

**Case study 3 - family law - alimony - Northern Ireland**

In this case study on family law – alimony, Member States were asked to advise the suing party on litigation costs on litigation costs in order to consider the following situations:

**Case A – National situation:** Two persons have lived together unmarried for a number of years. They have a three year old child when they separate. A court decision grants custody of the child to the mother. The only outstanding dispute relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother sues on this.

**Case B – Transnational situation where you are a lawyer in Member State A:** Two persons have lived together unmarried in a Member State (State B). They have a three year old child. They separate. A court decision in Member State B gives the child’s custody to the mother. With the agreement of the father, the mother and the child move to live in another Member State (Member State A) where they establish their residence.

An outstanding dispute remains. This relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother sues on this in Member State A.



**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](#).

In case study B it is not clear if an order already exists in Member State B. If so then this would appear to be the enforcement of such an order and as such it will involve the Maintenance Orders (Reciprocal Enforcement) Act 1972 and other legislation and treaties applicable. It is therefore not possible to provide generic information on costs etc as this would be dependant on the countries involved and the relationships between the Member States.

**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	Application for financial provision (periodical payments and/or lump sum)	Fees are £0.78 pence per folio or CD audio recording £25 per hour (if proceedings are recorded)	At Family Proceedings Court – service of a summons £10 or for personal service £13  and

	Family Proceedings Court – £50 Family Care Centre – £75 High Court –£100		Additional documents £3 each
Case B			

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	No – but High Court cases are normally more complex	N/K	N/A	-	-	No	N/K
Case B							

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

Case Study	Witness compensation		Pledge or security	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost
Case A	Loss of earnings etc. may be allowed at judicial discretion or agreed between parties		This may be construed as an application for a freezing injunction in relation to assets. If so, fees as shown	High Court – £200 County Court – £115
Case B				

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		See left	See left

	Funding can be granted to deal with ancillary matters such as maintenance, subject to the standard tests of means and merits		
<b>Case B</b>	If the case is heard in Northern Ireland, the usual means and merits test will apply.	See left	See left

<b>Case study</b>	<b>Reimbursement</b>			
	<b>Can the winning party obtain reimbursement of litigation costs?</b>	<b>If reimbursement is not total, what is percentage in general?</b>	<b>What costs are never reimbursed?</b>	<b>Are there instances when legal aid should be reimbursed to the legal aid organisation?</b>
<b>Case A</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	Clients may be liable to pay a contribution depending on their income and capital (see Case 1A)
<b>Case B</b>				As above

**Indicative costs for translation and interpretation**

<b>Case study</b>	<b>Translation</b>	
	<b>When and under what conditions is it necessary?</b>	<b>Approximate cost?</b>
<b>Case A</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.
<b>Case B</b>		

<b>Case study</b>	<b>Interpretation</b>		<b>Other costs specific to cross-border disputes?</b>	
	<b>When and under what conditions is it necessary?</b>	<b>Approximate cost?</b>	<b>Description</b>	<b>Approximate cost?</b>
<b>Case A</b>	If parties or witnesses do not speak or	Minimum payment of £30.00 per hour.	Costs associated with service of documents	

	understand English			Depends on where to be served, acceptable methods of service in the other Member State and how many attempts required
Case B				

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