to Member State A, the wife immediately files for a divorce before the courts of Member State B.

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 |
| Case A | High Court Petition –£200 County Court Petition –£200 | Fees are £0.78 pence per folio or CD audio recording £25 per hour | 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 B | As above | As above | As above |

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

Indicative costs for lawyer, bailiff and expert

| Case Study | Lawyer | | Bailiff | | | Expert | |
|------------|--|---------------|-------------------------------|---------------------|---|--------------------------|----------|
| | Is representation compulsory? | Average costs | Is representation compulsory? | Pre-judgement costs | Post-judgement costs | Is use compulsory? | Cost |
| Case A | 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 B | 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 | | Pledge or security | | Other fees | |
|------------|----------------------|--|--------------------|--|------------|--|
| | | | | | | |

| | Are witnesses compensated? | Cost | Does this exist and when and how is it used? | Cost | Description | Cost |
|---------------|---|---|--|----------|--------------------------------|----------|
| Case A | 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. | Police Service of Northern Ireland witness – £12.15 pence per appearance Public witness – £17.12 pence per appearance N/K | N/A | N/A | Certificate of Decree Absolute | £75 |
| Case B | 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? | | Conditions? | |
| Case A | Funding is granted for a divorce, subject to the normal means and merits tests | | Where funding is granted, uncontested divorce cases will usually be dealt with via civil legal aid | | In uncontested proceedings, representation is available only after the usual means and merits tests have been satisfied | |
| Case B | 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 reimburs-ed? | 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 | 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 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 | | Interpretation | | Other costs specific to cross-border disputes? | |
|---------------|--|---|--|---|--|---|
| | When and under which conditions is it necessary? | Approximate cost? | When and under which conditions is it necessary? | Approximate cost? | 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 | 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 |

| | | | | | | |
|---------------|----------|--|----------|----------|----------|----------|
| | | £107.00, Lithuanian £106.00, Russian £103.00 and Cantonese - £99.00. All plus VAT at 20%. | | | | |
| Case B | As above | As above | As above | As above | As above | As above |

Last update: 08/11/2019

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