

**2013 No. 1407 (L. 10)**

**FAMILY PROCEEDINGS, ENGLAND AND WALES**

**SENIOR COURTS OF ENGLAND AND WALES**

**COUNTY COURTS, ENGLAND AND WALES**

**The Family Proceedings Fees (Amendment) Order 2013**

<i>Made</i>	- - - -	<i>6th June 2013</i>
<i>Laid before Parliament</i>		<i>10th June 2013</i>
<i>Coming into force</i>	- -	<i>1st July 2013</i>

The Lord Chancellor, with the consent of the Treasury, makes the following Order in exercise of the power conferred by sections 92 and 108(6) of the Courts Act 2003<sup>(a)</sup>.

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 2013 and shall come into force on 1st July 2013.

**Amendment of the Family Proceedings Fees Order 2008**

2. The Family Proceedings Fees Order 2008<sup>(b)</sup> is amended as follows.

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

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(a) 2003 c.39. Section 92 was amended by section 15(1) of and paragraphs 308 and 345 of Schedule 4, Part 1 to the Constitutional Reform Act 2005 (c. 4) and by section 59(5) of and paragraph 4 of Schedule 11, Part 2 to that Act. Section 108 was amended by section 15(1) of and paragraphs 308 and 348 to Schedule 4, Part 1 to that Act.

(b) SI 2008/1054 as amended by S.I. 2011/587, S.I. 2011/1045 and S.I. 2013/534.

*Transitional provisions*

**Divorce or dissolution of civil partnership**

**4.**—(1) Paragraph (2) applies where on or before 30th June 2013 an application was presented for a matrimonial or civil partnership order, other than an application to which rule 7.7(1)(b) of the Family Procedure Rules 2010(a) applies.

(2) The fee on an application to make a decree nisi absolute or a conditional order final is £45.

**Proceedings under section 31 of the Children Act 1989**

**5.**—(1) Paragraph (2) applies where on or before 30th June 2013 an application was made in relation to proceedings under section 31 of the Children Act 1989(b).

(2) Where an issues resolution hearing or a pre-hearing review has been listed on or after 1st July 2013—

- (a) the fee is £795, and
- (b) the notes in respect of fee 2.2 in the Family Proceedings Fees Order 2008 applicable to an issues resolution hearing or a pre-hearing review and in respect of a refund where a final order is made at a case management conference prior to the coming into force of this Order continue to have effect.

**Request for detailed assessment**

**6.**—(1) Paragraph (2) applies where on or before 30th June 2013 a request is filed for detailed assessment where the party filing the request was legally aided, funded by the Legal Services Commission or a person for whom civil legal services have been made available under arrangements made by the Lord Chancellor under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(c) and no other party is ordered to pay the costs of the proceedings.

(2) Where there is an application for the court's approval of a certificate of costs payable from the Community Legal Service Fund or by the Lord Chancellor under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 on or after 1st July 2013—

- (a) the fee is £50, and
- (b) the note in respect of fee 8.5 of the Family Proceedings Fees Order 2008 prior to the coming into force of this Order continues to have effect.

Signed by authority of the Lord Chancellor

5th June 2013

We consent,

6th June 2013

*Helen Grant*  
Parliamentary Under Secretary of State  
Ministry of Justice

*David Evennett*  
*Desmond Swayne*  
Two of the Lords Commissioners of Her Majesty's Treasury

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(a) S.I. 2010/2955.  
(b) 1989 c. 41.  
(c) 2012 c. 10.

# 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>
<b>SECTION 1: FEES TO BE TAKEN IN THE HIGH COURT AND IN COUNTY COURTS</b>	
<b>1 Commencement of proceedings</b>	
1.1 On filing an application to start proceedings where no other fee is specified.	£245
1.2 On presenting an application for— (a) a decree of divorce made under section 1 of the Matrimonial Causes Act 1973 <sup>(a)</sup> ; (b) a decree of nullity made under sections 11 or 12 of the Matrimonial Causes Act 1973; (c) a dissolution order or nullity order made under section 37 of the Civil Partnership Act 2004 <sup>(b)</sup> .	£410
1.3 On presenting an application for— (a) a matrimonial or civil partnership order, other than an application for a decree of divorce, a decree of nullity, a dissolution order, nullity order or to which rule 7.7(1)(b) of the Family Procedure Rules 2010 <sup>(c)</sup> applies, or (b) a declaration to which Chapter 5 of Part 8 of the Family Procedure Rules 2010 applies.	£365
Note: Fee 1.3 is payable only once for each declaration to which Chapter 5 of Part 8 of the Family Procedure Rules 2010 applies.	
1.4 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 <sup>(d)</sup> (or on applying for two or more of those orders).	£75
1.5 On amending an application for a matrimonial or civil partnership order, amending an application for a declaration to which Chapter 5 of Part 8 of the Family Procedure Rules 2010 applies, or making an application to which rule 7.7(1)(b) of the Family Procedure Rules 2010 applies.	£95
1.6 On filing an answer to an application for a matrimonial or civil partnership order.	£245
1.7 On applying for an order under Part 3 of the Solicitors Act 1974 <sup>(e)</sup> for the assessment of costs payable to a solicitor by a client; or on the commencement of costs-only proceedings.	£40
1.8 On an application under section 54 (parental order) of the Human Fertilisation and Embryology Act 2008 <sup>(f)</sup> .	£215
<b>2 Proceedings under the Children Act 1989</b>	
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 <sup>(g)</sup> —	
(a) section 4(1)(c) or (3), 4A(1)(b) or (3) <sup>(h)</sup> (parental responsibility);	£215
(b) section 4ZA (1)(c) or (6) <sup>(i)</sup> (parental responsibility);	£215
(c) section 5(1) or 6(7) (guardians);	£215

(d) section 10(1) or (2) (section 8 orders);	£215
(e) section 11J(2) <sup>(j)</sup> (enforcement orders);	£215
(f) section 11O(2) <sup>(k)</sup> (compensation for financial loss);	£215
(g) section 13(1) (change of child's surname or removal from jurisdiction while residence order in force);	£215
(h) section 14A(3) or (6)(a), 14C(3) or 14D(1) <sup>(l)</sup> (special guardianship orders);	£170
(i) section 25 (secure accommodation order);	£180
(j) section 33(7) (change of child's surname or removal from jurisdiction while care order in force);	£180
(k) section 34(2), (3), (4) or (9) (contact with child in care);	£180
(l) section 36(1) (education supervision order);	£180
(m) section 39 (variation or discharge etc of care and supervision orders);	£180
(n) section 43(1) (child assessment order);	£180
(o) sections 44, 45 and 46 (emergency protection orders);	£180
(p) section 48 (warrant to assist person exercising powers under emergency protection order);	£180
(q) section 50 (recovery order);	£180
(r) section 102 (warrant to assist person exercising powers to search for children or inspect premises);	£180
(s) paragraph 4(2), 6(2), 7(2) or 9(2) of Schedule A1 <sup>(m)</sup> (applications in respect of enforcement orders);	£95
(t) paragraph 5(2) of Schedule A1 (amendment of enforcement order by reason of change of address);	£95
(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);	£215
(v) paragraph 19(1) of Schedule 2 (approval of court for child in care of local authority to live abroad);	£180
(w) paragraph 6 of Schedule 3 (extension of supervision order);	£180
(x) paragraph 15(2) or 17(1) of Schedule 3 (extension or discharge of education supervision order).	£180
2.2 In relation to proceedings under section 31 of the Children Act 1989 (care and supervision orders)—	
(a) on an application;	£3,320
(b) where a final hearing has been listed.	£2,155
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 application is made, permission is sought or an appeal is commenced in respect of two or more children at the same time, and these children are siblings or children of the family, 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 or at a case management hearing, £1360 of the amount paid under fee 2.2(a) will be refunded.	
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) 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) is payable 14 days before the hearing.	
2.3 On commencing an appeal under section 94 of the Children Act 1989 <sup>(n)</sup> relating to proceedings to which the following fees apply—	
(a) 2.1 (a) to (g) and (u);	£215
(b) 2.1 (h);	£170
(c) 2.1 (i) to (r), (v) to (x) and 2.2.	£180
2.4 On commencing an appeal under paragraph 23(11) of Schedule 2 to the Children Act 1989 (appeal against contribution order).	£180
<b>3 Adoption and wardship applications</b>	
3.1 On applying or requesting permission to apply under any provision in Part 1 of the Adoption and Children Act 2002 <sup>(o)</sup> , other than an application under section 22 of that Act.	£170
3.2 On applying under section 22 of the Adoption and Children Act 2002 (placement order).	£455
3.3 On applying for the exercise by the High Court of its inherent jurisdiction with respect to children.	£170
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.	
<b>4 Applications in proceedings</b>	
4.1 On an application without notice or by consent 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.	
Note: Fee 4.1 is not payable on an application to make a decree or order absolute or final, as the case may be, where the applicant has paid fee 1.2.	
4.2 On an application under rule 7.19 of the Family Procedure Rules 2010 for the court to consider the making of a decree nisi, conditional order, a decree of judicial separation or a separation order (other than in an undefended case where no fee is payable).	£50
4.3 On an application on notice except where separately listed in the schedule.	£80
4.4 On the filing of— (a) a notice of intention to proceed with an application for a financial order to which rule 9.4(a) of the Family Procedure Rules 2010 applies;	£255

or (b) an application for a financial order to which rule 9.4(b) of the Family Procedure Rules 2010 applies, other than an application for a consent order.	
<b>5 Appeal from a district judge</b>	
5.1 On filing an appeal notice from a district judge to a judge.	£125
<b>6 Searches</b>	
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.	£65
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.	£45
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.	£45
<b>7 Copy documents</b>	
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; or - 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
<b>8 Determination of costs</b>	
8.1 On filing a request for detailed assessment where the party filing the request is legally aided, is funded by the Legal Services Commission or is a person for whom civil legal services have been made available under arrangements made by the Lord Chancellor under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 <sup>(p)</sup> and no other party is ordered to pay the costs of the proceedings.	£195
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;	£325
(b) exceeds £15,000 but does not exceed £50,000;	£655
(c) exceeds £50,000 but does not exceed £100,000;	£980
(d) exceeds £100,000 but does not exceed £150,000;	£1,310
(e) exceeds £150,000 but does not exceed £200,000;	£1,635

(f) exceeds £200,000 but does not exceed £300,000;	£2,455
(g) exceeds £300,000 but does not exceed £500,000;	£4,090
(h) exceeds £500,000.	£5,455
Where there is a combined standard basis and legal aid, or a combined standard basis and Legal Services Commission, or a combined standard basis and Lord Chancellor, or a combined standard basis, and one or more of legal aid, Legal Services Commission or Lord Chancellor determination of costs, fee 8.2 will be attributed proportionately to the standard basis, legal aid, Legal Services Commission or Lord Chancellor (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.	£205
8.5 On an application to set aside a default costs certificate.	£105
<b>9 Registration of maintenance orders</b>	
9.1 On an application for a maintenance order to be registered under the Maintenance Orders Act 1950 <sup>(q)</sup> or the Maintenance Orders Act 1958 <sup>(r)</sup>	£45
9.2 On an application for a maintenance order to be sent abroad for enforcement under the Maintenance Orders (Reciprocal Enforcement) Act 1972. <sup>(s)</sup>	£45
<b>10 Enforcement</b>	
10.1 On an application to question a judgment debtor or other person on oath in connection with enforcement of a judgment, or on an application to which rule 33.3(2)(b) of the Family Procedure Rules 2010 applies.	£50
10.2 On an application for a third party debt 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
<b>SECTION 2. FEES TO BE TAKEN IN A COUNTY COURT ONLY</b>	
<b>11 Service</b>	
11.1 On a request for service by bailiff of any document except—	£110
(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 <sup>(t)</sup> (enforcement provisions); or	
(d) an order for a debtor to attend an adjourned oral examination of means.	
<b>12 Enforcement in the County Courts</b>	
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).	£30

12.3 On the issue of a warrant of possession or a warrant of delivery.	£110
Note on fee 12.3: Where the recovery of a sum of money is sought in addition, no further fee is payable.	
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.	
<b>13 Sale</b>	
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. <sup>(u)</sup>	The reasonable expenses incurred.
13.3 For the appraisalment 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.
<b>SECTION 3: FEES TO BE TAKEN IN THE HIGH COURT ONLY</b>	
<b>14 Enforcement in the High Court</b>	
14.1 On sealing a writ of execution/possession/delivery.	£60
Note on fee 14.1: 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.	£60
<b>15 Affidavits</b>	
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

<sup>(a)</sup> 1973 c. 18. Section 1 has been prospectively repealed by section 66(3) of and Schedule 10 to the Family Law Act 1996.



- (b) 2004 c. 33.
- (c) S.I. 2010/2955.
- (d) 1996 c. 27. Part 4A was inserted by the Forced Marriage (Civil Protection) Act 2007 (c.20).
- (e) 1974 c.47.
- (f) 2008 c. 22.
- (g) 1989 c. 41.
- (h) 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).
- (i) Section 4ZA(1)(c) and (6) were inserted by paragraph 27 of Schedule 6 to the Human Fertilisation and Embryology Act 2008 (c.22).
- (j) Section 11J was inserted by section 4(1) of the Children and Adoption Act 2006 (c.20).
- (k) Section 11O was inserted by section 5 of the Children and Adoption Act 2006 (c.20).
- (l) Sections 14A, 14C and 14D were inserted by section 115 of the Adoption and Children Act 2002 (c.38).
- (m) Schedule A1 was inserted by Schedule 1 to the Children and Adoption Act 2006 (c.20).
- (n) 1989 (c.41). Section 94 was amended by section 116 of and paragraph 23 of Schedule 16 to the Courts and Legal Services Act 1990 (c. 41).
- (o) 2002 c. 38.
- (p) 2012 c.10.
- (q) 1950 c. 37.
- (r) 1958 c. 39.
- (s) 1972 c. 18.
- (t) 1971 c. 32.
- (u) 1984 c. 28.”

## **EXPLANATORY NOTE**

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

This Order amends the Family Proceedings Fees Order 2008 (S.I. 2008/1054). It increases certain fees that are payable in family proceedings in England and Wales in the Senior Courts and county courts by the cumulative rate of inflation since those fees were last increased.

This Order also harmonises certain fees with the amounts payable in the Senior Courts, county courts and magistrates’ courts for the same application and merges certain fees in relation to proceedings for divorce or dissolution of a civil partnership, a care or supervision order or a detailed assessment. Where a fee which is merged by this Order was paid before this Order comes into force, the merged fees will continue to be charged separately.

For convenience this Order replaces the entire schedule of fees payable in family proceedings in the Senior Courts and county courts.

The original fees and the rate of inflation since the last fee increase are detailed in the Explanatory Memorandum which is published at [www.legislation.gov.uk](http://www.legislation.gov.uk), along with a full impact assessment which was prepared for this Order.

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