

2010 No. 1916 (L. 10)

FAMILY PROCEEDINGS, ENGLAND AND WALES

SENIOR COURTS OF ENGLAND AND WALES

COUNTY COURTS, ENGLAND AND WALES

The Family Proceedings Fees (Amendment) Order 2010

<i>Made</i> - - - -	<i>26th July 2010</i>
<i>Laid before Parliament</i>	<i>27th July 2010</i>
<i>Coming into force</i> - -	<i>1st September 2010</i>

The Lord Chancellor, with the consent of the Treasury, makes the following Order in exercise of the power conferred by section 92 of the Courts Act 2003(a).

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. This Order may be cited as the Family Proceedings Fees (Amendment) Order 2010 and shall come into force on 1st September 2010.

Amendment of the Family Proceedings Fees Order 2008

2. The Family Proceedings Fees Order 2008(b) is amended as follows.

3. For Schedule 1 (which specifies the fees to be taken in family proceedings), substitute Schedule 1 (Fees to be taken) set out in the Schedule to this Order.

Signed by authority of the Lord Chancellor

26th July 2010

J Djanogly
Parliamentary Under Secretary of State
Ministry of Justice

We consent,

(a) 2003 c.39. Section 92 was amended by section 59 of and paragraphs 308 and 345 of Schedule 4 Part 1 to the Constitutional Reform Act 2005 (c.4).

(b) SI 2008/1054 as amended by S.I. 2008/2856, S.I.2008/3106 and S.I. 2009/1499.

SCHEDULE

Article 3

“SCHEDULE 1

Fees to be taken

<i>Column 1</i> <i>Number and description of fee</i>	<i>Column 2</i> <i>Amount of fee</i>
SECTION 1: FEES TO BE TAKEN IN THE HIGH COURT AND IN COUNTY COURTS	
1 Commencement of proceedings	
1.1 On filing originating proceedings where no other fee is specified.	£230
1.2 On presenting any petition, including a petition for a declaration of parentage, divorce or dissolution of civil partnership, other than a second petition with permission granted under rule 2.6(4) or (4A) of the Family Proceedings Rules 1991 ^(a) .	£340
1.3 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 ^(b) (or on applying for two or more of those orders).	£70
1.4 On amending a petition or presenting a second or subsequent petition with permission granted under rule 2.6 (4) or (4A) of the Family Proceedings Rules 1991.	£90
1.5 On filing an answer to a petition or a cross-petition.	£230
1.6 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
2 Proceedings under the Children Act 1989 ^(d)	
2.1 On an application for an order in form C1 or form C100 (free standing application), form C79 (application related to enforcement of a contact order), form C2 (application in existing proceedings) or a request for permission to apply for an order in form C2 under the following provisions of the Children Act 1989—	
(a) section 4(1)(c) or (3), 4A(1)(b) or (3) ^(e) (parental responsibility);	£200
(b) section 4ZA (1)(c) or (6) ^(f) (parental responsibility);	£200
(c) section 5(1) or 6(7) (guardians);	£200
(d) section 10(1) or (2) (section 8 orders);	£200
(e) section 11J(2) ^(g) (enforcement orders);	£200
(f) section 11O(2) ^(h) (compensation for financial loss);	£200
(g) section 13(1) (change of child's surname or removal from jurisdiction while residence order in force);	£200
(h) section 14A(3) or (6)(a), 14C(3) or 14D(1) ⁽ⁱ⁾ (special guardianship orders);	£160
(i) section 25 (secure accommodation order);	£170
(j) section 33(7) (change of child's surname or removal from jurisdiction while care order in force);	£170
(k) section 34(2), (3), (4) or (9) (contact with child in care);	£170
(l) section 36(1) (education supervision order);	£170
(m) section 39 (variation or discharge etc of care and supervision orders);	£170

(n) section 43(1) (child assessment order);	£170
(o) sections 44, 45 and 46 (emergency protection orders);	£170
(p) section 48 (warrant to assist person exercising powers under emergency protection order);	£170
(q) section 50 (recovery order);	£170
(r) section 102 (warrant to assist person exercising powers to search for children or inspect premises);	£170
(s) paragraph 4(2), 6(2), 7(2) or 9(2) of Schedule A1 ^(j) (applications in respect of enforcement orders);	£90
(t) paragraph 5(2) of Schedule A1 (amendment of enforcement order by reason of change of address);	£45
(u) 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
(v) paragraph 19(1) of Schedule 2 (approval of court for child in care of local authority to live abroad);	£170
(w) paragraph 6 of Schedule 3 (extension of supervision order);	£170
(x) paragraph 15(2) or 17(1) of Schedule 3 (extension or discharge of education supervision order).	£170
2.2 In relation to proceedings under section 31 of the Children Act 1989 (care and supervision orders)—	
(a) on an application;	£2,225
(b) where an issues resolution hearing or pre-hearing review has been listed;	£700
(c) where a final hearing has been listed.	£1,900

Notes to fees 2.1 and 2.2

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, permission is sought or an appeal is commenced under or relating to provisions of the Children Act 1989 which are listed in two or more different numbered fees, or require two or more different numbered forms, only one fee is payable, and if those fees are different, only the highest fee is payable.

Where an application is made, permission is sought or an appeal is commenced under or relating to two or more provisions of the Children Act 1989 which are listed in the same numbered fee, that fee is payable only once.

Where the same application is made, permission is sought or an appeal is commenced in respect of two or more children, who are siblings or children of the family, at the same time, only one fee is payable in respect of each numbered fee.

Notes to fee 2.2 only

Where a final order is made at a case management conference, £500 of the amount paid under fee 2.2(a) will be refunded.

Where the court lists more than one issues resolution hearing or pre-hearing review, the fee is payable only once.

Where proceedings are consolidated with other proceedings, any fee which falls to be paid after the date on which the proceedings are consolidated is payable only once.

Where a fee is paid under fee 2.2(b) or (c) in relation to a hearing that is cancelled, for example, because a final order is made at earlier hearing, the application is withdrawn, or the hearing is no longer needed, the fee will be refunded. A refund will not be given if the hearing is adjourned to a later date or to a date to be fixed.

The fee in 2.2(b) and (c) is payable 14 days before the hearing or

review.

2.3 On commencing an appeal under section 94 of the Children Act 1989 relating to proceedings to which the following fees apply—

(a) 2.1 (a) to (g) and (u); £200

(b) 2.1 (h); £160

(c) 2.1 (i) to (r), (v) to (x) and 2.2. £170

2.4 On commencing an appeal under paragraph 23(11) of Schedule 2 to the Children Act 1989 (appeal against contribution order). £170

3 Adoption and wardship applications

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

3.2 On applying under section 22 of the Adoption and Children Act 2002 (placement order). £400

3.3 On applying for the exercise by the High Court of its inherent jurisdiction with respect to children. £160

When 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, who are siblings or children of the same family, at the same time, only one fee is payable.

4 Applications in proceedings

4.1 On an application without notice or by consent (including an application to make a decree nisi absolute or a conditional order final) except where separately listed in this Schedule. £45

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.

4.2 On a request for directions for trial (other than in uncontested divorce or in dissolution proceedings where no fee is payable). £45

4.3 On an application on notice except where separately listed in the schedule. £90

4.4 On an application on notice for ancillary relief, or on filing a notice of intention to proceed with an application for ancillary relief other than an application for an order by consent. £240

5 Appeal from a district judge

5.1 On filing a notice of appeal from a district judge to a judge. £115

6 Searches

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

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

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.

7 Copy documents

7.1 On a request for a copy document (other than where fee 7.2 applies)—

- | | |
|--------------------------------|-----|
| (a) for ten pages or less; and | £5 |
| (b) for each subsequent page. | 50p |

Note: The fee payable under fee 7.1 includes—

- where the court allows a party to fax to the court for the use of that party a document that has not been requested by the court and is not intended to be placed on the court file.

- where a party requests that the court fax a copy of a document from the court file.

- where the court provides a subsequent copy of a document which it has previously provided.

7.2 On a request for a copy of a document on a computer disk or in other electronic form, for each such copy.	£5
---	----

8 Determination of costs

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.	£140
--	------

8.2 On filing a request for detailed assessment in any case where fee 8.1 does not apply; or on filing 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 standard basis and legal aid, or a combined standard basis and LSC, or a combined standard basis, legal aid and LSC determination of costs, fee 8.2 will be attributed proportionately to the standard basis, legal aid or LSC (as the case may be) portions of the bill on the basis of the amount allowed.

8.3 On a request for the issue of a default costs certificate.	£60
--	-----

8.4 On commencing an appeal against a decision made in detailed assessment proceedings.	£200
---	------

8.5 On applying for the court's approval of a certificate of costs payable from the Community Legal Service Fund.	£50
---	-----

Fee 8.5 is payable at the time of applying for approval and is recoverable only against the Community Legal Service Fund⁽¹⁾.

8.6 On an application to set aside a default costs certificate.	£100
---	------

9 Registration of maintenance orders

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 ⁽ⁿ⁾ .	£40
---	-----

9.2 On an application for a Maintenance order to be sent abroad for enforcement under the Maintenance Orders (Reciprocal Enforcement) Act 1972 ^(o) .	£40
---	-----

10 Enforcement

10.1 On an application to question a judgment debtor or other person	£50
--	-----

on oath in connection with enforcement of a judgment.	
10.2 On an application for a garnishee order or the appointment of a receiver by way of equitable execution.	£100
Note: Fee 10.2 is payable in respect of each third party against whom the order is sought.	
10.3 On an application for a charging order.	£100
Note: Fee 10.3 is payable in respect of each charging order applied for.	
10.4 On an application for a judgment summons.	£100

SECTION 2. FEES TO BE TAKEN IN A COUNTY COURT ONLY

11 Service

11.1 On a request for service by bailiff of any document except—	£105
(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.	

12 Enforcement in the County Courts

12.1 On an application for or in relation to enforcement of a judgment or order of a county court or through a county court, by the issue of a warrant of execution against goods except a warrant to enforce payment of a fine.	£100
12.2 On a request for further attempt at execution of a warrant at a new address where the warrant has been returned to the court not executed (except where the warrant has been returned after it has been suspended by the court).	£25
12.3 On the issue of a warrant of possession or a warrant of delivery. Where the recovery of a sum of money is sought in addition, no further fee is payable.	£95
12.4 On an application for an attachment of earnings order to secure money due under an order made in family proceedings.	£100
Fee 12.4 is payable in respect of each defendant against whom an order is sought.	
Fee 12.4 is not payable where the attachment of earnings order is made on the hearing of a judgment summons.	

13 Sale

13.1 For removing or taking steps to remove goods to a place of deposit.	The reasonable expenses incurred.
Fee 13.1 is to include the reasonable expenses of feeding and caring for animals.	
13.2 For advertising a sale by public auction pursuant to section 97 of the County Courts Act 1984 ^(q) .	The reasonable expenses incurred.
13.3 For the appraisal of goods.	5p in the £1 or part of a £1 of the appraised value.
13.4 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.
13.5 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 circumstances; and in addition (b) any sum

payable under fee 13.1, 13.2 or 13.3.

SECTION 3: FEES TO BE TAKEN IN THE HIGH COURT ONLY

14 Enforcement in the High Court

14.1 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.

14.2 On a request or application to register a judgment or order; or for permission to enforce an arbitration award; or for a certified copy of a judgment or order for use abroad. £50

15 Affidavits

15.1 On taking an affidavit or an affirmation or attestation upon honour in lieu of an affidavit or a declaration. £10

15.2 For each exhibit referred to and required to be marked. £2

(a) SI 1991/1247 as amended by SI 2005/2922.

(b) 1996 c.27. Part 4A was inserted by the Forced Marriage (Civil Protection) Act 2007 (c.20).

(c) 1974 c.47.

(d) 1989 c.41.

(e) Section 4A was inserted by section 112 of the Adoption and Children Act 2002 (c.38) and was amended by section 75 of the Civil Partnership Act 2004 (c.33).

(f) Section 4ZA(1)(c) and (6) were inserted by paragraph 27 of Schedule 6 to the Human Fertilisation and Embryology Act 2008 (c.22).

(g) Section 11J was inserted by section 4(1) of the Children and Adoption Act 2006 (c.20).

(h) Section 11O was inserted by section 5 of the Children and Adoption Act 2006 (c.20).

(i) Sections 14A, 14C and 14D were inserted by section 115 of the Adoption and Children Act 2002 (c.38).

(j) Schedule A1 was inserted by Schedule 1 to the Children and Adoption Act 2006 (c.20).

(k) 2002 c.38.

(l) Established under section 5 of the Access to Justice Act 1999 (c.22).

(m) 1950 c.37.

(n) 1958 c.39.

(o) 1972 c.18.

(p) 1971 c.32.

(q) 1984 c.28.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the increase of certain fees payable in family proceedings in England and Wales in the Senior Courts and county courts. For convenience this Order replaces the entire schedule of fees payable in family proceedings in the Senior Courts and county courts. Certain fees which were previously increased in 2006 have been increased by the rate of inflation since 2006. Other fees became payable in 2008 or 2009 at the same level as the fees which were increased in 2006. These fees are also being increased by the rate of inflation since 2006.

The original fees and the rate of inflation since the last fee increase are detailed in the Explanatory Memorandum which is published on the website of the Office of Public Sector Information along with a full impact assessment which was prepared for this Order.

2010 No. 1916 (L. 10)

FAMILY PROCEEDINGS, ENGLAND AND WALES

SENIOR COURTS OF ENGLAND AND WALES

COUNTY COURTS, ENGLAND AND WALES

The Family Proceedings Fees (Amendment) Order 2010

£5.75