

Title: <b>Family fee inflationary uplifts and fee harmonisation.</b> IA No: MOJ 207  Lead department or agency: <b>Ministry of Justice</b>  Other departments or agencies: <b>HMCTS</b>	<b>Impact Assessment (IA)</b>		
	<b>Date:</b> 5 June 2013		
	<b>Stage:</b> Final		
	<b>Source of intervention:</b> Domestic		
	<b>Type of measure:</b> Other		
<b>Contact for enquiries:</b> Jane Sigley jane.sigley@justice.gsi.gov.uk			
<b>Summary: Intervention and Options</b>			<b>RPC Opinion:</b> <b>RPC Opinion Status</b>

Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Measure qualifies as One-Out?
£m	£m	£m	No   NA
			No   NA

**What is the problem under consideration? Why is government intervention necessary?**

To increase family fees by the rate of inflation since the last inflationary uplift. For the latest financial year for which data is available, gross fee income only recovered 85% of the costs – i.e. in 2011/12 the total cost was £594m and the fees recovered were £477m in nominal terms, amounting to a shortfall of £92m, with this deficit falling largely within family fees where total cost was £239m and income £121m. Failure to increase fees in line with inflation would see an extension of this deficit in real terms. We also want to harmonise the fee levels charged across the civil and family courts for certain types of applications, to reduce the amount of fee charging points in certain types of applications to make the fees system more straightforward

**What are the policy objectives and the intended effects?**

The Ministry of Justice’s long term aim is to achieve full cost recovery in all areas of civil and family business while protecting access to justice for the less well off. The majority of family fees contained in these proposals have not been increased by the rate of inflation since September 2010, despite the fact that fees only recovered 50% of the cost of the family courts in 2011/12. This means that while the general UK price level has been rising, court fees have fallen in real terms. The other measures will make the fee system more straightforward for court users and staff by ensuring that the same fee is charged for the same activity across different courts and by reducing the number of fee charging points in certain types of cases.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

Option 0 – Do nothing – retain current fee levels and structure.

Option 1 – Increase a majority of family fees either by the cumulative rate of Consumer Price Index (CPI) inflation (from the date that they were last uplifted) or to the level of the current equivalent civil fee; and b) to harmonise a small number of family and civil fees to ensure that the same fee is being paid across all courts and by reducing the number of fee charging points in certain types of cases.

Option 1 is the preferred option as it addresses the fall in fee income caused by inflation since fees were last updated. The other measures will make the fee system more straightforward for court users and staff by ensuring that the same fee is charged for the same activity across different courts and by reducing the number of fee charging points in certain types of cases.

**Will the policy be reviewed?** It will be reviewed. **If applicable, set review date:** April 2014

Does implementation go beyond minimum EU requirements?			Yes / No / N/A		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	<b>Micro</b>	<b>&lt; 20</b>	<b>Small</b>	<b>Medium</b>	<b>Large</b>
	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)			<b>Traded:</b>		<b>Non-traded:</b>

**I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs.**

Signed by the responsible Minister: Helen Grant Date: 5<sup>th</sup> June 2013

# Summary: Analysis & Evidence

# Policy Option 1

## Description:

### FULL ECONOMIC ASSESSMENT

Price Base Year 2012/13	PV Base Year 2013/14	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: 0	High: 0	Best Estimate: 0

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	?	11	97
High	?	13	113
Best Estimate		12	105

#### Description and scale of key monetised costs by 'main affected groups'

Family fees will increase based on the CPI since the date of the last increase, except for a small number of fees which will be harmonised to the level of the equivalent civil fee where this is lower. The additional cost to court users is estimated at £8 - 9m per annum. Transition costs, including costs of minor adjustments to court IT systems, are expected to be no more than £20k. The increase in fees levels will increase the cost of remissions to the taxpayer. We estimate that, if volumes remain constant, the cost of additional remissions could be as high as £3m per annum.

#### Other key non-monetised costs by 'main affected groups'

There may be minimal transitional costs related to HMCTS staff familiarising themselves with the increased fees. There could also be an increased cost in processing fee remissions.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	11	97
High	Optional	13	113
Best Estimate		12	105

#### Description and scale of key monetised benefits by 'main affected groups'

Ongoing benefits include increased net fee income to HMCTS (and reduced burden on the taxpayer) of £8-9m per annum. As the increase in fees may also increase the uptake of remissions, court users would benefit from up to £3m paid towards their court fees through the remissions system.

#### Other key non-monetised benefits by 'main affected groups'

Increasing fees reduces the taxpayer subsidy required to run the service. As the government believes it is fairer for service users, rather than taxpayers, to pay for the service, the policy generates welfare improvements. There is also an efficiency gain from the reduced subsidisation.

<b>Key assumptions/sensitivities/risks</b>	<b>Discount rate (%)</b>	3.50
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It is assumed fees are uplifted every year and will not affect case volumes. If volumes reduce by 1%, court users would pay a reduced £6m-7m p.a. If the reduction is 5%, there is a risk that courts users would receive £2-3m p.a. in remissions. It has also been assumed that there is no net detrimental impact on outcomes for either civil or family court cases or access to justice. The impact figures only include those fees where HMCTS could extract the detailed data required from the case management systems.

### BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs:	Benefits:	Net:	No	NA

## Annual profile of monetised costs and benefits\* - 2013/14 (nearest £1m)

<b>Option 1</b>	<b>Y<sub>1</sub></b> 2013/14	<b>Y<sub>2</sub></b> 2014/15	<b>Y<sub>3</sub></b> 2015/16	<b>Y<sub>4</sub></b> 2016/17	<b>Y<sub>5</sub></b> 2017/18	<b>Y<sub>6</sub></b> 2018/19	<b>Y<sub>7</sub></b> 2019/20	<b>Y<sub>8</sub></b> 2020/21	<b>Y<sub>9</sub></b> 2021/22	<b>Y<sub>10</sub></b> 2022/23
<b>Transition costs</b>	0	0	0	0	0	0	0	0	0	0
<b>Annual recurring cost</b>	12	12	12	12	12	12	12	12	12	12
<b>Total annual costs</b>	12	12	12	12	12	12	12	12	12	12
<b>Transition benefits</b>	0	0	0	0	0	0	0	0	0	0
<b>Annual recurring benefits</b>	12	12	12	12	12	12	12	12	12	12
<b>Total annual benefits</b>	12	12	12	12	12	12	12	12	12	12

\* For non-monetised benefits please see following summary pages

# Evidence Base (for summary sheets)

## Introduction

1. Litigants have paid a fee to make use of the civil courts in England & Wales since the 19th century. Originally, user fees were paid directly to the judges of the courts, who retained them personally. With major reforms of public administration, including the establishment of the court system in broadly its modern form and the introduction of judicial salaries, fee setting powers eventually passed to the Lord Chancellor under Section 165 of the County Courts Act 1888. Hence, it has long been the case that civil justice is not publicly funded and that users must pay for the service that they use. Since the 2007 Spending Review settlement, government policy has been to remove any outstanding subsidy provided by the taxpayer, save for the cost of providing the remission system (a system of fee waivers for the less well off). Although progress has been made towards eliminating the outstanding taxpayer subsidy, apart from the amount needed to finance remissions, this policy goal has yet to be achieved.
2. This impact assessment examines the options for increasing the vast majority of family court fees by the rate of inflation. The aim of this policy is to ensure that fees keep pace with rising prices by uplifting fees by the rate of cumulative inflation since the last uplift. Some fees, such as most enforcement fees, are excluded from this proposal so that they continue to align across the civil and family courts.
3. The impact assessment also examines the options for harmonising certain fees so that the same fee for an equivalent action is paid across family, civil and magistrates' courts; it also proposes to reduce the amount of fee points in certain types of cases.

## Rationale

4. The majority of family fees contained in these proposals have not been increased since September 2010, and some since before that date. As the CPI has risen in the intervening period, this means that HMCTS has experienced a real terms fall in income, other things being equal. If fee income is not raised to keep pace with inflation, court and family services may be affected since there will be a reduced level of revenue to cover costs.
5. Not all family fees are being uplifted by the rate of inflation. Some family fees are being uprated only to the level of the current equivalent civil fee and in a number of cases, this is less than the cumulative rate of inflation. In one instance the family fee will be harmonised downwards to the level of the existing equivalent civil fee. Therefore, some family fees, although they have been uplifted to an extent, will still remain reduced in real terms as they will not keep pace with rising prices. This approach is necessary to ensure that where possible, we charge the same fee for equivalent processes across the courts so that the system is easier for court users to understand. The reduction of the number of fee payment points for certain types of cases is also intended to make the process more straightforward for court users and for court staff. This in turn may provide administrative efficiencies and reduce the number of fee queries. Finally, the inclusion of a new search fee in the High Court for general searches fills an omission in the fees order which means that a fee is currently not charged for this service.
6. The proposed fee changes unambiguously benefit taxpayers as they will pay less subsidy than they currently provide to court users.

## One-in-One-out Methodology

7. As these proposals do not involve any significant changes, there is no evidence that they will result in a change in the level of regulatory activity. The harmonisation and fee charging proposals are aimed at improving the system by resolving a number of fee anomalies and reducing the amount of fee charging points. The new search fee in the High Court is estimated by HMCTS Income and Planning to generate around £50,000 in additional income and is therefore, out of scope of 'One-in, One-out' in accordance with the current One-in, One-out Methodology.

## Affected Stakeholder Groups, Organisations and Sectors

8. The following principal groups are likely to be affected by the proposals:
- Users of Family, Civil, Magistrates' and Probate Courts will be affected.
  - HMCTS – who administer these courts
  - Taxpayers – the subsidy currently provided by the UK Exchequer towards the running and operating costs of HMCTS; and
  - Legal Services Commission (LSC or Legal Aid Agency from 1 April 2014)) – litigants or appellants who are eligible for legal aid have their fees paid for them by their legal representatives, who can reclaim the money from the LSC
9. These changes will affect, primarily, individuals pursuing family cases through the courts and local authorities pursuing public law family proceedings. The fee increases for family proceedings will affect individual users of the service and local authorities who issue care and supervision proceedings. Users of the Family Courts may view these increases as an additional financial burden. While alternatives to court, such as mediation, are available for some non-public law family cases, in cases where a court order is required there are no alternatives to this service. However, access to all courts is protected for those individuals who have insufficient means to pay the fees by the existence of the fee remission scheme.

## Cost and Benefits: inflationary family fee uplifts and simplification and harmonisation proposals

### Description of options

10. This impact assessment identifies both monetised and non-monetised impacts from society's perspective, with the aim of understanding what the net social impact might be from implementing these options.
11. This impact assessment focuses on two options:
- Option 0 – “Do Nothing”/Base Case, and,
  - Option 1 – a) Increase a majority of family fees either by the cumulative rate of Consumer Price Index (CPI) inflation (from the date that they were last uplifted) or to the level of the current equivalent civil fee; and b) to harmonise a small number of family and civil fees to ensure that the same fee is being paid across all courts, to reduce the number of fee paying points in certain cases and to introduce a general search fee in the High Court.

### Base Case / Option 0

12. Under the “do-nothing” base case, civil, family and probate fees would remain constant in money terms. Assuming that the UK's general price level continues to rise over time, this would mean that rates would continue to fall in real terms. It is likely that the rate of cost recovery will decline over time and that increasing amounts of subsidy would therefore be required from the Exchequer to help finance the same volume of court services in future years.
13. Because the do-nothing option is compared against itself, its costs and benefits are necessarily zero as is its Net Present Value (NPV)<sup>1</sup>.

### Option 1

14. This option is to increase most family fees by the cumulative rate of CPI inflation based on the last date of increase. There are 86 fees that we propose to increase. The full list of fees, including the applicable adjustment factors, the current fee level and new fee level, can be found at Annex A. Fees that were last increased in May 2008 will increase by around 13% and those last increased in September 2010 will increase by around 7%. There are, however, a few exceptions to ensure consistency and harmonisation. These are explained below.

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<sup>1</sup> The Net Present Value (NPV) shows the total net value of a project over a specific time period. The value of the costs and benefits in an NPV are adjusted to account for inflation and the fact that we generally value benefits that are provided now more than we value the same benefits provided in the future.

15. A number of family fees have not been increased so that they remain aligned to the level of the current equivalent civil or magistrates' fee, as civil fees are not being uplifted at this time (they were last uplifted in April 2011 and full cost recovery was achieved in civil in 2011/12). In one case, this has meant the fee actually being decreased.
16. For the majority of the fees included in this proposal, the date used to calculate the inflationary increase refers to the date they were last increased. However, for some fees this date refers to when they were introduced, aligned or decreased at the date used to calculate the inflationary increase.
17. The proposed fee increases have been rounded up or down to the nearest £5 except for fee changes that are £10 or less, which have been rounded to the nearest £1. This reflects previous practice, is less confusing for both court users and staff and simplifies accounting practices.
18. The proposals also harmonise a small number of family, civil and magistrates' fees so that the same fee is charged for equivalent types of applications. The proposals also reduce the amount of fee paying charging points in certain types of cases by combining existing fees into a single upfront fee. This is the case with fees for applications for divorce, nullity or dissolution of a marriage or civil partnership, with this decision taken on the basis that the overwhelming majority to those paying the first fee also pay the second. Further, care and supervision applications have been merged with issue resolution hearing fees. This is based on an HMCTS assessment that most cases proceed to issue resolution hearing. However, where they do not, the amount of the fee that can be refunded has been increased to include the increase to the application fee. In the same vein, a new combined fee of £195 has been introduced in the family and civil orders for filing a request for a detailed assessment of costs. This fee combines the two previous fees of £145 for filing a request for a detailed assessment and £50 for applying for a certificate of costs as certificate of costs is always obtained. This fee has not been updated by inflation in the family order so that it remains aligned to the equivalent fee in the civil order.
19. In a number of other cases where different fees are paid for the same process in different courts, fees have been harmonised to ensure that the same fee is paid in all courts, with the fee set at the rate currently paid by the majority of applicants. While in most cases this has meant fees rising, in one case the fee has been harmonised downwards to the level of the most-commonly paid existing fee. In a small number of other cases, the fee has been set at the current level of the fee in the court where that fee would normally be charged plus an inflationary uplift. This is in order to simplify the fees structure and reduce the number of fee entry points. Therefore, the fee for a declaration of parentage, a family fee which is currently set at £150 in the magistrates' court and £340 in the family court, has been harmonised to £365 which is the fee level currently paid in the family court, plus an inflationary uplift.
20. There is also a proposal to raise the cost for electronic copy documents in non-contentious probate proceedings to £6 from the current £4. This will align the fee with the existing fee for a copy of any document whether or not provided as a certified copy so that the same fee is charged for both an electronic or non-electronic copy to more accurately reflect current delivery options and costs.
21. Finally, the fee for a search in the High Court has been extended to include a general search in addition to that of bankruptcy or companies records. The power to charge for a general search appears to have been inadvertently omitted from recent civil fees orders and this amendment rectifies that omission. The absence of a fee for a general search was highlighted in the November 2011 consultation on Fees in the High Court and Court of Appeal. A new combined fee of £45 was proposed in that consultation for both a general search and a certificate of that search. However, as not all searches result in a certificate, it has been decided to charge a separate fee for a general search at the same level as other High Court searches - £7 for 15 minutes. The response to the consultation on fees in the High Court and Court of Appeal has not yet been issued, however the Lord Chancellor has separately considered the consultation responses in relation to this fee and agreed to the fee's introduction in this order in advance of the wider consultation response, given the current absence of a power to charge for this service.
22. The full list of fee changes proposed is set out at annex A.

## Costs of Option 1

### Transitional Costs

#### *Costs to HMCTS:*

23. We expect to incur no costs for changes to HMCTS court publications; and around £800 for the destruction of old stock. Minor amendments to court IT systems are required and expected to cost no more than £10k in first year and £10k in the second. There may be some small intangible costs related to court staff having to spend some time familiarising themselves with the increased fees.

### Ongoing Costs

24. The increase in fees is based on the rate of CPI inflation since the date of the last increase. The date of the last inflationary increase in family fees varies and this has implications for the magnitude of the fee rises.

#### *Costs to Court users:*

#### *Inflationary uplifts*

25. The total additional cost to court users of the inflationary uplift to family fees is estimated by Income Planning HMCTS to be £9m per annum (based on actual and forecast volumes reductions for 2011/12). For the purposes of illustration, if we experience a drop in volumes by 1% the additional cost to users would be £8m and if the decrease were 5%, it would be £4m, other things being equal. Unfortunately, uncertainty around the price responsiveness of court services to fee changes means that we cannot specify the exact impact on volumes<sup>2</sup>. Those users who are eligible for legal aid or a fee remission will not be affected by the increases.
26. The additional cost to local authorities resulting from the inflationary increases on public law family fees has been estimated by Income Planning HMCTS as between £5m and £7m per annum if volumes stay constant.
27. It is very difficult to accurately predict the impact that the proposed fee increases will have on demand. Nevertheless, other than where fees are being merged or harmonised, the minimum increase being proposed is £1 on a fee that was previously £2, and the maximum increase being proposed is £300 on a fee that was £2,225. In total, there are only 8 fees increasing by more than £15. We therefore consider that it is unlikely there will be a significant impact on demand in the majority of cases. However, if demand were to fall, this could equate to Court users finding an alternative means of addressing their dispute, or perhaps choosing not to resolve it. The impact of such switching on outcomes for (ex) Court users is unknown.

#### *Other fee changes*

28. The total additional cost to court users of the other fee changes is estimated by Income Planning HMCTS to be £-1 to 1m for a full financial year (based on actual and forecast volumes reductions for 2011/12). For the purposes of illustration, if we experience a drop in volumes by 1% the additional cost to users would be £-2m to -1m and if the decrease were 5% it would be £-6m to -5m, other things being equal. Unfortunately, uncertainty around the price responsiveness of court services to fee changes means that we cannot specify the exact impact on volumes<sup>3</sup>. The negative numbers in the income estimates are due to the risk that remissions could increase and therefore court users may end up paying fewer fees.
29. Those users who are eligible for legal aid or a full fee remission will not be affected by these proposals.

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<sup>2</sup> Due to the lack of information on the possible reduction in demand following an increase in the fee, and in order to avoid spuriously accurate estimates, we have assumed that the 1% and 5% apply across all fee levels. In practice, we would expect users to be more responsive to fee changes for some services and less for others. More information is available in the assumptions/risks section.

<sup>3</sup> Due to the lack of information on the possible reduction in demand following an increase in the fee, and in order to avoid spuriously accurate estimates, we have assumed that the 1% and 5% apply across all fee levels. In practice, we would expect users to be more responsive to fee changes for some services and less for others. More information is available in the assumptions/risks section.

### *Costs to HMCTS*

30. There may be minimal transitional costs related to HMCTS staff familiarising themselves with the increased fees. There could also be an increased cost if HMCTS need to process a higher number of fee remissions. These costs unquantified and assumed to be negligible.

### *Costs to the taxpayer*

31. Uplifting fees by the rate of inflation may lead to an increase in fee remissions in that the amounts being remitted are higher and customers are more likely to question their ability to pay than before, even if the majority of fees are not being increased by more than £15. There might also be an increase in remissions applications as a result of the changes to the number of fee points and harmonisation of certain fees because this involves an increase in some of the fees. Therefore more people may require a partial remission, the value of the remission may be higher and customers may be more likely to question their ability to pay than before.
32. As a result of inflationary fee increases and simplification measures, Income Planning HMCTS expect the total cost of fee remissions could increase by £3m per annum if the volume of work remains similar to figures shown for 2011/12 for a full financial year. Although we anticipate that volumes will not be negatively affected by these changes, if case volumes drop by 5%, the cost of remissions could be high enough to outweigh any additional income that would be generated by these proposals.

### *Costs to Legal Aid Agency (“LAA”):*

33. Legal aid includes the payment of court fees. Court fees are paid upfront by legal aid solicitors for clients who are in receipt of funding by the LAA for the purposes of the proceedings for which a certificate has been issued under the funding code; they are then claimed back from the LAA when the case is finished. In terms of inflationary uplifts, the impact of these proposals is expected to be minimal given that Legal Aid is predominantly only payable for public law family matters. The majority of these inflationary fee increases relate to private family civil matters. The impact of the other fee changes is also expected to be minimal. The main change likely to have an impact will be the merging of the fee for assessment of costs into a single up front fee. As both fees are payable as part of the process now, but at separate points, we do not anticipate that the changes will have a significant impact.

### *Wider social and economic costs:*

34. Volumes are not expected to fall. If they did, there might be an impact on outcomes for (ex) Court users. If outcomes were significantly worse, there may be adverse implications for wider social and economic costs. These are not expected, but are mentioned for the sake of completeness.

### *Distributional costs:*

35. The fee remissions scheme is designed to ensure that any distributional implications remain acceptable. The proposals will be associated with an aggregate financial transfer from Court users to general taxpayers and there may be distributional implications depending upon the relative wealth of both groups.

## **Benefits of Option 1**

### **Transition benefits**

36. No transition benefits have been identified

### **Ongoing benefits**

#### *Benefits to HMCTS and taxpayer:*

37. As a result of the inflationary uplift proposals Income Planning HMCTS estimate that they and the taxpayer would benefit from an estimated increased fee income of £8-9 per annum ignoring any offsetting rise in remissions and assuming no decrease in case volumes. The fee simplification and

harmonisation proposals would generate an estimated fee income of £-1 to 1 per annum.<sup>4</sup>

*Benefits to Court users:*

*Inflationary uplifts*

38. Raising family fees by the rate of inflation may lead to an increase in fee remissions in that the amount remitted is higher and customers are more likely to question their ability to pay than before, although the majority of fees are not increased by more than £15. There might also be an increase in remissions applications as a result of the reduction the number of fee charging points in certain cases and the harmonisation of certain fees, because this involves an increase in some of the fees. Therefore more people may require a partial remission, the value of the remission may be higher and customers may be more likely to question their ability to pay than before.
39. Income Planning HMCTS expect the total cost of fee remissions could increase by £3m per annum if the volume of work remains at 2011/12 levels.

*Benefits to other service providers:*

40. Court case volumes are not expected to fall. If they did, this might relate to potential court users selecting alternative means of dispute resolution. This diversion of activity would have positive implications for the providers of alternative resolution services and products.

*Benefits to society:*

41. Given that HMCTS services (as a whole) are currently being offered below the full cost of providing them, increasing fees by the rate of inflation, and introducing a fee for general searches in the High Court would reduce the level of subsidy that taxpayers currently provide to users of the courts and probate registries. The proposals to harmonise some fees and to reduce the number of fee charging points will also benefit society by making the fees structure easier to understand for users and easier for court staff to administrate.

**Net Impact of Option 1**

*Inflationary uplifts*

42. The increase in fee revenue generated by these proposals reduces the subsidy paid by taxpayers to court users, other things being equal. It is not anticipated that there would be a change in unit costs of the court service as no changes in volumes are expected as a result of these proposals. Increased fees would not impact those who are entitled to a full fee remission e.g. those in receipt of certain benefits but will have greatest impact on those individuals that are outside eligibility for legal aid or a fee remission. It is possible that higher fees may incentivise court users to resolve issues without using the court system, potentially resulting in a reduced volume of court cases. However, given the relatively small level of increase, we assume that the volume of cases will not change.

*Other changes*

43. Harmonising certain fees, reducing the number of fee points in certain cases and introducing a fee for general searches in the High Court would modestly reduce the subsidy paid by taxpayers to court users, other things being equal. It is not anticipated that there would be a significant change in unit costs of the court service as no changes in volumes are expected as a result of these proposals. However, the reduction in the number of fee paying points will result in a small reduction to the administrative costs associated with processing payments. The fee changes would not impact those who are entitled to a full remission of their fee and will have greatest impact on those individuals that are outside eligibility for a full fee remission or legal aid.
44. Additionally, the fee changes will impact on a relatively small number of court users and the impact of two separate fees being combined into a single upfront fee will be broadly neutral all other things being equal. However, there is likely to be a net positive impact in that court applications will be quicker and simpler for court users and there will be a reduced administrative burden for court staff.

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<sup>4</sup> The negative income figures are due to remissions outweighing the effects of the additional income.

## Enforcement and Implementation

45. All fees are payable in advance of the service being provided. The sanction for non-payment is that the service, where appropriate, will not be provided. This would continue to apply under the option being considered.
46. The proposed date for implementation is 1 July 2013.

## Key Assumptions/Risks

### Care & Supervision cases

47. We have assumed that over 90% of cases proceed from application to Issues Resolution Hearing (IRH) in Care & Supervision cases in *all* courts in England & Wales. An initial monitoring exercise using the public law case fee tracking spreadsheets of a sample of 1,227 cases from 2009 – 2010 indicated that over 90% of cases proceeded from application to IRH. This only included courts in which cases would not transfer in or out of the court although HMCTS Operations indicate that there is no reason to believe that such cases would behave differently.
48. A further investigation of all Care and Supervision cases documented in the courts' judicial electronic diary system indicated that only 50-60% of cases proceeded from application to IRH. However, upon contacting the courts directly, it was ascertained that this is mostly likely due to the fact that hearings are recorded manually rather than electronically. However, as the amount that can be refunded has been increased to reflect the fact that the IRH fee has been included in the issue fee, we do not expect the changes to have a significant financial impact on users or HMCTS should the percentage of cases which proceed to an IRH be less than 90%.

### Volumes

49. In certain areas (particularly in family courts fees) where data cannot easily be extracted from the case management systems in the detail required to calculate the impact to certain fees, it has not been possible for HMCTS Finance to calculate the impact and this has not been included in the final impact figures.

### Demand for court services

50. In the main body of the options analysis above, the volume of fee applications has not been adjusted to reflect a reduction in demand for court services that might result from increasing family fees by the rate of inflation or from the other fee changes proposed. The main issue at stake is whether proposed fee increases would lead to the expected increases in fee income. Other things being equal, the price elasticity of demand measures the responsiveness of customer demand to a change in the price of the good/service in question.
51. It is especially important to determine whether the demand for the good/service is elastic (i.e. if price increases by 5%, demand decreases by more than 5%), unit-elastic (i.e. if price increases by 5%, demand decreases by 5%) or inelastic (i.e. if price increases by 5%, demand decreases by less than 5%). This is because the impact on revenues will differ: if the demand is price-elastic, then revenues will decrease if prices increase; but if it is price-inelastic, then revenues will increase.
52. The impact of proposed changes on the volume of court cases will depend on a number of factors, such as:
  - The availability of substitutes – if there is no close substitute to the service provided by the court (or there is a perception that there is no close substitute), demand will be less elastic.
  - The nature of the claim – if the service provided is a necessity, demand will be less elastic.
  - Fees as a proportion of total cost – if the court fees are a substantial proportion of the total cost of going to court (i.e. the cost of court fees and legal representation) then it is more likely that the court fees will have a big impact on the volume of court cases.
  - The funding of the applicant – if the applicant is privately funded, they must bear the full costs of the fees, and the applicant will take into account the cost of the court fee when deciding whether to issue a claim. The privately-funded applicant might substitute away from court and towards cheaper alternatives such as mediation. On the other hand, if the applicant is legally aided, the magnitude of the court fee will not impact on the likelihood of issuing a claim as they will not be liable for the cost.

- The transferability of court fees – if the fees are non-transferable and the cost must be borne by the claimant independently of whether they win the case then the fees are more likely to impact on the volume of court cases.

53. Taking these factors into consideration, it is not expected that the inflationary uplifts would impact the volumes of cases. The inflationary fee increases for family fees are unlikely to impact on volumes for a number of reasons. First, the fee increases are relatively modest, in most cases amounting to less than a £15 increase. Furthermore, in order to harmonise fee levels, some fees are being raised by less than inflation; instead, they are being raised only to the level of the equivalent civil fee. Moreover, in a small number of cases fees are either – as in the case of enforcement fees – not being raised at all or, in one case, are being reduced to the level of the equivalent civil fee for the purposes of consistency and alignment.
54. Regarding the fee harmonisation measures the decision to harmonise fees downwards or upwards was based on the fee currently paid by most court users. Likewise, the introduction of one upfront fee in place of two separate fees is only being suggested in cases where the overwhelming majority of court applicants are already paying both fees. Therefore, most applicants will see no increase in their fees and the number of court users affected by higher court fees will be small. Where two separate fees have been amalgamated into one upfront fee, the vast majority of court users were already paying both fees separately so the introduction of an upfront fee will represent an increase in fee for relatively few court users. As a result, we do not anticipate that there will be a significant impact on court user volumes from these proposals.
55. Although we do not anticipate that court volumes will reduce as a result of these inflationary increases, for illustrative purposes and given the uncertainty around the price elasticities of demand for the numerous court services in question, this section sets out what happens to projected case volumes and projected income across two stylised scenarios (i.e., volume reductions of 1% and 5%), holding all other variables constant. This is set out in the table below:

**Table 2: Scenario impact of Inflationary Uplifts**

<b>% of decrease in case volumes</b>	<b>Additional fee income</b>
No decrease in case volume	£8-9m
1% decrease in case volumes	£7-8m
5% decrease in case volumes	£3-4m

**Source: Income Planning HMCTS**

56. The main risk to the proposals is that demand for the court services in question will prove to be more price sensitive and in particular, price elastic. In other words, revenues will fall because case volumes will decline by proportionately more than the fee level increases.

## **Wider impacts**

### **Specific Impact Tests**

#### **Equalities Impact Test**

1. In accordance with our responsibilities under the Equality Act 2010 we have considered the likely impacts of these proposals on individuals with protected characteristics.
2. The proposals are likely to have the greatest financial impact for those with protected characteristics on middle or higher incomes (age, disability and marriage and civil partnership) as they would be less likely to qualify for a full or partial fee remission. However, we do not consider that uplifting family fees by the rate of cumulative inflation and simplifying and harmonising a small number of family and civil fees will amount to indirect discrimination. The fee remissions system will continue to protect access to justice for those individuals and households on lower incomes as will the Lord Chancellor's exceptional remission powers to reduce or remit a fee where it appears that there are exceptional circumstances involving undue financial hardship

#### **Competition Assessment**

3. We do not consider this proposal to be pro or anti-competitive. There are no impacts on suppliers or providers.

#### **Small Firms**

4. Our preferred option does not impose a new requirement on small businesses.

#### **Greenhouse Gas Assessment**

5. The proposals are unlikely to have any significant impact on greenhouses gases.

#### **Wider Environmental Impacts**

6. We do not expect that the proposal will have any impact on noise pollution, landscape, wildlife, air quality or any other environmental impact.

#### **Justice System Impacts**

7. The proposal will impact HMCTS, as the proposals relate to fees in the courts and tribunals. The impacts are set out fully in the main body of this impact assessment.

#### **Human Rights**

8. We believe that our Human Rights obligations are met by this proposal.

#### **Health Impact Assessment**

9. We have identified no evidence that our policy will have a significant impact on human health by virtue of its effects on the wider determinants of health: a significant impact on any lifestyle related variables or that it will place a significant demand on any of the health and social care services

#### **Rural proofing**

10. The proposals are not expected to have any significant rural impacts.

### **Sustainable Development**

11. The primary impact on sustainable development is that the inflationary increase will ensure that those who use the service and can afford to pay will continue to make the same contribution in real terms towards the costs of their case, thereby reducing public spending and the benefit this will bring to the economy.

### **Implementation plans**

12. Subject to the outcome of this consultation, changes will be implemented by way of amendment to applicable Statutory Instruments (Court Fees Orders) by the negative resolution procedure. We plan to implement any changes in May 2013.



## ANNEX A

Fees Order	Fee Number	Summary description	Value of claim (where applicable)	Current Fee	New Fee	Inflationary uplift CPI rate and date of last uplift	Notes
Civil Proceedings	2.1(a)	On the claimant filing a directions questionnaire if the case is on small claims track or a directions questionnaire (small claims track) has been filed and the claim exceeds £1500.	£1500<	40	No change.	n/a	Removes reference to an allocation questionnaire and clarifies that a fee can be charged on allocation to the small claims track or on filing a directions questionnaire (small claims track).
Civil Proceedings	2.1(b)	On the claimant filing a directions questionnaire if the case is on the fast track or multi-track or a directions questionnaire (fast track or multi-track) has been filed.		220	No change.	n/a	Removes reference to an allocation questionnaire and clarifies that a fee can be charged on allocation to the fast track or multi-track or on filing a directions questionnaire (fast track or multi-track).
Civil Proceedings	5.1	On the filing of a request for detailed assessment where the party filing the request is legally aided or is funded by the LSC and no other party is ordered to pay the costs of the proceedings.		145	195	n/a	Fee now covers both fee for filing a request and that for applying for the court's approval for a certificate of costs (previously fee 5.5).

Civil Proceedings		On applying for the court's approval of a certificate of costs payable from the Community Legal Service Fund.		50	Obsolete.	n/a	Was fee 5.5 has now been merged with 5.1 The transitional power to charge £50 for approval of a certificate of costs for applications made before 15/4/13 is found at section 4 of the Civil Proceedings Fees (Amendment) Order 2013.
Civil Proceedings	5.5	On a request or application to set aside a default costs certificate.		105	No change.	n/a	Was fee 5.6 now fee 5.5.
Civil Proceedings	10.3	On a general search in the records of the High Court for each 15 minutes or part of 15 minutes.		7	Change of wording to include fee for a general search.	n/a	Change of wording to include fee for a general search.
Family Proceedings	1.1	On filing an application to start proceedings where no other fee is specified.		230	245	6.96% 1/9/10	
Family Proceedings	1.2	On presenting an application for— ( <sup>a</sup> ) a decree of divorce made under section 1 of the Matrimonial Causes Act 1973; (b) a decree of nullity made under sections 11 or 12 of the Matrimonial Causes Act 1973; (b) a dissolution order or nullity order made under section 37 of the Civil Partnership Act 2004); Note: Where fee 1.2 has been paid, no further fee is due on an application to make a decree nisi absolute or a conditional order final.		340	410	6.96% 1/9/10	Fee now includes both the fee for a divorce/nullity/dissolution application and that for the decree absolute or final order (previously charged under 4.1).  Fee no longer includes the other types of application previously included in fee 1.2 – these are now in fee 1.3.  The transitional power to charge £45 for making a decree nisi absolute or conditional order final for applications made before 15/4/13 is contained at section 4 of the Family Proceedings Fees (Amendment) Order 2013.

Family Proceedings	1.3	On presenting an application for— (a) a matrimonial or civil partnership order, other than an application for a decree of divorce, a decree of nullity, a dissolution order, nullity order or to which rule 7.7(1)(b) of the Family Procedure Rules 2010 applies, or (b) a declaration to which Chapter 5 of Part 8 of the Family Procedure Rules 2010 applies.  Note: Only one fee is payable for each declaration to which Chapter 5 of Part 8 of the Family Procedure Rules 2010 applies.		New fee (previously charged £340 under fee 1.2).	365	6.96% 1/9/10	New fee – removes from fee 1.2 those types of application without decree nisi absolute of conditional order final.
Family Proceedings	1.4	On applying for a non-molestation order, an occupation order or a forced marriage protection order under Part 4 or Part 4A of the Family Law Act 1996 (or on applying for two or more of those orders).		70	75	6.96% 1/9/10	Change to fee number was 1.3 now 1.4.
Family Proceedings	1.5	On amending an application for a matrimonial or civil partnership order, amending an application for a declaration to which Chapter 5 of Part 8 of the FPR 2010 applies, or making an application to which rule 7.7(1)(b) of the FPR 2010 applies.		90	95	6.96% 1/9/10	Change to fee number was 1.4 now 1.5.
Family Proceedings	1.6	On filing an answer to an application for a matrimonial or civil partnership order		230	245	6.96% 1/9/10	Change to fee number was 1.5 now 1.6.

Family Proceedings	1.7	On applying for an order under Part 3 of the Solicitors Act 1974(c) for the assessment of costs payable to a solicitor by a client; or on the commencement of costs-only proceedings.		40	No change	n/a	Change to fee number was 1.6 now 1.7.
Family Proceedings	1.8	On application under section 54 of the Human Fertilisation and Embryology Act 2008.		n/a	215	(see 9.1 Magistrates)	New fee for application under s54 of the Human Fertilisation and Embryology Act 2008, to align with equivalent fee in Magistrates' Courts Fees Order fee 9.1.  Previously treated as a general application (4.3).
Family Proceedings	2.1a	Filing an application parental responsibility 4(1)(c) or 3 / 4A(1) (b) or 3.		200	215	6.96% 1/9/10	
Family Proceedings	2.1b	Filing an application parental responsibility 4ZA(1) (c) or 3.		200	215	6.96% 1/9/10	
Family Proceedings	2.1c	Guardians Section 5(1) & 6(7).		200	215	6.96% 1/9/10	
Family Proceedings	2.1d	Contact / Residence - Section 8 orders etc. Section 10(1) or (2) (section 8 orders).		200	215	6.96% 1/9/10	
Family Proceedings	2.1e	Enforcement Orders Section 11J(2).		200	215	6.96% 1/9/10	
Family Proceedings	2.1f	Compensation for Financial Loss Section 110(2).		200	215	6.96% 1/9/10	

Family Proceedings	2.1g	Section 13(1) Change of child's surname or removal from jurisdiction while residence order in force.		200	215	6.96%	1/9/10
Family Proceedings	2.1h	Special Guardianship - Section 14A(3) or (6)(a), 14C(3) or 14D(1)(e).		160	170	6.96%	1/9/10
Family Proceedings	2.1i	Secure accommodation Order - Section 25		170	180	6.96%	1/9/10
Family Proceedings	2.1j	section 33(7) (change of child's surname or removal from jurisdiction while care order in force).		170	180	6.96%	1/9/10
Family Proceedings	2.1k	Contact with child in care section 34(2), (3), (4) or (9).		170	180	6.96%	1/9/10
Family Proceedings	2.1l	Education supervision order section 36(1).		170	180	6.96%	1/9/10
Family Proceedings	2.1m	Section 39 - Variation or discharge etc of care and supervision orders.		170	180	6.96%	1/9/10
Family Proceedings	2.1n	Child assessment order - Section 43(1).		170	180	6.96%	1/9/10
Family Proceedings	2.1o	Emergency Protection Order Section 44, 45, 46.		170	180	6.96%	1/9/10
Family Proceedings	2.1p	Warrant to assist person exercising powers under emergency protection order - Section 48.		170	180	6.96%	1/9/10

Family Proceedings	2.1q	Recovery order - Section 50.		170	180	6.96%	1/9/10	
Family Proceedings	2.1r	Warrant to assist person exercising powers to search for children or inspect premises) - Section 102.		170	180	6.96%	1/9/10	
Family Proceedings	2.1s	Paragraph 4(2), 6(2), 7(2) or 9(2) of Schedule A1(j) (applications in respect of enforcement orders).		90	95	6.96%	1/9/10	
Family Proceedings	2.1t	Amendment of enforcement order by reason of change of address. Paragraph 5(2) of Schedule A1.		90	95	6.96%	1/9/10	
Family Proceedings	2.1u	Financial provision for children paragraph 1(1) & (4) , 2(1) & (5), 5(6), 6(5) & (7) & (8), 8(2), 10(2), 11 or 14(1) of Schedule 1.		200	215	6.96%	1/9/10	
Family Proceedings	2.1v	Approval of court for child in care of local authority to live abroad. Paragraph 19(1) of schedule 2.		170	180	6.96%	1/9/10	
Family Proceedings	2.1w	Extension of Supervision Order. Paragraph 6 of Schedule 3.		170	180	6.96%	1/9/10	
Family Proceedings	2.1x	Extension or discharge of education supervision order Paragraph 15(2) or 17(1) of Schedule 3.		170	180	6.96%	1/9/10	
Family Proceedings	2.2a	Section 31 - Care & Supervision on Application.		2,225	3,320	13.48%	1/5/08	Fee now includes both fee for s31 application and that for an issues resolution hearing (old fee 2.2b).

Family Proceedings		where an issues resolution hearing or pre-hearing review has been listed.		700	obsolete	13.48% 1/5/08 (for transitional fee).	Old fee 2.2b now merged with 2.2a.  The transitional power to charge £795 for an issues resolution hearing for applications made before 15/4/13 is contained at section 4 of the Family Proceedings Fees (Amendment) Order 2013.
Family Proceedings	2.2b	Where a final hearing has been listed.		1,900	2,155	13.48% 1/5/08	Was fee 2.2c now 2.2b
	Notes to 2.2	Where a final order is made at case management conference or case management hearing, £1360 of the amount paid under fee 2.2(a) will be refunded.		REFUND 500	REFUND 1,360	13.48%	Change to amount of refund given under 2.2 to reflect inclusion of fee for issues resolution hearing in application fee.
Family Proceedings	2.3a	On commencing an appeal under section 94 relating to provisions to which the following fees apply: 2.1(a) to (g) or (u).		200	215	6.96% 1/9/10	
Family Proceedings	2.3b	On commencing an appeal under section 94 relating to provisions to which the following fees apply: 2.1(h).		160	170	6.96% 1/9/10	
Family Proceedings	2.3c	On commencing an appeal under section 94 relating to provisions to which the following fees apply: 2.1 (i) to (r) & (v) to (x) & 2.2.		170	180	6.96% 1/9/10	
Family Proceedings	2.4	On commencing an appeal under paragraph 23(11) of Schedule 2 to the Children Act 1989 (appeal against contribution order).		170	180	6.96% 1/9/10	

Family Proceedings	3.1	On applying or requesting permission to apply under any provision in Part 1 of the Adoption and Children Act 2002(k), other than an application under section 22 of that Act.		160	170	6.96% 1/9/10	
Family Proceedings	3.2	On applying under section 22 of the Adoption and Children Act 2002 (placement order).		400	455	13.48% 1/5/08	
Family Proceedings	3.3	Applying for the exercise by the High Court of its jurisdiction with respect to children.		160	170	6.96% 1/9/10	
Family Proceedings	4.1	On an application without notice or by consent except where separately listed in this Schedule.  Note: Fee 4.1 is not payable in relation to an application by consent for an adjournment of a hearing where the application is received by the court at least 14 days before the date set for that hearing.		45	No change	n/a	This fee cannot be charged to make a decree nisi absolute or a conditional order final for applications made under 1.2.  The transitional power to charge £45 for making a decree nisi absolute or conditional order final for applications made before 15/4/13 is contained at section 4 of the Family Proceedings Fees (Amendment) Order 2013.
Family Proceedings	4.2	On an application under rule 7.19 of the FPR 2010 for the court to consider the making of a decree nisi, a conditional order, a decree of judicial separation or a separation order (other than in an undefended case where no fee is payable).		45	50	6.96% 1/9/10	
Family Proceedings	4.3	On an application on notice except where separately listed in this schedule		90	80	n/a	Fee decrease to harmonise with the fee for an application on notice in Civil Proceedings Fees Order (2.6) and Magistrates' Courts Fees Order (12.1).

Family Proceedings	4.4	On the filing of  (a) a notice of intention to proceed with an application for a financial order to which rule 9.4(b) of the FPR 2010 applies; (b) an application for a financial order to which rule 9.4(b) of the FPR 2010 applies, other than an application for a consent order.		240	255	6.96%  1/9/10	
Family Proceedings	5.1	On filing a notice of appeal from a district judge to a judge.		115	125	6.96%  1/9/10	
Family Proceedings	6.1	On making a search in the central index of decrees absolute or of final orders kept at the Principal Registry of the Family Division for any specified period of ten calendar years or, if no such period is specified, for the ten most recent years, and, if appropriate, providing a certificate of decree absolute or of final order, as the case may be.		60	65	6.96%  1/9/10	
Family Proceedings	6.2	On making a search in the central index of parental responsibility agreements kept at the Principal Registry of the Family Division in accordance with regulations made under section 4(2) of the Children Act 1989 and, if appropriate, providing a copy of the agreement.		40	45	6.96%  1/9/10	

Family Proceedings	6.3	On making a search in the index of decrees absolute or of final orders kept at any designated county court or district registry for any specified period of ten calendar years or, if no period is specified, for the ten most recent years, and if appropriate, providing a certificate of decree absolute or of final order, as the case may be.		40	45	6.96% 1/9/10	
Family Proceedings	8.1	On filing a request for detailed assessment where the party filing the request is legally aided or is funded by the LSC and no other party is ordered to pay the costs of the proceedings.		145	195	n/a	Fee now covers both fee for filing a request and that for applying for the court's approval for a certificate of costs (previously fee 8.5).
Family Proceedings		On applying for the court's approval of a certificate of costs payable from the Community Legal Service Fund. Note: Fee 8.5 is payable at the time of applying for approval and is recoverable only against the Community Legal Service Fund.		50	Obsolete	n/a	Was fee 8.5 has now been merged with 8.1.  The transitional power to charge £50 for approval of a certificate of costs for applications made before 15/4/13 is found at section 4 of the Civil Proceedings Fees (Amendment) Order 2013.
Family Proceedings	8.5	Application to set aside a default costs certificate.		105	No change	n/a	Change to fee number was 8.6 now 8.5.
Family Proceedings	9.1	On an application for a maintenance order to be registered under the Maintenance Orders Act 1950(m) or the Maintenance Orders Act 1958.		40	45	6.96% 1/9/10	

Family Proceedings	9.2	On an application for a Maintenance order to be sent abroad for enforcement under the Maintenance Orders (Reciprocal Enforcement) Act 1972.		40	45	6.96%	1/9/10
Family Proceedings	11.1	On a request for service by bailiff of any document except for: (a) an order for a debtor to attend the adjourned hearing of a judgment summons; (b) an interpleader summons under an execution; (c) an order made under section 23 of the Attachment of Earnings Act 1971(p) (enforcement provisions); or (d) an order for a debtor to attend an adjourned oral examination of means.		105	110	6.96%	1/9/10
Magistrates' Court Proceedings	2.2a	Proceedings under the Child Support Act 1991 - On commencing an appeal under section 20(c).		150	160	6.96%	1/9/10
Magistrates' Court Proceedings	2.2b	Proceedings under the Child Support Act 1991 - On commencing an appeal against a deduction from earnings order.		90	95	6.96%	1/9/10

Magistrates' Court Proceedings	6.1	Proceedings under the Domestic Proceedings and Magistrates' Courts Act 1978 or Schedule 6 to the Civil Partnership Act 2004 on an application for an order for financial provision (other than an application to vary or revoke such an order, or an application for an order for financial provision made for the benefit of, or against, a person residing outside the United Kingdom).		200	215	6.96% 1/9/10	
Magistrates' Court Proceedings	7.1	Application for declaration of parentage (FLA 86).		150	365	See 1.3 in Family Proceedings Order.	Fee aligns to fee for same application in Family Proceedings Order (new fee 1.3) Fee increase - fee is now to be applied per application not per child.
Magistrates' Court Proceedings	8.1a	CA'89 Section 4(1)(c) or (3) or 4A(1)(b) or (3)(l) (parental responsibility).		200	215	6.96% 1/9/10	
Magistrates' Court Proceedings	8.1b	CA'89 Section 4ZA(1)(c) or (6)(m) (parental responsibility).		200	215	6.96% 1/9/10	
Magistrates' Court Proceedings	8.1c	CA'89 Section 5(1) or 6(7) (guardians).		200	215	6.96% 1/9/10	
Magistrates' Court Proceedings	8.1d	CA'89 Section 10(1) or (2) (section 8 orders).		200	215	6.96% 1/9/10	
Magistrates' Court Proceedings	8.1e	CA'89 Section 11J(2)(n) (enforcement orders).		200	215	6.96% 1/9/10	
Magistrates' Court Proceedings	8.1f	CA'89 Section 11O(2)(o) (compensation for financial loss).		200	215	6.96% 1/9/10	

Magistrates' Court Proceedings	8.1g	CA'89 Section 13(1) (change of child's surname or removal from jurisdiction while residence order in force).		200	215	6.96%	1/9/10
Magistrates' Court Proceedings	8.1h	CA'89 Section 14A(3) or (6)(a), 14C(3) or 14D(1) (special guardianship orders).		160	170	6.96%	1/9/10
Magistrates' Court Proceedings	8.1i	CA'89 Section 25 (secure accommodation order).		170	180	6.96%	1/9/10
Magistrates' Court Proceedings	8.1j	CA'89 Section 33(7) (change of child's surname or removal from jurisdiction while care order in force).		170	180	6.96%	1/9/10
Magistrates' Court Proceedings	8.1k	CA'89 Section 34(2), (3), (4) or (9) (contact with child in care).		170	180	6.96%	1/9/10
Magistrates' Court Proceedings	8.1l	CA'89 Section 36(1) (education supervision order).		170	180	6.96%	1/9/10
Magistrates' Court Proceedings	8.1m	CA'89 Section 39 (variation or discharge etc of care and supervision orders).		170	180	6.96%	1/9/10
Magistrates' Court Proceedings	8.1n	CA'89 Section 43(1) (child assessment order).		170	180	6.96%	1/9/10
Magistrates' Court Proceedings	8.1o	CA'89 Sections 44, 45 and 46 (emergency protection order)		170	180	6.96%	1/9/10
Magistrates' Court Proceedings	8.1p	CA'89 Section 48 - Warrant to assist person exercising powers under emergency protection order.		170	180	6.96%	1/9/10

Magistrates' Court Proceedings	8.1q	CA'89 Section 50 Recovery Order.		170	180	6.96%	1/9/10
Magistrates' Court Proceedings	8.1r	CA'89 Section 79K - cancellation, variation or removal or imposition of condition of registration of child minder or day carer.		170	180	6.96%	1/9/10
Magistrates' Court Proceedings	8.1s	CA'89 Paragraph 4(2), 6(2), 7(2) or 9(2) of Schedule A1 - applications in respect of enforcement orders.		90	95	6.96%	1/9/10
Magistrates' Court Proceedings	8.1t	CA'89 Paragraph 5(2) of Schedule A1 - amendment of enforcement order by reason of change of address.		45	50	6.96%	1/9/10
Magistrates' Court Proceedings	8.1u	CA'89 Section 102 - warrant to assist person exercising powers to search for children or inspect premises.		170	180	6.96%	1/9/10
Magistrates' Court Proceedings	8.1v	CA'89 - Paragraph 1(1) or (4), 2(1) or (5), 5(6), 6(5), (7) or (8), 8(2), 10(2), 11 or 14(1) of Schedule 1 financial provision for children.		200	215	6.96%	1/9/10
Magistrates' Court Proceedings	8.1w	CA'89 Paragraph 19(1) of Schedule 2 - approval of court for child in care of local authority to live abroad.		170	180	6.96%	1/9/10
Magistrates' Court Proceedings	8.1x	CA'89 Paragraph 6 of Schedule 3 - extension of supervision order.		170	180	6.96%	1/9/10

Magistrates' Court Proceedings	8.1y	CA'89 Paragraph 15(2) or 17(1) of Schedule 3 - extension or discharge of education supervision order.		170	180	6.96% 1/9/10	
Magistrates' Court Proceedings	8.1z	CA'89 - Paragraph 8(1) of Schedule 8 - appeals concerning foster parenting.		170	180	6.96% 1/9/10	
Magistrates' Court Proceedings	8.2a	CA'89 In relation to proceedings under section 31 of the Children Act 1989 (care and supervision orders) on an application.		2,225	3,320	13.48% 1/5/08	Fee now includes both fee for s31 application and that for an issues resolution hearing (old fee 8.2b).
Magistrates' Court Proceedings		CA'89 In relation to proceedings under section 31 of the Children Act 1989 (care and supervision orders) where an issues resolution hearing or a pre-hearing review has been listed.		700	obsolete	13.48% 1/5/08 (for transitional fee)	Old fee 8.2b now merged with 8.2a.  The transitional power to charge £795 for an issues resolution hearing for applications made before 15/4/13 is contained at section 4 of the Magistrates' Courts Fees (Amendment) Order 2013.
Magistrates' Court Proceedings	8.2b	CA'89 In relation to proceedings under section 31 of the Children Act 1989 (care and supervision orders) where a final hearing has been listed.		1,900	2,155	13.48% 1/5/08	Was fee 8.2c now 8.2b.
	2.2 Note	Where a final order is made at case management conference, 500 of the amount paid under fee 8.2(a) will be refunded.		REFUND 500	REFUND 1,360	13.48%	Change to amount of refund given under 8.2 to reflect inclusion of fee for issues resolution hearing in application fee.
Magistrates' Court Proceedings	9.1	On an application under section 54 (parental order) Human Fertilisation and Embryology Act 2008.		200	215	6.96% 1/9/10	

Magistrates' Court Proceedings	10.1	On an application or a request for permission to apply under any provision in Part 1 of the Adoption and Children Act 2002, other than an application under section 22 of that Act.		160	170	6.96%	1/9/10
Magistrates' Court Proceedings	M10.2	On an application under section 22 of the Adoption and Children Act 2002 (placement order).  <b>Notes:</b> Where an application requires the permission of the court, the relevant fee is payable when permission is sought but no further fee will be charged if permission is granted and the application is made. Where an application is made or permission is sought under or relating to two or more provisions of the Adoption and Children Act 2002 only one fee is payable. Where the same application is made or permission is sought in respect of two or more children at the same time, and these children are siblings or children of the family, only one fee is payable.		400	455	13.48%	1/5/08

Magistrates' Court Proceedings	M11.1	C&A A'06 On an application for a warning notice to be attached to a contact order.  <b>Notes:</b> Where an application is made or permission is sought under or relating to provisions of the Children Act 1989 and the Children and Adoption Act 2006 which are listed in two or more different numbered fees, only one fee is payable. Where the same application is made or permission is sought in respect of two or more children at the same time, and those children are siblings or children of the family, only one fee is payable in respect of each numbered fee.		45	50	6.96% 1/9/10	
Magistrates' Court Proceedings		Application to vary, extend or revoke an order not otherwise charged (on notice or by consent)		20	Obsolete	n/a	Replaced by new 12.1 and 12.2 below.
Magistrates' Court Proceedings	12.1	On an application made in family proceedings on notice where no other fee is specified Note Fee 12.1 and 12.2 are not payable when an application is made in an appeal.			80	n/a	New fee to harmonise with fee for application on notice in Family Proceedings Fees Order (4.3) and Civil Proceedings Fees Order (2.6).

Magistrates' Court Proceedings	12.2	<p>On an application made in family proceedings by consent or without notice where no other fee is specified.</p> <p>Note Fee 12.1 and 12.2 are not payable when an application is made in an appeal</p> <p>Note for the purpose of fee 12.2 a request for a judgment or order on admission or in default does not constitute an application and no fee is payable</p> <p>Fee 12.2 is not payable in relation to an application by consent for an adjournment of a hearing where the application is received by the court at least 14 days before the date set for that hearing.</p>			45	n/a	New fee to harmonise with fee for application without notice or by consent in Family Proceedings Fees Order (4.1) and Civil Proceedings Fees Order (2.7).
Magistrates' Court Proceedings	18.1	On an application for a non-molestation order or an occupation order under Part IV of the Family Law Act 1996 (or on applying for two or more of those orders).		n/a	75	See Family Proceedings fee 1.4.	New fee to align with fee 1.4 in Family Proceedings Order.
Non Contentious Probate	8c	Where copies of any document are made available on a computer disk for each such copy.		4	6	n/a	Fee increase to align with fee 8a for first copy.