

2008 No. 1053 (L. 5)

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

The Civil Proceedings Fees Order 2008

<i>Made</i> - - - -	<i>7th April 2008</i>
<i>Laid before Parliament</i>	<i>9th April 2008</i>
<i>Coming into force</i> - -	<i>1st May 2008</i>

The Lord Chancellor, with the consent and sanction of the Treasury, makes the following Order in exercise of the powers conferred by section 92 of the Courts Act 2003(a) and sections 414 and 415 of the Insolvency Act 1986(b).

In accordance with section 92(5) and (6) of that Act the Lord Chancellor has consulted the Lord Chief Justice, the Master of the Rolls, the President of the Queen's Bench Division, the President of the Family Division, the Chancellor of the High Court, the Head of Civil Justice, the Deputy Head of Civil Justice and the Civil Justice Council.

Citation and commencement

1.—(1) This Order may be cited as the Civil Proceedings Fees Order 2008 and shall come into force on 1st May 2008.

(2) In this Order—

- (a) “CCBC” means County Court Bulk Centre;
- (b) “the CPR” means the Civil Procedure Rules 1998(c);
- (c) “LSC” means the Legal Services Commission established under section 1 of the Access to Justice Act 1999(d);
- (d) expressions also used in the CPR have the same meaning as in those Rules.

Fees payable

2. The fees set out in column 2 of Schedule 1 are payable in the Supreme Court and in county courts in respect of the items described in column 1 in accordance with and subject to the directions specified in that column.

3. No fee is payable in respect of—

(a) 2003 c. 39. Section 92 is amended by paragraphs 308 and 345 of Schedule 4 to the Constitutional Reform Act 2005 (c.4) from 1 October 2005 and by paragraph 4(1) and (3) of Schedule 11 to that Act from a date to be appointed.
(b) 1986 c. 45.
(c) S.I. 1998/3132.
(d) 1999 c.22. Sections 1 and 9 were amended by S.I. 2005/3429.

- (a) non-contentious probate business;
- (b) the enrolment of documents;
- (c) criminal proceedings (except proceedings on the Crown side of the Queen’s Bench Division to which the fees in Schedule 1 are applicable);
- (d) proceedings by sheriffs, under-sheriffs, deputy-sheriffs or other officers of the sheriff; or
- (e) family proceedings in the High Court or in a county court.

4. Where by any convention entered into by Her Majesty with any foreign power it is provided that no fee is required to be paid in respect of any proceedings, the fees specified in this Order are not payable in respect of those proceedings.

Remissions and part remissions

5. Schedule 2 applies for the purpose of ascertaining whether a party is entitled to a remission or part remission of a fee prescribed by this Order.

Revocations

6. The instruments listed in column 1 of the table in Schedule 3 (which have the references listed in column 2) are revoked.

Signed by authority of the Lord Chancellor

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

3rd April 2008

We consent,

Steve McCabe
Claire Ward

7th April 2008

Two of the Lords Commissioners of Her Majesty’s Treasury

SCHEDULE 1

Article 2

Fees to be taken

<i>Column 1</i> <i>Number and description of fee</i>	<i>Column 2</i> <i>Amount of fee</i>
1 Starting proceedings (High Court and county court)	
1.1 On starting proceedings (including proceedings issued after permission to issue is granted but excluding Claim Production Centre cases brought by Centre users or cases brought by Money Claim OnLine users) to recover a sum of money where the sum claimed—	
(a) does not exceed £300;	£30
(b) exceeds £300 but does not exceed £500;	£45
(c) exceeds £500 but does not exceed £1,000;	£65
(d) exceeds £1,000 but does not exceed £1,500;	£75
(e) exceeds £1,500 but does not exceed £3,000;	£85
(f) exceeds £3,000 but does not exceed £5,000;	£108
(g) exceeds £5,000 but does not exceed £15,000;	£225
(h) exceeds £15,000 but does not exceed £50,000;	£360

(i) exceeds £50,000 but does not exceed £100,000;	£630
(j) exceeds £100,000 but does not exceed £150,000;	£810
(k) exceeds £150,000 but does not exceed £200,000;	£990
(l) exceeds £200,000 but does not exceed £250,000;	£1,170
(m) exceeds £250,000 but does not exceed £300,000;	£1,350
(n) exceeds £300,000 or is not limited.	£1,530

1.2 On starting proceedings to recover a sum of money in Claim Production Centre cases brought by Centre users, where the sum claimed—

(a) does not exceed £300;	£15
(b) exceeds £300 but does not exceed £500;	£30
(c) exceeds £500 but does not exceed £1,000;	£55
(d) exceeds £1,000 but does not exceed £1,500;	£65
(e) exceeds £1,500 but does not exceed £3,000;	£75
(f) exceeds £3,000 but does not exceed £5,000;	£85
(g) exceeds £5,000 but does not exceed £15,000;	£190
(h) exceeds £15,000 but does not exceed £50,000;	£310
(i) exceeds £50,000 but does not exceed £100,000.	£550

1.3 On starting proceedings to recover a sum of money brought by Money Claim OnLine users where the sum claimed—

(a) does not exceed £300;	£25
(b) exceeds £300 but does not exceed £500;	£35
(c) exceeds £500 but does not exceed £1,000;	£60
(d) exceeds £1,000 but does not exceed £1,500;	£70
(e) exceeds £1,500 but does not exceed £3,000;	£80
(f) exceeds £3,000 but does not exceed £5,000;	£100
(g) exceeds £5,000 but does not exceed £15,000;	£210
(h) exceeds £15,000 but does not exceed £50,000;	£340
(i) exceeds £50,000 but does not exceed £100,000.	£595

Fees 1.1, 1.2 and 1.3.

Where the claimant is making a claim for interest on a specified sum of money, the amount on which the fee is calculated is the total amount of the claim and the interest.

1.4 On starting proceedings for the recovery of land—

(a) in the High Court;	£400
(b) in the county court, other than where fee 1.4(c) applies;	£150
(c) using the Possession Claims Online website.	£100

1.5 On starting proceedings for any other remedy (including proceedings issued after permission to issue is granted)—

—in the High Court	£400
—in the county court	£150

Fees 1.1, 1.4 and 1.5. Recovery of land or goods.

Where a claim for money is additional or alternative to a claim for recovery of land or goods, only fee 1.4 or 1.5 is payable.

Fees 1.1 and 1.5. Claims other than recovery of land or goods.

Where a claim for money is additional to a non money claim (other than a claim for recovery of land or goods), then fee 1.1 is payable in addition to fee 1.5.

Where a claim for money is alternative to a non money claim (other than a claim for recovery of land or goods), only fee 1.1 is payable in the High Court, and, in the county court, whichever is greater of fee 1.1 or fee 1.5 is payable.

Fees 1.1 and 1.5.

Where more than one non money claim is made in the same proceedings,

fee 1.5 is payable once only, in addition to any fee which may be payable under fee 1.1.

Fees 1.1 and 1.5 are not payable where fee 1.8(b), fee 1.9(a), fee 10.1 or fee 3 applies.

Fees 1.1 and fee 1.5. Amendment of claim or counterclaim.

Where the claim or counterclaim is amended, and the fee paid before amendment is less than that which would have been payable if the document, as amended, had been so drawn in the first instance, the party amending the document must pay the difference.

1.6 On the filing of proceedings against a party or parties not named in the proceedings. £40

Fee 1.6 is payable by a defendant who adds or substitutes a party or parties to the proceedings or by a claimant who adds or substitutes a defendant or defendants.

1.7 On the filing of a counterclaim. The same fee as if the remedy sought were the subject of separate proceedings

No fee is payable on a counterclaim which a defendant is required to make under rule 57.8 of the CPR (requirement to serve a counterclaim if a defendant makes a claim or seeks a remedy in relation to a grant of probate of a will, or letters of administration of an estate, of a deceased person).

1.8 (a) On an application for permission to issue proceedings. £40

(b) On an application for an order under Part 3 of the Solicitors Act 1974(a) for the assessment of costs payable to a solicitor by a client or on starting costs-only proceedings. £40

1.9(a) On starting proceedings for judicial review. £50

Where the court has made an order giving permission to proceed with a claim for judicial review, there is payable by the claimant within 7 days of service on the claimant of that order:

1.9(b) if the judicial review procedure has been started. £180

1.9(c) if the claim for judicial review was started otherwise than by using the judicial review procedure. £50

2 General Fees (High Court and county courts)

2.1 On the claimant filing an allocation questionnaire; or where the court dispenses with the need for an allocation questionnaire, within 14 days of the date of despatch of the notice of allocation to track; or

where the CPR or a Practice Direction provide for automatic allocation or provide that the rules on allocation do not apply, within 28 days of the filing of the defence (or the filing of the last defence if there is more than one defendant), or within 28 days of the expiry of the time permitted for filing all defences if sooner—

(a) if the case is on the small claims track and the claim exceeds £1,500; £35

(b) if the case is on the fast track or multi-track. £200

Fee 2.1 is payable by the claimant except where the action is proceeding on the counterclaim alone, when it is payable by the defendant—

—on the defendant filing an allocation questionnaire; or

—where the court dispenses with the need for an allocation questionnaire, within 14 days of the date of despatch of the notice of allocation to track; or

—where the CPR or a Practice Direction provide for automatic allocation

(a) 1974 c.47.

or provide that the rules on allocation do not apply, within 28 days of the filing of the defence to the counterclaim (or the filing of the last defence to the counterclaim if there is more than one party entitled to file a defence to the counterclaim), or within 28 days of the expiry of the time permitted for filing all defences to the counterclaim if sooner.

Where fee 2.1 is payable on the filing of an allocation questionnaire, by the claimant or the defendant as the case may be, the fee payable is based on the track for the case specified in the allocation questionnaire. If the case is subsequently allocated to a track which attracts a higher fee then the difference in fee is payable, by the party liable to pay the fee, within 14 days of the date of despatch of notice of allocation to track. If the case is allocated to a track which attracts a lower fee the difference in fee will be refunded.

2.2 On the claimant filing a pre-trial check list (listing questionnaire); or where the court fixes the trial date or trial week without the need for a pre-trial check list, within 14 days of the date of despatch of the notice (or the date when oral notice is given if no written notice is given) of the trial week or the trial date if no trial week is fixed. £100

Fee 2.2 is payable by the claimant except where the action is proceeding on the counterclaim alone, when it is payable by the defendant—

—on the defendant filing a pre-trial check list; or

—where the court fixes the trial date or trial week without the need for a pre-trial check list, within 14 days of the date of despatch of the notice (or the date when oral notice is given if no written notice is given) of the trial week or the trial date if no trial week is fixed.

Fees 2.1 and 2.2 in the High Court and the county court.

Fees 2.1 and 2.2 are payable as appropriate where the court allocates a case to track for a trial of the assessment of damages.

Fees 2.1 and 2.2 are not payable in relation to claims managed under a Group Litigation Order after that Order is made.

Fees 2.1 and 2.2 are payable once only in the same proceedings.

Fee 2.1 is not payable where the procedure in Part 8 of the CPR is used.

Fee 2.2 is not payable where the court fixed the hearing date on the issue of the claim.

Fees 2.1 and 2.2 in the county court.

Fee 2.1 is not payable in proceedings where the only claim is a claim to recover a sum of money and the sum claimed does not exceed £1,500.

Fee 2.2 is not payable in respect of a case on the small claims track.

2.3 On the occasion of fee 2.2 becoming payable; or where the claim is on the small claims track, within 14 days of the date of despatch of the notice (or the date when oral notice is given if no written notice is given) of the trial week or the trial date if no trial week is fixed a fee payable for the hearing of—

- | | |
|---|--------|
| (a) a case on the multi-track; | £1,000 |
| (b) a case on the fast track; | £500 |
| (c) a case on the small claims track where the sum claimed— | |
| (i) does not exceed £300; | £25 |
| (ii) exceeds £300 but does not exceed £500; | £50 |
| (iii) exceeds £500 but does not exceed £1,000; | £75 |
| (iv) exceeds £1,000 but does not exceed £1,500; | £100 |
| (v) exceeds £1,500 but does not exceed £3,000; | £150 |
| (vi) exceeds £3,000. | £300 |

Fee 2.3 is payable by the claimant except where the action is proceeding on the counterclaim alone, when it is payable by the defendant—

—on the defendant filing a pre-trial check list; or

—where the claim is on the small claims track or the court fixes the trial date or trial week without the need for a pre-trial check list, within 14 days of the date of despatch of the notice (or the date when oral notice is given if no written notice is given) of the trial week or the trial date if no trial week is fixed.

Where a case is on the multi-track or fast track and, after a hearing date has been fixed, the court receives notice in writing from the party who paid the hearing fee that the case has been settled or discontinued then the following percentages of the hearing fee will be refunded—

- (i) 100% if the court is notified more than 28 days before the hearing;
- (ii) 75% if the court is notified between 15 and 28 days before the hearing;
- (iii) 50% if the court is notified between 7 and 14 days before the hearing.

Where a case is on the small claims track and, after a hearing date has been fixed, the court receives notice in writing from the party who paid the hearing fee, at least 7 days before the date set for the hearing, that the case has been settled or discontinued the hearing fee will be refunded in full.

Fee 2.3 is not payable in respect of a case where the court fixed the hearing date on the issue of the claim.

2.4 In the High Court on filing— £200

—an appellant’s notice, or
—a respondent’s notice where the respondent is appealing or wishes to ask the appeal court to uphold the order of the lower court for reasons different from or additional to those given by the lower court.

2.5 In the county court on filing—
—an appellant’s notice, or
—a respondent’s notice where the respondent is appealing or wishes to ask the appeal court to uphold the order of the lower court for reasons different from or additional to those given by the lower court—
(a) in a claim allocated to the small claims track; £100
(b) in all other claims. £120

Fees 2.4 and 2.5 do not apply on appeals against a decision made in detailed assessment proceedings.

2.6 On an application on notice where no other fee is specified. £75

2.7 On an application by consent or without notice for a judgment or order where no other fee is specified. £40

For the purpose of fee 2.7 a request for a judgment or order on admission or in default does not constitute an application and no fee is payable.

Fee 2.7 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.

Fees 2.6 and 2.7 is not payable when an application is made in an appeal notice or is filed at the same time as an appeal notice.

2.8 On an application for a summons or order for a witness to attend court to be examined on oath or an order for evidence to be taken by deposition, other than an application for which fee 7.2 or 8.3 is payable. £35

2.9 On an application to vary a judgment or suspend enforcement, including an application to suspend a warrant of possession. £35

Where more than one remedy is sought in the same application only one fee is payable.

2.10 Register of judgments kept under section 98 of the Courts Act 2003—

On a request for the issue of a certificate of satisfaction. £15

3 Companies Act 1985(a), Companies Act 2006(b) and Insolvency Act 1986(c) (High Court and county court)

- 3.1 On entering a bankruptcy petition—
- (a) if presented by a debtor or the personal representative of a deceased debtor; £150
 - (b) if presented by a creditor or other person. £190
- 3.2 On entering a petition for an administration order. £150
- 3.3 On entering any other petition. £190
- One fee only is payable where more than one petition is presented in relation to a partnership.
- 3.4(a) On a request for a certificate of discharge from bankruptcy. £60
- (b) and after the first certificate, for each copy. £5
- 3.5 On an application under the Companies Act 1985, the Companies Act 2006 or the Insolvency Act 1986 other than one brought by petition and where no other fee is specified. £130
- Fee 3.5 is not payable where the application is made in existing proceedings.
- 3.6 On an application for the conversion of a voluntary arrangement into a winding up or bankruptcy under Article 37 of Council Regulation (EC) No 1346/2000. £130
- 3.7 On an application, for the purposes of Council Regulation (EC) No 1346/2000, for an order confirming creditors' voluntary winding up (where the company has passed a resolution for voluntary winding up, and no declaration under section 89 of the Insolvency Act 1986 has been made). £30
- 3.8 On filing— £30
- a notice of intention to appoint an administrator under paragraph 14 of Schedule B1 to the Insolvency Act 1986 or in accordance with paragraph 27 of that Schedule; or
 - a notice of appointment of an administrator in accordance with paragraphs 18 or 29 of that Schedule.
- Where a person pays fee 3.8 on filing a notice of intention to appoint an administrator, no fee is payable on that same person filing a notice of appointment of that administrator.
- 3.9 On submitting a nominee's report under section 2(2) of the Insolvency Act 1986. £30
- 3.10 On filing documents in accordance with paragraph 7(1) of Schedule A1 to the Insolvency Act 1986. £30
- 3.11 On an application by consent or without notice within existing proceedings where no other fee is specified. £30
- 3.12 On an application with notice within existing proceedings where no other fee is specified. £60
- 3.13 On a search in person of the bankruptcy and companies records, in a county court. £40

Requests and applications with no fee.

No fee is payable on a request or on an application to the Court by the Official Receiver when applying only in the capacity of Official Receiver to the case (and not as trustee or liquidator), or on an application to set aside a statutory demand.

4 Copy Documents (Court of Appeal, High Court and county court)

- 4.1 On a request for a copy of a document (other than where fee 4.2

(a) 1985 c.6.
(b) 2006 c.46.
(c) 1986 c.45.

applies) —	
(a) for ten pages or less;	£5
(b) for each subsequent page.	50p
Fee 4.1 is payable for a faxed copy or for examining a plain copy and marking it as an examined copy and is payable whether or not the copy is issued as an office copy.	
4.2 On a request for a copy of a document on a computer disk or in other electronic form, for each such copy.	£5
5 Determination of costs (Supreme Court and county court)	
Fee 5 does not apply to the determination in the Supreme Court of costs incurred in the Court of Protection.	
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—	
—in the Supreme Court	£120
—in the county court	£105
5.2 On the filing of a request for detailed assessment in any case where fee 5.1 does not apply; or on the filing of a request for a hearing date for the assessment of costs payable to a solicitor by a client pursuant to an order under Part 3 of the Solicitors Act 1974 where the amount of the costs claimed—	
(a) does not exceed £15,000;	£300
(b) exceeds £15,000 but does not exceed £50,000;	£600
(c) exceeds £50,000 but does not exceed £100,000;	£900
(d) exceeds £100,000 but does not exceed £150,000;	£1,200
(e) exceeds £150,000 but does not exceed £200,000;	£1,500
(f) exceeds £200,000 but does not exceed £300,000;	£2,250
(g) exceeds £300,000 but does not exceed £500,000;	£3,750
(h) exceeds £500,000.	£5,000
Where there is a combined party and party and legal aid, or a combined party and party and LSC, or a combined party and party, legal aid and LSC determination of costs, fee 5.2 will be attributed proportionately to the party and party, legal aid, or LSC (as the case may be) portions of the bill on the basis of the amount allowed.	
5.3 On a request for the issue of a default costs certificate—	
— in the Supreme Court	£50
—in the county court	£45
5.4 On an appeal against a decision made in detailed assessment proceedings—	
—in the Supreme Court	£200
—in the county court	£105
5.5 On applying for the court’s approval of a certificate of costs payable from the Community Legal Service Fund—	
—in the Supreme Court	£50
—in the county court	£35
Fee 5.5 is payable at the time of applying for the court’s approval and is recoverable only against the Community Legal Service Fund.	
5.6 On a request or application to set aside a default costs certificate—	
—in the Supreme Court	£100
—in the county court	£65
6 Determination in the Supreme Court of costs incurred in the Court of Protection	
6.1 On the filing of a request for detailed assessment—	
(a) where the amount of the costs to be assessed (excluding VAT and	£100

disbursements) does not exceed £3,000;	
(b) in all other cases.	£200
6.2 On an appeal against a decision made in detailed assessment proceedings.	£60
6.3 On a request or application to set aside a default costs certificate.	£60
7 Enforcement in the High Court	
7.1 On sealing a writ of execution/possession/delivery.	£50
Where the recovery of a sum of money is sought in addition to a writ of possession and delivery, no further fee is payable.	
7.2 On an application for an order requiring a judgment debtor or other person to attend court to provide information in connection with enforcement of a judgment or order.	£50
7.3(a) On an application for a third party debt order or the appointment of a receiver by way of equitable execution.	£100
(b) On an application for a charging order.	£100
Fee 7.3(a) is payable in respect of each third party against whom the order is sought.	
Fee 7.3(b) is payable in respect of each application issued.	
7.4 On an application for a judgment summons.	£100
7.5 On a request or application to register a judgment or order, or for permission to enforce an arbitration award, or for a certificate or a certified copy of a judgment or order for use abroad.	£50
8 Enforcement in the county court	
8.1 On an application for or in relation to enforcement of a judgment or order of a county court or through a county court—	
In cases other than CCBC cases brought by Centre users, by the issue of a warrant of execution against goods except a warrant to enforce payment of a fine—	
(a) Where the amount for which the warrant issues does not exceed £125;	£35
(b) Where the amount for which the warrant issues exceeds £125.	£55
In CCBC cases brought by Centre users, by the issue of a warrant of execution against goods except a warrant to enforce payment of a fine—	
(a) Where the amount for which the warrant issues does not exceed £125;	£25
(b) Where the amount for which the warrant issues exceeds £125.	£45
8.2 On a request for a further attempt at execution of a warrant at a new address following a notice of the reason for non-execution (except a further attempt following suspension and CCBC cases brought by Centre users).	£25
8.3 On an application for an order requiring a judgment debtor or other person to attend court to provide information in connection with enforcement of a judgment or order.	£45
8.4(a) On an application for a third party debt order or the appointment of a receiver by way of equitable execution.	£55
(b) On an application for a charging order.	£55
Fee 8.4(a) is payable in respect of each third party against whom the order is sought.	
Fee 8.4(b) is payable in respect of each application issued.	
8.5 On an application for a judgment summons.	£95
8.6 On the issue of a warrant of possession or a warrant of delivery.	£95
Where the recovery of a sum of money is sought in addition, no further fee is payable.	
8.7 On an application for an attachment of earnings order (other than a consolidated attachment of earnings order) to secure payment of a judgment debt.	£65
Fee 8.7 is payable for each defendant against whom an order is sought.	

Fee 8.7 is not payable where the attachment of earnings order is made on the hearing of a judgment summons.

8.8 On a consolidated attachment of earnings order or on an administration order.

For every £1 or part of a £1 of the money paid into court in respect of debts due to creditors – 10p

Fee 8.8 is calculated on any money paid into court under any order at the rate in force at the time when the order was made (or, where the order has been amended, at the time of the last amendment before the date of payment).

8.9 On the application for the recovery of a tribunal award.

£35

8.10 On a request for an order to recover a sum that is—
—a specified debt within the meaning of the Enforcement of Road Traffic Debts Order 1993(a) as amended from time to time; or
—pursuant to an enactment, treated as a specified debt for the purposes of that Order.

£5

No fee is payable on—

—an application for an extension of time to serve a statutory declaration or a witness statement in connection with any such order; or

—a request to issue a warrant of execution to enforce any such order.

9 Sale (county court only)

9.1 For removing or taking steps to remove goods to a place of deposit.

The reasonable expenses incurred

Fee 9.1 is to include the reasonable expenses of feeding and caring for any animals.

9.2 For advertising a sale by public auction pursuant to section 97 of the County Courts Act 1984(b).

The reasonable expenses incurred

9.3 For the appraisal of goods.

5p in the £1 or part of a £1 of the appraised value

9.4 For the sale of goods (including advertisements, catalogues, sale and commission and delivery of goods).

15p in the £1 or part of a £1 on the amount realised by the sale or such other sum as the district judge may consider to be justified in the circumstances

9.5 Where no sale takes place by reason of an execution being withdrawn, satisfied or stopped.

(a) 10p in the £1 or part of a £1 on the value of the goods seized, the value to be the appraised value where the goods have been appraised or such other sum as the district judge may consider to be justified in the

(a) S.I. 1993/2073; as amended by S.I. 2001/1386.

(b) 1984 c.28.

circumstances; and
in addition (b) any
sum payable under
fee 9.1, 9.2 or 9.3

FEES PAYABLE IN HIGH COURT ONLY

10 Miscellaneous proceedings or matters

Bills of Sale

10.1 On filing any document under the Bills of Sale Acts 1878(a) and the Bills of Sale Act (1878) Amendment Act 1882(b) or on an application under section 15 of the Bills of Sale Act 1878 for an order that a memorandum of satisfaction be written on a registered copy of the bill. £25

Searches

10.2 For an official certificate of the result of a search for each name, in any register or index held by the court; or in the Court Funds Office, for an official certificate of the result of a search of unclaimed balances for a specified period of up to 50 years. £40

10.3 On a search in person of the bankruptcy and companies records, including inspection, for each 15 minutes or part of 15 minutes. £5

Judge sitting as arbitrator

10.4 On the appointment of—

(a) a judge of the Commercial Court as an arbitrator or umpire under section 93 of the Arbitration Act 1996(c); or £1,800

(b) a judge of the Technology and Construction Court as an arbitrator or umpire under section 93 of the Arbitration Act 1996. £1,400

10.5 For every day or part of a day (after the first day) of the hearing before—

(a) a judge of the Commercial Court; or £1,800

(b) a judge of the Technology and Construction Court, so appointed as arbitrator or umpire. £1,400

Where fee 10.4 has been paid on the appointment of a judge of the Commercial Court or a judge of the Technology and Construction Court as an arbitrator or umpire but the arbitration does not proceed to a hearing or an award, the fee will be refunded.

11 Fees payable in Admiralty matters

In the Admiralty Registrar and Marshal's Office—

11.1 On the issue of a warrant for the arrest of a ship or goods. £200

11.2 On the sale of a ship or goods—

Subject to a minimum fee of £200—

(a) for every £100 or fraction of £100 of the price up to £100,000; £1

(b) for every £100 or fraction of £100 of the price exceeding £100,000. 50p

Where there is sufficient proceeds of sale in court, fee 11.2 will be payable by transfer from the proceeds of sale in court.

11.3 On entering a reference for hearing by the Registrar. £50

FEES PAYABLE IN HIGH COURT AND COURT OF APPEAL ONLY

12 Affidavits

12.1 On taking an affidavit or an affirmation or attestation upon honour in lieu of an affidavit or a declaration except for the purpose of receipt of dividends from the Accountant General and for a declaration by a shorthand writer appointed in insolvency proceedings— £10
—for each person making any of the above.

(a) 1878 c.31.
(b) 1882 c.43.
(c) 1996 c.23.

12.2 For each exhibit referred to in an affidavit, affirmation, attestation or declaration for which fee 12.1 is payable. £2

FEES PAYABLE IN COURT OF APPEAL ONLY

13 Fees payable in appeals to the Court of Appeal

13.1(a) Where in an appeal notice permission to appeal or an extension of time for appealing is applied for (or both are applied for)— £200

— on filing an appellant’s notice, or

— where the respondent is appealing, on filing a respondent’s notice.

13.1(b) Where permission to appeal is not required or has been granted by the lower court— £400

— on filing an appellant’s notice, or

— on filing a respondent’s notice where the respondent is appealing.

13.1(c) On the appellant filing an appeal questionnaire (unless the appellant has paid fee 13.1(b), or on the respondent filing an appeal questionnaire (unless the respondent has paid fee 13.1(b)). £400

13.2 On filing a respondent’s notice where the respondent wishes to ask the appeal court to uphold the order of the lower court for reasons different from or additional to those given by the lower court. £200

13.3 On filing an application notice. £200

Fee 13.3 is not payable for an application made in an appeal notice.

SCHEDULE 2

Article 4

Remissions and part remissions

Interpretation

1.—(1) In this Schedule—

“child” means a child or young person in respect of whom a party is entitled to receive child benefit in accordance with section 141, and regulations made under section 142, of the Social Security Contributions and Benefits Act 1992(a);

“child care costs” has the meaning given in the Criminal Defence Service (Financial Eligibility) Regulations 2006(b);

“couple” has the meaning given in section 3(5A) of the Tax Credits Act 2002(c);

“disposable monthly income” has the meaning given in paragraph 5;

“excluded benefits” means—

(a) any of the following benefits payable under the Social Security Contributions and Benefits Act 1992—

(i) attendance allowance paid under section 64;

(ii) severe disablement allowance;

(iii) carer’s allowance;

(iv) disability living allowance;

(v) constant attendance allowance paid under section 104 or paragraph 4 or 7(2) of Schedule 8 as an increase to a disablement pension;

(vi) council tax benefit;

(a) 1992 c.4.

(b) S.I. 2006/2492, to which there are amendments not relevant to this Order.

(c) 2002 c.21. Section 3(5A) was inserted by paragraph 144 of Schedule 24 to the Civil Partnership Act 2004 (c.33).

- (vii) any payment made out of the social fund;
- (viii) housing benefit;
- (b) any direct payment made under the Community Care, Services for Carers and Children’s Services (Direct Payments) (England) Regulations 2003(a) or the Community Care, Services for Carers and Children’s Services (Direct Payments) (Wales) Regulations 2004(b);
- (c) a back to work bonus payable under section 626 of the Jobseekers Act 1995(c);
- (d) any exceptionally severe disablement allowance paid under the Personal Injuries (Civilians) Scheme 1983(d);
- (e) any pension paid under the Naval, Military and Air Forces etc (Disablement and Death) Service Pension Order 2006(e);
- (f) any payment made from the Independent Living Funds; and
- (g) any financial support paid under an agreement for the care of a foster child;

“the Funding Code” means the code approved under section 9 of the Access to Justice Act 1999;

“gross annual income” means total annual income, for the 12 months preceding the application for remission or part remission, from all sources other than receipt of any of the excluded benefits;

“gross monthly income” means total monthly income, for the month in which the application for remission or part remission is made, from all sources other than receipt of any of the excluded benefits;

“the Independent Living Funds” has the meaning given in the Criminal Defence Service (Financial Eligibility) Regulations 2006;

“partner” means a person with whom the party lives as a couple and includes a person with whom the party is not currently living but from whom the party is not living separate and apart;

“party” means the party who would, but for this Schedule, be liable to pay the fee required under this Order;

“restraint order” means—

- (h) an order under section 42(1A) of the Supreme Court Act 1981(f); or
- (i) a civil restraint order under rule 3.11 of the Civil Procedure Rules 1998(g) or a practice direction made under that rule.

(2) Paragraphs 2, 3 and 4—

- (a) do not apply to a party who is in receipt of funding provided by the LSC for the purposes of the proceedings for which a certificate has been issued under the Funding Code; and
- (b) are subject to the provisions of paragraphs 10 (vexatious litigants) and 11 (exception).

Full remission of fees – qualifying benefits

2.—(1) No fee is payable under this Order if, at the time when a fee would otherwise be payable, the party is in receipt of a qualifying benefit.

(2) The following are qualifying benefits for the purposes of sub-paragraph (1)—

- (a) income support under the Social Security Contributions and Benefits Act 1992;

(a) S.I. 2003/762.

(b) S.I. 2004/1748.

(c) 1995 c.18.

(d) S.I. 1983/686.

(e) S.I. 2006/606.

(f) 1981 c.54. Section 42(1A) was inserted by section 24 of the Prosecution of Offences Act 1985 (c.23).

(g) S.I. 1988/ 3132, amended by S.I.2004/2072; there are other amending instruments but none is relevant.

- (b) working tax credit, provided that no child tax credit is being paid to the party;
- (c) income-based jobseeker's allowance under the Jobseekers Act 1995; and
- (d) guarantee credit under the State Pension Credit Act 2002(a).

Full remission of fees – gross annual income

3.—(1) No fee is payable under this Order if, at the time when the fee would otherwise be payable, the party has the number of children specified in column 1 of the following table and—

- (a) if the party is single, the gross annual income of the party does not exceed the amount set out in the appropriate row of column 2; or
- (b) if the party is one of a couple, the gross annual income of the couple does not exceed the amount set out in the appropriate row of column 3.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Number of children of party paying fee</i>	<i>Single</i>	<i>Couple</i>
no children	£12,000	£16,000
1 child	£14,735	£18,735
2 children	£17,470	£21,470
3 children	£20,205	£24,205
4 children	£22,940	£26,940

(2) If the party paying the fee has more than 4 children then the relevant amount of gross annual income is the amount specified in the table for 4 children plus the sum of £2,735 for each additional child.

Full and part remission of fees – disposable monthly income

4.—(1) No fee is payable under this Order if, at the time when the fee would otherwise be payable, the disposable monthly income of the party is £50 or less.

(2) The maximum amount of fee payable is—

- (a) if the disposable monthly income of the party is more than £50 but does not exceed £210, an amount equal to one-quarter of every £10 of the party's disposable monthly income up to a maximum of £50; and
- (b) if the disposable monthly income is more than £210, an amount equal to £50 plus one-half of every £10 over £200 of the party's disposable monthly income.

(3) Where the fee that would otherwise be payable under this Order is greater than the maximum fee which a party is required to pay as calculated in sub-paragraph (2), the fee will be remitted to the amount payable under that sub-paragraph.

Disposable monthly income

5.—(1) A party's disposable monthly income is the gross monthly income of the party for the month in which the fee becomes payable ("the period") less the deductions referred to in sub-paragraphs (2) and (3).

(2) There are to be deducted from the gross monthly income—

- (a) income tax paid or payable in respect of the period;
- (b) any contributions estimated to have been paid under Part 1 of the Social Security Contributions and Benefits Act 1992 in respect of the period;
- (c) either—

(a) 2002 c.16.

- (i) monthly rent or monthly payment in respect of a mortgage debt or hereditament security, payable in respect of the only or main dwelling of the party, less any housing benefit paid under the Social Security Contributions and Benefits Act 1992; or
 - (ii) the monthly cost of the living accommodation of the party;
 - (d) any child care costs paid or payable in respect of the period;
 - (e) if the party is making bona fide payments for the maintenance of a child who is not a member of the household of the party, the amount of such payments paid or payable in respect of the period; and
 - (f) any amount paid or payable by the party, in respect of the period, in pursuance of a court order.
- (3) There will be deducted from the gross monthly income an amount representing the cost of living expenses in respect of the period being—
- (a) £296; plus
 - (b) £228 for each child of the party; plus
 - (c) £150, if the party has a partner.

Resources of partners

6.—(1) For the purpose of determining whether a party is entitled to the remission or part remission of a fee in accordance with this Schedule, the income of a partner, if any, is to be included as income of the party.

(2) The receipt by a partner of a qualifying benefit does not entitle a party to remission of a fee.

Application for remission or part remission of fees

7.—(1) An application for remission or part remission of a fee must be made to the court officer at the time when the fee would otherwise be payable.

(2) Where a claim for full remission of fees is made, the party must provide documentary evidence of, as the case may be—

- (a) entitlement to a qualifying benefit; or
- (b) gross annual income and, if applicable, the children included for the purposes of paragraph 3.

(3) Where a claim for full or part remission of fees under paragraph 4 is made, the party must provide documentary evidence of—

- (a) such of the party's gross monthly income as is derived from—
 - (i) employment;
 - (ii) rental or other income received from persons living with the party by reason of their residence in the party's home;
 - (iii) a pension; or
 - (iv) a state benefit, not being an excluded benefit; and
- (b) any expenditure being deducted from the gross monthly income in accordance with paragraph 5(2).

Remission in exceptional circumstances

8. Where it appears to the Lord Chancellor that the payment of any fee prescribed by this Order would, owing to the exceptional circumstances of the particular case, involve undue financial hardship, the Lord Chancellor may reduce or remit the fee in that case.

Refunds

9.—(1) Subject to sub-paragraph (3), where a party has not provided the documentary evidence required by paragraph 7 and a fee has been paid at a time when, under paragraphs 2, 3 or 4, it was not payable, the fee will be refunded if documentary evidence relating to the time when the fee became payable is provided at a later date.

(2) Subject to sub-paragraph (3), where a fee has been paid at a time where the Lord Chancellor, if all the circumstances had been known, would have reduced or remitted the fee under paragraph 8, the fee or the amount by which the fee would have been reduced, as the case may be, will be refunded.

(3) No refund will be made under this paragraph unless the party who paid the fee applies within 6 months of paying the fee.

(4) The Lord Chancellor may extend the period of 6 months mentioned in sub-paragraph (3) if the Lord Chancellor considers that there is a good reason for an application being made after the end of the period of 6 months.

Vexatious Litigants

10.—(1) This paragraph applies where—

- (a) a restraint order is in force against a party; and
- (b) the party makes an application for permission to—
 - (i) issue proceedings or take a step in proceedings as required by the restraint order;
 - (ii) apply for amendment or discharge of the order; or
 - (iii) appeal the order.

(2) The fee prescribed for the application by Schedule 1 is payable in full.

(3) If the court grants the permission requested the applicant will be refunded the difference between—

- (a) the fee paid; and
- (b) the fee that would have been payable if this Schedule had been applied without reference to this paragraph.

Exception

11. This Schedule does not apply to fee 8.8 (fee payable on a consolidated attachment of earnings order or an administration order).

SCHEDULE 3

Article 8

Revocations

<i>Column 1</i> <i>Title</i>	<i>Column 2</i> <i>Reference</i>
The Civil Proceedings Fees Order 2004	S.I. 2004/3121
The Civil Proceedings Fees (Amendment) Order 2005	S.I. 2005/473
The Civil Proceedings Fees (Amendment No. 2) Order 2005	S.I. 2005/3445
The Civil Proceedings Fees (Amendment) Order 2006	S.I. 2006/719
The Civil Proceedings Fees (Amendment) Order 2007	S.I. 2007/680
The Civil Proceedings Fees (Amendment) (No. 2) Order 2007	S.I. 2007/2176
The Civil Proceedings Fees (Amendment) (No. 2) (Amendment) Order 2007	S.I. 2007/2801
The Civil Proceedings Fees (Amendment) Order 2008	S.I. 2008/116

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and consolidates the Civil Proceedings Fees Order 2004 (S.I. 2004/3121) as amended. It specifies the fees payable in relation to civil proceedings in the Supreme Court and in county courts. In addition to minor and drafting amendments, this Order also makes the following changes of substance—

Fee 1.4 is amended to clarify the fee where proceedings for the recovery of land are started in a county court rather than using the Possession Claims Online service.

Fee 2.9 is amended to clarify that this fee applies to an application to suspend a warrant of possession.

Fee 3 is amended to include applications made under the Companies Act 2006 (c.46).

The note to fee 8.10 is amended to reflect the amendments made to Part 75 of the Civil Procedure Rules 1998 (S.I. 1998/3132) so as to provide for witness statements instead of statutory declarations to be filed with the court in enforcement proceedings relating to parking contraventions, where permitted by any enactment.

In Schedule 2, the definition of “child” in paragraph 1(1) is amended so as to include any qualifying young person in respect of whom child benefit is paid to a party under regulations made under section 142 of the Social Security Contributions and Benefits Act 1992. In paragraph 1(2) it is clarified that paragraphs 2, 3 and 4 of Schedule 2 (full and part remission of fees) only apply to a party who is not in receipt of funding provided by the LSC for the purposes of the proceedings and for which a certificate has been issued under the Funding Code.

Paragraph 3, which sets out the gross annual income, having regard to the number of children that the party has, for the purposes of determining whether a fee is payable by a party under the Order, is amended so as to increase the amount allowable for each child from £2470 to £2735.

Paragraph 5(3), which makes provision for the calculation of a party’s disposable monthly income, is amended so as to increase the amounts that may be deducted from a party’s gross monthly income for living expenses. The amount that a party may deduct rises from £279 to £296, the amount for each child of the party rises from £198 to £228 and the amount that may be deducted if the party has a partner rises from £142 to £150.

An impact assessment of the effect that this instrument will have on the costs of business is available on the Ministry of Justice’s website at www.justice.gov.uk/publications/cp3207.htm.

STATUTORY INSTRUMENTS

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