

2004 No. 3123 (C. 132)

**SUPREME COURT OF ENGLAND AND WALES
COUNTY COURTS, ENGLAND AND WALES**

**The Courts Act 2003 (Commencement No. 8, Savings and
Consequential Provisions) Order 2004**

Made - - - - - 17th November 2004

The Lord Chancellor, in exercise of the powers conferred upon him by sections 108(6), 109(4) and (5) and 110 of the Courts Act 2003(a) hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Courts Act 2003 (Commencement No. 8, Savings and Consequential Provisions) Order 2004.

(2) In this Order a reference to a section or Schedule by number alone means the section or Schedule so numbered in the Courts Act 2003.

Commencement of provisions of the Courts Act 2003

2. The following provisions of the Courts Act 2003 come into force on the 4th January 2005—

- (a) section 92;
- (b) in Schedule 8 (minor and consequential amendments)—
 - (i) paragraph 263 (fees to be taken in the Supreme Court);
 - (ii) paragraph 276 (fees);
 - (iii) paragraph 277;
 - (iv) paragraph 278(b) (fees in family proceedings);
- (c) in Schedule 10 (repeals)—
 - (i) the repeal of section 130 of the Supreme Court Act 1981(b);
 - (ii) the repeal of section 128 of the County Courts Act 1984(c);
 - (iii) the repeal of the definition of “fees orders” in section 147(1) of the County Courts Act 1984;
 - (iv) the repeal of section 41 of the Matrimonial and Family Proceedings Act 1984(d);
- (d) section 109(1) and (3) to the extent necessary for those amendments and repeals.

Revocations and savings

- 3.—(1) The repeals of —
- (a) section 130 of the Supreme Court Act 1981;
 - (b) section 128 of the County Courts Act 1984;

(a) 2003 c. 39.
(b) 1981 c. 54.
(c) 1984 c. 28.
(d) 1984 c. 42.

- (c) section 41 of the Matrimonial and Family Proceedings Act 1984; shall revoke the Orders specified in Part 1 of the Schedule, except as to—
- (i) any fee or other sum due under any such Orders before 4th January 2005;
 - (ii) any refund of fees due or payable under any such Orders before 4th January 2005;
 - (iii) any reduction or remission of fees under any such Orders before 4th January 2005.
- (2) The repeal of section 130 of the Supreme Court Act 1981 shall not revoke the Orders specified in Part 2 of the Schedule in so far as they are made under that section.

Amendment to subordinate legislation

4. The subordinate legislation set out in Part 3 of the Schedule is amended as specified in that Part.

Signed by authority of the Lord Chancellor

Dated 17th November 2004

Christopher Leslie
Parliamentary Under Secretary of State,
Department for Constitutional Affairs

SCHEDULE

Articles 3 and 4

PART 1

<i>Title</i>	<i>Reference</i>
The Supreme Court Fees Order 1999	S.I. 1999/687
The County Court Fees Order 1999	S.I. 1999/689
The Non-Contentious Probate Fees Order 1999	S.I. 1999/688
The Family Proceedings Fees Order 1999	S.I. 1999/690

PART 2

<i>Title</i>	<i>Reference</i>
The Supreme Court (Review of Taxation in Criminal Cases) Fees Order 1984	S.I. 1984/340
The Supreme Court (Review of Taxation in Criminal Cases) Fees (Amendment) Order 2003	S.I. 2003/647
The Deeds of Arrangement Fees Order 1984	S.I. 1984/887

PART 3

Parental Responsibility Agreement Regulations 1991(a)

In regulation 3(3)(b) for “section 41 of the Matrimonial and Family Proceedings Act 1984 (Fees in family proceedings).” substitute “section 92 of the Courts Act 2003 (Fees).”.

(a) S.I. 1991/1478.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on the 4th January 2005 section 92 of the Courts Act 2003 (Fees) and with savings the following minor and consequential amendments and repeals—

- in Schedule 8, the amendments in paragraphs 263, 276, 277 and 278(b);
- in Schedule 10, the repeals of section 130 of the Supreme Court Act 1981, section 128 of the County Courts Act 1984, section 41 of the Matrimonial and Family Proceedings Act 1984 and the repeal of the definition of “fees orders” in section 147(1) of the County Courts Act 1984;

and provides for a consequential amendment to the Parental Responsibility Agreement Regulations 1991.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Courts Act 2003 have been brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 4	1.6.04	2004/798
Section 6 (partially)	1.9.04	2004/2066
Section 62	26.1.04	2003/3345
Section 63	26.1.04	2003/3345
Section 64	26.1.04	2003/3345
Section 66 (partially)	26.1.04	2003/3345
Section 67	26.1.04	2003/3345
Section 68	26.1.04	2003/3345
Section 69	1.9.04	2004/2066
Section 70	26.1.04	2003/3345
Section 71	26.1.04	2003/3345
Section 72	1.9.04	2004/2066
Section 73	1.9.04	2004/2066
Section 74	26.1.04	2003/3345
Section 77	26.1.04	2003/3345
Section 78	26.1.04	2003/3345
Section 81	26.1.04	2003/3345
Section 83	26.1.04	2003/3345
Section 84	26.1.04	2003/3345
Section 86	1.5.04	2004/1104
Section 87	1.5.04	2004/1104
Section 93	1.2.04	2004/174
Section 95	5.4.04	2004/174
Section 96	5.4.04	2004/174
Section 97 (partially)	23.2.04	2004/174
(partially)	29.3.04	2004/174
(partially)	5.4.04	2004/174
(partially)	1.5.04	2004/1104
(remainder)	21.9.04	2004/2195
Section 98 (partially)	26.1.04	2003/3345
Section 99	15.3.04	2004/401
Section 102	26.1.04	2003/3345
Section 103	1.5.04	2004/1104
Section 104	1.5.04	2004/1104
Section 106	1.5.04	2004/1104
Schedule 1	1.6.04	2004/798
Schedule 2	1.9.04	2004/2066
Schedule 5 (partially)	23.2.04	2004/174
(partially)	29.3.04	2004/174
(remainder)	5.4.04	2004/174
Schedule 6 (partially)	1.5.04	2004/1104
(remainder)	21.9.04	2004/2195
Schedule 7	15.3.04	2004/401

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 8 (and section 109(1) insofar as it relates to the paragraphs specified below) paragraphs 288 (partially) and 289	1.2.04	2004/174
Paragraphs 5, 9, 61 (partially), 62, 63 (partially), 189, 264, 274, 275 and 295-298 67, 71, 83, 107, 122, 126, 145, 172, 173, 182, 183(1) and (3), 186(1) and (2), 190, 207, 219, 233, 234, 238, 245(1) and (2) (partially), 246, 250, 251, 286, 290(1) and (3), 324, 327, 328, 329(1) and (4), 330(1), (2) and 3(a), 355(a), 362, 364, 377 to 381, 384, 386 and 387, 389 and 390, 403 and 405, 410	15.3.04	2004/401
Schedule 9 (and section 109(2) insofar as it relates to the paragraph specified below)	1.9.04	2004/2066
Paragraph 15 (partially)	23.2.04	2004/174
Paragraph 15 (partially)	29.3.04	2004/174
Paragraph 15 (remainder)	5.4.04	2004/174
Schedule 10 (and section 109(3)) (partially)	26.1.04	2003/3345
(partially)	15.3.04	2004/401
(partially) (and section 109(3))	1.5.04	2004/1104
(partially) (and section 109(3))	1.9.04	2004/2066

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