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STATUTORY INSTRUMENTS

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**1993 No. 1889 (L.16)**

**MAGISTRATES' COURTS**

**The Magistrates' Courts Fees (Amendment) Order 1993**

*Made* - - - - - *23rd July 1993*

*Coming into force* - - - - - *1st August 1993*

Whereas a draft of this Order has been laid before Parliament for forty days and, that period having expired, neither House has resolved that the Order be not made:

Now, therefore, the Lord Chancellor, in exercise of the powers conferred by section 137(4) of the Magistrates' Courts Act 1980(1) and now vested in him(2), hereby makes the following Order:

1. This Order may be cited as the Magistrates' Courts Fees (Amendment) Order 1993 and shall come into force on 1st August 1993.
2. Part I of Schedule 6 to the Magistrates' Courts Act 1980(3) is hereby varied so as to have effect as set out in the Schedule to this Order.
3. The Magistrates' Courts Fees (Amendment) Order 1992(4) is hereby revoked.

Dated 23rd July 1993

*Mackay of Clashfern, C.*

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(1) 1980 c. 43.  
(2) S.I.1992/709.  
(3) Part I of Schedule 6 was amended by S.I. 1992/842.  
(4) S.I. 1992/842.

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## SCHEDULE

Article 2

## PART I OF SCHEDULE 6 AS VARIED

## “PART I

## FEES TO BE TAKEN BY CLERKS TO JUSTICES

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<b>ATTENDANCE</b>	44.00
On a justice, to view deserted premises in order to affix notice or to give possession thereof, or to view a highway, bridge or nuisance	
<b>CASE FOR THE OPINION OF HIGH COURT (s. 111 of this Act)</b>	382.00
Drawing case, copies, taking recognizance as required by s. 114 of this Act and enlargements and renewals thereof (composite fee), where the application to state a case is made on or after 1st April 1992	
Certificate of refusal of case, where the application is so made	8.00
<b>CERTIFICATE</b>	8.00
Every certificate not otherwise charged	
<b>CHILD SUPPORT ACT 1991 (5)</b>	0.70
Application for a liability order (each child)	
NOTE: This fee is payable on the making of the application.	30.00
Paternity application (each child) (sections 20 and 27 of the Act(6))	
Appeal against a deduction from earnings order	10.00
Complaint or application and summons	10.00
Warrant of arrest	10.00
Commitment order	40.00
NOTE: The fee for a commitment order is payable on the making of the order.	

(5) [1991 c. 48.](#)

(6) By virtue of the Child Support Appeals (Jurisdiction of Courts) Order (S.I. 1993/961) appeals under section 20 relating to issues of parentage are to be made to the court instead of to the child support appeals tribunal.

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<b>COMMUNITY CHARGE/COUNCIL TAX/RATES</b>	0.70
Orders	
Application for a liability order (each defendant)	
NOTE: This fee is payable on the making of the application.	10.00
Commitment	
Complaint (or application) and summons	
Warrant of arrest	10.00
Commitment order	40.00
NOTE: The fee for a commitment order is payable on the making of the order.	
<b>COPY</b>	1.10
First photocopy or 90 word folio of any document	
Each folio of succeeding 90 words	0.55
Each additional photocopy	0.10
NOTE: No fee shall be charged in pursuance hereof for a copy of a summons, of an order or of a warrant in a case in which, as hereafter provided, a fee is authorised for the summons, the order or, as the case may be, the warrant and a copy thereof. For the purposes hereof, a reference to a photocopy includes a reference to any other facsimile copy, however made.	
<b>DUPLICATE</b>	5.00
For the duplicate of any document	
<b>FAMILY PROCEEDINGS</b>	30.00
Applications under Parts I or II of the Children Act 1989(7), Part I of the Domestic Proceedings and Magistrates' Courts Act 1978(8), except under section 16 of that Act for the protection of a spouse or child from violence, the Adoption Act 1976(9), except under section 21 of that Act, and all	

(7) 1989 c. 41.

(8) 1978 c. 22.

(9) 1976 c. 36.

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applications for financial orders (excluding applications to vary or discharge such orders or in respect of claims for maintenance or maintenance orders made to the benefit of, or against, a person residing outside the United Kingdom)	
Applications under section 31 (care or supervision order), 36 (education supervision order) or 43 (child assessment order) of the Children Act 1989	50.00
Applications	20.00
(a) to vary, extend or discharge an order;	
(b) for contact or refusal of contact with a child in care, to change a child's surname or remove the child from the jurisdiction; and	
(c) under section 21 of the Adoption Act 1976	
Applications under Part X (affecting the registration of a child minder or day carer including appeals against cancellation or varying the conditions of the registration) of, and paragraph 8(1) of Schedule 8 (appeals concerning foster parenting) to, the Children Act 1989	50.00
NOTE: When an application requires the leave of the court, the relevant fee applies where leave is sought but no further fee may be charged if leave is granted and the application is made.	
<b>LICENCES</b>	<b>8.00</b>
For every licence, consent or authority not otherwise provided for, to include registration when necessary	
Application for the revocation of a licence not otherwise provided for	30.00
<b>OATHS</b>	<b>8.00</b>
Attestation of constable	
Every oath, affirmation or solemn declaration not otherwise charged (no fee is payable for the swearing in of witnesses in civil proceedings or in any case where an Act of Parliament directs that no fee shall be taken)	8.00

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<b>OTHER CIVIL PROCEEDINGS</b>	3.50
Complaint or application	
Summons and copy	3.50
Order and copy	16.50
Warrant and copy	6.50
<b>WARRANT OF ENTRY</b>	2.25
Application for a warrant of entry	

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**NOTE:**

1. Nothing in this Part shall be construed as authorising—
  - (a) the collection of any fee from any person who is a legally assisted person within the meaning of section 2(11) of the Legal Aid Act 1988<sup>(10)</sup> or is in receipt of income support or family credit under sections 124 and 128 of the Social Security Contributions and Benefits Act 1992<sup>(11)</sup>; or
  - (b) where, in family proceedings, a fee is payable, as herebefore provided, in respect of an application for any order, the demand of a fee in respect of any action which may subsequently be taken in relation to the enforcement of the order in question.
2. Only one fee is payable where more than one document is issued in relation to a partnership.
3. Nothing in this Part shall be construed as authorising the collection of any fee from any person in respect of any stage in binding over proceedings. For the purpose of this Part, “binding over proceedings” means any proceedings instituted (whether by way of complaint under section 115 of this Act or otherwise) with a view to obtaining from a magistrates' court an order requiring a person to enter into a recognizance to keep the peace or to be of good behaviour.”

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes new provision for certain court fees relating to civil business in magistrates' courts. It introduces the fees payable in respect of proceedings relating to Council Tax and under the Child Support Act 1991. It clarifies the fees payable in respect of warrants of entry and in other circumstances. It makes clear that no fee is payable in relation to any stage of binding over proceedings. The previous composite fee for “Other civil proceedings” is broken down. The level of

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<sup>(10)</sup> 1988 c. 34.

<sup>(11)</sup> 1992 c. 4.

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fees charged in most circumstances remains the same. The Magistrates' Courts Fees (Amendment) Order 1992 is revoked.