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STATUTORY INSTRUMENTS

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**1993 No. 3191 (L.27)**

**SUPREME COURT OF ENGLAND AND WALES**  
**FEEES**

**The Supreme Court Fees (Amendment) Order 1993**

*Made* - - - - *15th December 1993*  
*Laid before Parliament* *20th December 1993*  
*Coming into force* - - *11th January 1994*

The Lord Chancellor, in exercise of the powers conferred on him by section 130 of the Supreme Court Act 1981(1), sections 414 and 415 of the Insolvency Act 1986(2) and section 128 of the Finance Act 1990(3), with the concurrence of the Lord Chief Justice, the Master of the Rolls, the President of the Family Division, the Vice-Chancellor and the Treasury under section 130(2) of the Supreme Court Act 1981, and with the sanction of the Treasury under sections 414(1) and 415(1) of the Insolvency Act 1986, hereby makes the following Order:

**Citation, commencement and interpretation.**

1. This Order may be cited as the Supreme Court Fees (Amendment) Order 1993 and shall come into force on 11th January 1994.

2. In this Order—

- (1) “the 1980 Order” means the Supreme Court Fees Order 1980(4);
- (2) an article or fee referred to by number means the article or fee so numbered in the 1980 Order.

**Amendments to the 1980 Order**

3. The 1980 Order shall be amended in accordance with the following provisions of this Order.

4. For article 5 there shall be substituted the following—

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(1) 1981 c. 54.  
(2) 1986 c. 45; sections 414 and 415 have been amended by the Insolvency Fees Amendment Order 1992, S.I.1992/34.  
(3) 1990 c. 29.  
(4) S.I.1980/821; the relevant amending instruments are S.I.1982/1707, 1983/1680, 1986/637, 2144 and 1990/1460.

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“5.—(1) No fee shall be payable under this Order where the person who would otherwise be liable to pay it is in receipt of income support under Part VII of the Social Security Contributions and Benefits Act 1992(5).

(2) Where Fee No.25(a) has been paid on the appointment of a judge of the Commercial Court or an official referee as an arbitrator or umpire but the arbitration does not proceed to a hearing or an award, the fee shall be refunded.

(3) Where it appears to the Lord Chancellor that payment of any fee under this Order would involve undue financial hardship because of the exceptional circumstances of the particular case, he may reduce or remit the fee in that case.”.

5. In relation to each fee shown in column 1 of the Schedule to this Order, the amount shown in column 3 shall be substituted for the amount shown in column 2.

6. In Fee No.2, for the word “abroad.” there shall be substituted the following—

“abroad,

for appointing a guardian of 30.00  
a child’s estate.

The filed copy”.

7.—(1) Fee No.5E shall be omitted.

(2) In the paragraph following Fee No.5E, for “5B, 5D and 5E” there shall be substituted “5B and 5D”.

(3) In Fee No.5F, “5E” shall be omitted.

8. In Fee No.5J, for the words “fixing a date for the trial of a cause or matter before an official referee” there shall be substituted the words “obtaining allocation of a case to an official referee”.

9. For Fee No.25 there shall be substituted the following—

*“Judge or Official Referee  
sitting as Arbitrator*

(a) On the 1700.00  
appointment  
of—

(i) a judge  
of the  
Commercial  
Court  
as an  
arbitrator  
or  
umpire  
under  
section 4  
of the  
Administration  
of  
Justice  
Act

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*“Judge or Official Referee  
sitting as Arbitrator*

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	1970(6);	
	or	
(ii) an official referee as an arbitrator or umpire under section 11 of the Arbitration Act 1950(7) and	1200.00	
(b) for every day or part of a day (after the first day) of the hearing before—	1700.00	The arbitration agreement or other document produced to
(i) a judge; or the judge or official		
(ii) an official referee so appointed as arbitrator or umpire.	1200.00	referee as constituting the submission to arbitration.”.

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**10.** In Fee No.30, after paragraph (d) there shall be inserted the following—

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“(e) on filing an appeal in bankruptcy	25.00	The notice of appeal
(f) on filing a notice of cross appeal or a respondent’s notice	15.00	The notice”.

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Dated 10th December 1993

*Mackay of Clashfern, C.*

Dated 13th December 1993

*Taylor, C.J.  
Bingham, M.R.  
Stephen Brown, P.  
Donald Nicholls, V-C.*

Dated 15th December 1993

*Timothy Kirkhope  
Nicholas Baker*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

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(6) 1970 c. 31; section 4(2) was amended by the Courts Act 1971 (c. 23), Schedule 8, paragraph 60(1).

(7) 1950 c. 27; section 11 was amended by the Courts and Legal Services Act 1990 (c. 41), section 99.

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## SCHEDULE

Article 5

(1) <i>Fee Number</i>	(2) <i>Figure in column 2 of the Schedule to the 1980 Order</i>	(3) <i>Figure to be substituted</i>
1	70.00	100.00
2(a) to (d)	10.00	15.00
3	10.00	15.00
4	10.00	20.00
5A	10.00	20.00
5B	15.00	20.00
5C	15.00	20.00
5D	15.00	20.00
5F	30.00	50.00
5J	30.00	50.00
5K	30.00	50.00
6	10.00	15.00
7	5.00	10.00
8(a)	15.00	20.00
9	15.00	20.00
11A	15.00	20.00
11B	15.00	20.00
11C	10.00	15.00
11D	10.00	15.00
12	10.00	20.00
13	17.00	25.00
14	17.00	25.00
16(a)(i) and (ii)	10.00	20.00
16(b)(i) and (ii)	2.00	10.00
21(a) and (b)	5.00	10.00
22A	2.00	5.00
22B	1.00	2.00
23(a)	3.50	5.00
23(b)	1.00	2.00
24	1.00	5.00
26(a)	60.00	100.00
26(c)	15.00	50.00

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(1) <i>Fee Number</i>	(2) <i>Figure in column 2 of the Schedule to the 1980 Order</i>	(3) <i>Figure to be substituted</i>
27(a)(i)	75.00	100.00
27(b)	30.00	50.00
30(a)	40.00	50.00
30(b)(i)	15.00	20.00
30(b)(ii)	45.00	50.00
30(d)	15.00	20.00

#### EXPLANATORY NOTE

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

1. This Order amends the Supreme Court Fees Order 1980 (“the 1980 Order”) as follows—
  - (a) article 4 amends the provisions relating to the remission of fees, so as to exempt persons on income support from liability to pay prescribed fees;
  - (b) article 5 increases the fees payable in respect of—
    - (i) commencement and progress of proceedings (Fee Nos.1-11);
    - (ii) enforcement of judgments (Fee Nos.12-16);
    - (iii) certain miscellaneous proceedings or matters (Fee Nos. 21-22);
    - (iv) proceedings in the Admiralty Registrar and Marshal’s Office (Fee No.26);
    - (v) appeals to the Court of Appeal (Fee No. 27);
    - (vi) insolvency proceedings (Fee No. 30);
  - (c) article 6 reduces the fee payable on sealing an originating summons for the appointment of a guardian of a child’s estate; the reduction is from £70 (charged under Fee 1(b)) to £30. The fee is thus similar to those charged on the commencement of various other types of application in respect of children under paragraph 2(1)(a) and (c) of the Schedule to the Family Proceedings Fees Order 1991 ([S.I.1991/2114](#));
  - (d) article 7 omits Fee No.5E; this fee was rendered superfluous by paragraphs 2(1)(a), 3(c) and 5 of the Schedule to the Family Proceedings Fees Order 1991;
  - (e) article 8 specifies that Fee No.5J shall be payable on allocation of a case to an official referee, rather than on setting down;
  - (f) article 9—
    - (i) increases the fees payable in respect of a judge sitting as an arbitrator or umpire (Fee No.25); and
    - (ii) extends Fee No.25 to cover the appointment of an official referee to be an arbitrator or umpire under section 11 of the Arbitration Act 1950, and to provide fees for the second and subsequent days upon which he hears a reference in that capacity; the

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provisions of article 5 of the 1980 Order relating to the refund of fees are amended as a consequence;

(g) article 10 extends Fee No.30 to cover the filing of an appeal in bankruptcy and the filing of a notice of cross-appeal or a respondent's notice.

2. The fees payable in respect of a judge or official referee under Fee Nos.25(a) and (b) are increased from £500 to £1700. In all other instances, where a fee has been increased, the extent of the increase can be seen from the Order itself.