1966 No. 693

LANCASTER

The Chancery of Lancaster (Court Fees) Order 1966

Made - - - -	*7th June* 1966
Laid before Parliament	*15th June* 1966
Coming into Operation	*16th June* 1966

The Right Honourable George Morgan Thomson, M.P., Chancellor of the Duchy and County Palatine of Lancaster with the advice and consent of Thomas Arthur Collier Burgess, Esquire, Vice Chancellor of the said County Palatine of Lancaster and with the approval of the authority for the time being empowered to make rules for the Supreme Court and in pursuance of the powers and authorities conferred by section 4 of the Court of Chancery of Lancaster Act 1850(**a**) and section 6 of the Chancery of Lancaster Act 1890(**b**) and all other powers and authorities enabling him in that behalf doth hereby order and direct as follows:—

1. The Interpretation Act 1889(**c**), shall apply to the interpretation of this Order in the same manner as it applies to the interpretation of an Act of Parliament.

2. In this Order, unless the context otherwise requires:—

(1) An Order or Rule referred to by number means the Order or Rule so numbered in the Chancery of Lancaster Rules 1884 (as amended)(**d**).

(2) A fee referred to by number means the fee so numbered in the First Schedule to this Order.

(3) A section referred to by number in Section VI of the First Schedule to this Order means the section so numbered in the Companies Act 1948(**e**).

(4) Expressions defined in Order 56 shall have the meanings respectively assigned to them by that Order.

3. The fees set out in the second column of the First Schedule to this Order shall be taken in the Court of Chancery of the County Palatine of Lancaster in respect of the items set out in the first column of the said Schedule.

4. The provisions of this Order shall not apply to proceedings by sheriffs, under-sheriffs, deputy-sheriffs, or other officers of the sheriff.

5. Where it appears to the Vice-Chancellor that the payment of any fee specified in the said First Schedule would, owing to the exceptional circumstances of the particular case, involve undue hardship, the Vice-Chancellor may reduce or remit the fee in that case.

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

(**a**) 1850 c. 43. (**b**) 1890 c. 23. (**c**) 1889 c. 63. (**d**) Rev. 1903 VI. Lancaster (Ct. of Chancery) p. 23. (**e**) 1948 c. 38.

7. No fee except Fee No. 48 shall be received without a form of receipt under the hand or stamp of the comptroller (hereinafter called a fee receipt), being delivered to the person paying such fee.

8. Fee receipts, for each denomination of fee, with consecutive numbers, shall be furnished by the comptroller to the registrar on demand, in a form to be provided by the Duchy, and the comptroller shall keep a proper record of the fee receipts so issued by him.

9. Upon issuing any fee receipt, the registrar, assistant registrar, or clerk issuing it shall impress thereon the date of issue.

10. The registrars, assistant registrars, and all clerks employed in the Chancery offices, before filing or acting upon any document, shall see that a fee receipt for the amount of the fee payable thereon has been affixed to the proper document, and shall cancel such fee receipt by stamping it with a stamp to be provided for that purpose.

11. The proper documents to which such fee receipts are to be attached are specified in the third column of the said First Schedule.

12. In the case of Fees Nos. 26, 27, 28 and 29

(*a*) payment shall be made at such time as the Vice-Chancellor or Registrar may direct;

(*b*) if payment is postponed until after the certificate has been filed, the fee receipt shall be attached to a præcipe or such document as the Vice-Chancellor or Registrar may direct;

(*c*) the Vice-Chancellor or Registrar may direct the party having conduct of the proceedings to make a deposit on account of the fees which may become payable;

(*d*) if an account or inquiry is not completed, the party having conduct of the proceedings shall pay such fee as the Vice-Chancellor or Registrar may direct to be attached to a præcipe or such other document as may be prescribed.

13. The Rule and Orders set out in the Second Schedule to this Order are hereby revoked, save as to any fee or percentage payable before the commencement of this Order.

14. This Order may be cited as the Chancery of Lancaster (Court Fees) Order 1966, and shall come into operation on the 16th June 1966.

Dated this 7th day of June 1966.

G. M. Thomson,
Chancellor.

Thomas Burgess,
Vice-Chancellor.

Approved by the authority empowered to make Rules for the Supreme Court.

George Coldstream.

The Schedules above referred to.

SCHEDULE 1

SECTION I

First Column	Second Column	Third Column
Item	Fee	Document to be Stamped
	£ s. d.	
Commencement of a cause or matter		
1. On sealing a writ of summons for the commencement of an action—		
(*a*) where the claim is for a liquidated sum not exceeding £100	4 0 0	
(*b*) in any other case	5 0 0	The filed copy.
2. On sealing an originating summons	4 0 0	The filed copy.
3. On sealing a concurrent or renewed writ of summons or a concurrent originating summons	0 10 0	The praecipe.
4. On sealing an amended writ of summons or an amended originating summons	0 10 0	The filed copy.
5. On presenting an originating petition, except where a fee under section VI of this schedule is payable	4 0 0	The petition.
6. On sealing an originating notice of motion	6 0 0	The notice of motion.
7. On amending an originating petition or an originating notice of motion on which Fee No. 6 has been paid or is payable	0 10 0	The amended petition or notice.
8. On an originating ex parte application where no other fee is specifically prescribed—	2 0 0	The affidavit filed in support of the application.
Provided that, where the applicant is directed to issue an originating summons, credit for the fee paid on the ex parte application is to be given against the fee payable on the summons.		
Interlocutory applications etc.		
9. On an ex parte application		
(*a*) for leave to serve process out of the jurisdiction or by a substituted mode of service or to dispense with service thereof, or		The affidavit filed in support of the application, or, if there is no affidavit, the praecipe.
(*b*) for a garnishee or charging order nisi	1 0 0	
10. On sealing		
(*a*) a summons, or		
(*b*) a notice under Order 28A, Rule 7 (3)	1 0 0	The summons or notice.

First Column	Second Column	Third Column
Item	Fee	Document to be Stamped
	£ s. d.	
11. On filing a notice of motion (except a motion for judgment) or a case on motion where no notice is filed	2 0 0	The notice or case.
12. On sealing a notice under Order XVI, Rule 49, 58 or 59	2 0 0	The filed copy.
13. On bespeaking a request for the service of process or notice thereof out of the jurisdiction	2 0 0	The praecipe or request.
14. On sealing a commission or letter of request for the examination of witnesses abroad	2 0 0	The praecipe or request.
15. On the examination of a witness, including a judgment debtor, before an officer of the court	2 0 0	The praecipe.
Entry or setting down for trial in court		
16. On setting down a cause on motion for judgment	5 0 0	The praecipe or notice of motion.
17. On filing a special case under Order 32 and setting it down for hearing	6 0 0	The praecipe.
18. On entering or setting down any other cause or matter for trial, hearing or further consideration in court, except where—		
(*a*) it is otherwise provided in this Schedule, or		The praecipe or the filed copy of the pleadings or the notice of trial.
(*b*) Fee No. 6, 57, 58 or 59 has been paid	6 0 0	
Writs		
19. On sealing a writ of subpoena ad testificandum or duces tecum, for each witness	0 5 0	The praecipe.
20. On sealing a writ of execution (including a writ of attachment)	1 0 0	The praecipe.

SECTION II

First Column	Second Column	Third Column
Item	Fee	Document to be Stamped
	£ s. d.	
21. On presenting a petition of course (*a*) for taxation of a bill of costs, or (*b*) for the delivery of such a bill, or (*c*) for the delivery up of documents by a solicitor	2 0 0	The petition.
22. On filing a scheme pursuant to statute	2 0 0	The scheme.
23. On filing a memorandum of service of notice of judgment	1 0 0	The memorandum.
24. On sealing a notice for attendance at chambers on an originating summons to which an appearance is required to be entered	0 10 0	The notice or the filed copy thereof.
25. On adjourning from chambers into court (*a*) an originating summons	4 0 0	
(*b*) any other summons or a notice under Order 28A, Rule 7 (3)	2 0 0	The summons, notice or sealed copy thereof.
26. On the sale, mortgage or purchase of (*a*) any land or hereditaments, or (*b*) any business (including the goodwill thereof), or (*c*) any chattels confirmed or approved by order or certificate, for every £100 or fraction of £100 of the price, mortgage money or purchase money up to £500,000 (subject to a minimum fee of £1): Provided that— (1) In the case of a sale, for the purpose of calculating the amount of this fee any sum payable out of the price to a mortgagee or other person entitled to a charge, estate or interest on or in the property sold, who though consenting to or concurring in the sale is not a party to or bound by the proceedings, is to be deducted from the price. (2) If for any reason after payment of this fee on a sale, the sale is not completed and the property is subsequently sold to another purchaser, credit is to be given for the fee already paid on the abortive sale against the fee payable on the completed sale; but in no case is any part of the fee paid on the abortive sale to be repaid.	0 2 0	The certificate, or, if there is no certificate, the summons or other document by which the order was sought.

First Column	Second Column	Third Column
Item	Fee	Document to be Stamped
(3) If Fee No. 27 (*b*), 28 (*b*) or 29 has been paid or is payable in respect of the property ordered to be sold or any part thereof, then such property or such part thereof (as the case may be) shall be exempt from the payment of this fee. (4) Where leave is given to sell at a minimum price, this fee is payable as if the order giving leave were an order for sale at that price.	£ s. d.	
27. On taking an account of moneys (*a*) received by a person liable to account therefor, or (*b*) due to any person, for every £100 or fraction of £100 of the amount received or found due, up to £500,000 (subject to a minimum fee of £1):	0 2 0	The certificate.
Provided that— (1) In the taking of an account of moneys received as in (*a*) above, this fee is not payable on moneys being proceeds of sale on which Fee No. 26 has been paid, or estate, property or assets on which Fee No. 29 has been paid. (2) In a debenture holders' action no fee is payable for taking an account of what is due to the debenture holders.		
28. On an inquiry (*a*) as to damages, or (*b*) to ascertain the person or persons interested in any property, for every £100 or fraction of £100 of the amount certified or of the value of the property up to £500,000 (subject to a minimum fee of £1):	0 2 0	The certificate.
Provided that, if Fee No. 26 or 27 (*a*) has been paid or is payable in respect of the property or any part thereof, such property or part thereof shall be exempt from payment under paragraph (*b*) of this fee.		
29. On ascertaining pursuant to an order (*a*) the estate, or outstanding estate, of any person, or (*b*) any property subject to a trust, mortgage or charge, or		

First Column	Second Column	Third Column
Item	Fee	Document to be Stamped
	£ s. d.	
(*c*) any partnership assets, for every £100 or fraction of £100 of the amount or value thereof up to £500,000 (subject to a minimum fee of £1):	0 2 0	The certificate.
Provided that the amount on which this fee is payable shall not include any outstanding bad or irrecoverable debts or any sum on which Fee No. 26, 27 (*a*) or 28 (*b*) has been paid or is payable, but shall include all sums paid after the commencement of the proceedings to creditors or to persons beneficially interested.		
30. On an order for payment or transfer out of court of any funds standing to the credit of an account which has not been dealt with (otherwise than by continuous investment or placing on deposit of dividends) for a period of at least five years, or, in the case of an account of an infant, for at least five years after the infant has attained 21, for every £100 or fraction of £100 of the actual value ordered to be paid or transferred out:	0 5 0	The summons or other document by which the order was sought.
Provided that—		
(1) In calculating this fee, if the funds have been the subject of an inquiry the certificate of which was dated after the commencement of the period, credit is to be given for the amount paid under Fee No. 28 or for the portion thereof attributable to the funds ordered to be paid or transferred out of court.		
(2) This fee shall be impressed after the order has been made but before it is perfected.		
31. On settling		
(*a*) an arrangement approved by the court under section 1 of the Variation of Trusts Act 1958	10 0 0	
(*b*) a scheme		
(i) for the management of a charity, or where the amount involved does not exceed £1,000	4 0 0	The certificate, or, if there is no certificate, the summons or other document by which the order was sought.
(ii) in any other case:	10 0 0	
Provided that, if there is no certificate, this fee shall be impressed after the order has been made but before it is perfected.		

First Column	Second Column	Third Column
Item	Fee	Document to be Stamped
	£ s. d.	
32. On a certificate of a Registrar		
(*a*) in the case of a certificate, endorsed on an order, of completion of security—		
(i) by undertaking	0 10 0	The endorsement on the order.
(ii) in any other case	1 0 0	
(*b*) in the case of any other such certificate (in addition to any amount payable under Fees Nos. 26–30 inclusive)	1 0 0	The certificate.
33. On signing, settling, or approving an advertisement	1 0 0	The draft advertisement.
34. On settling a lodgment schedule for payment into court of purchase or other money	0 10 0	The schedule.
35.—(*a*) On referring a bill of costs for taxation without an order	0 10 0	The Registrar's note-book.
(*b*) On assessing costs		
(i) where the amount assessed does not exceed £5	0 5 0	
(ii) where the amount assessed exceeds £5, but does not exceed £100, for every £1 or fraction of £1	0 1 0	
(iii) where the amount assessed exceeds £100		
for the first £100	5 0 0	
for every £2 or fraction thereof over £100	0 1 0	The bill.
36. On a reference to the conveyancing counsel of the court	1 0 0	The Registrar's note-book.
37. On settling		
(*a*) a deed or other instrument, or		
(*b*) particulars and conditions of sale, whether together or separately	2 0 0	The draft.
38. On fixing the reserve on a sale out of court	2 0 0	The proposed reserve.

SECTION III

First Column	Second Column	Third Column
Item	Fee	Document to be Stamped
	£ s. d.	
Filing		
39. On filing an affidavit or any other document (unless otherwise provided by this Schedule):	0 5 0	The document filed.
Provided that, save in the case of an affidavit stamped with Fee Nos. 8 or 9, this fee is not payable on filing		
(*a*) a document already stamped with a fee prescribed in this schedule, or		
(*b*) a notice withdrawing a cause		
Searches		
40. On a search for an appearance or an affidavit, and inspecting the same	0 2 6	The fee sheet.
41. On any other search, including inspection, for each half-hour or part thereof occupied	0 5 0	The fee sheet.
42. For a certificate of appearance, or of a pleading, affidavit, or proceeding having been entered, filed, or taken, or of the negative thereof, unless otherwise provided	0 5 0	The certificate.
43. For a certificate pursuant to Order 48, Rule 97	1 0 0	The request.
Copies of Documents		
44. For a photographic copy of all or part of any document, whether or not issued as an office copy,		
for each photographic sheet:		
(*a*) not over foolscap size	0 2 0	
(*b*) over foolscap size	0 4 0	The copy or fee sheet.
45. For a typewritten copy of any document, for each folio	0 0 9	
and for each folio of any additional carbon copy bespoken	0 0 4	
(subject in any case to a minimum fee of 2s. 6d.)		The fee sheet.
46. For examining a plain copy and marking the same as an office copy:		
(*a*) in the case of a photographic copy—for each sheet	0 2 0	
(*b*) in any other case—for each sheet	0 2 6	The office copy.
47. For a copy in a foreign language and for a copy of a plan, map, section, drawing, photograph, or diagram:		
the reasonable cost thereof as certified by the officer of the court		The praecipe or copy.

SECTION IV

First Column	Second Column	Third Column
Item	Fee	Document to be Stamped
	£ s. d.	
Funds in Court		
48. For keeping an account of funds in court which have not been dealt with (otherwise than by the continuous investment or placing on deposit of interest) for at least 15 years, and have been carried over to the account of unclaimed balances, per £100 of the value of the funds when carried over:	1 0 0	This fee is paid by transfer from funds in Court to the account of fees on unclaimed balances.
Provided that—		
(1) This fee is payable out of the funds at the end of the said period.		
(2) In the case of an account of an infant, this fee is not payable till after such further period, if any, in addition to the 15 years, as will extend to five years after the infant has attained 21; or, if the date of the birth of the infant is unknown, till after a further period, in addition to the 15 years, of 10 years.		
49. On a request for		
(*a*) a certificate of		
(i) the amount and description of any fund	0 5 0	
(ii) lodgment in court of any fund	0 5 0	
(iii) non-lodgment in court of any fund	0 10 0	
(iv) any transaction for which no other fee is prescribed	0 5 0	The request.
(*b*) the redating of a certificate of the amount and description of any fund	0 2 6	The certificate.
(*c*) a transcript of an account, for each opening	0 5 0	The transcript.
50.—(*a*) On paying, lodging, transferring or depositing funds in court without an order, or in addition to an amount directed by an order to be paid in; or		
(*b*) On paying out of court any money without an order	0 5 0	The request.
51. On a request for information in writing (*a*) relating to—		
(i) an account which has been closed for upwards of 15 years, or		

First Column	Second Column	Third Column
Item	Fee	Document to be Stamped
	£ s. d.	
(ii) a fund which has not been dealt with for upwards of 15 years		
where the account or fund is identified in the request by reference to the relevant cause or matter	0 5 0	
(*b*) where no account or fund is specified in the request	0 10 0	The request.
52. On a lodgment in court on an affidavit under the Trustee Act 1925	0 10 0	The office copy of the affidavit.
53. On preparing a power of attorney	0 10 0	The power of attorney.

SECTION V

First Column	Second Column	Third Column
Item	Fee	Document to be Stamped
	£ s. d.	
Taxation of Costs		
54. On taking a cash account between solicitor and own client under the Solicitors Act 1957 or otherwise—		
for every £100 or fraction of £100 of the amounts found to have been received and paid	0 1 0	The fee sheet.
55. On the taxation of a bill of costs—		
(*a*) where the amount allowed does not exceed £5	0 5 0	
(*b*) where the amount allowed exceeds £5 but does not exceed £100, for every £1 or fraction of £1	0 1 0	
(*c*) where the amount allowed exceeds £100		
(i) for the first £100	5 0 0	
(ii) for every £2 or fraction thereof over £100:	0 1 0	The bill.
Provided that the taxing officer may in any case require the whole or part of the amount of fees which would be payable if the bill were allowed by him at the full amount thereof (including, in cases under the Solicitors Act 1957, the fee payable in respect of the cash account) to be paid before taxation.		

First Column	Second Column	Third Column
Item	Fee	Document to be Stamped
	£ s. d.	
56. On the withdrawal of a bill of costs which has been lodged for taxation, such fee (not exceeding the amount which would have been payable under Fee No. 55 if the bill had been allowed in full) as shall appear to the Registrar to be fair and reasonable		The bill.

SECTION VI

First Column	Second Column	Third Column
Item	Fee	Document to be Stamped
	£ s. d.	
Proceedings under the Companies Act 1948		
57. On presenting a petition under one or more of the following:—		
(*a*) section 56, to confirm the reduction of a share premium account,		
(*b*) section 57, to sanction the issue of shares at a discount,		
(*c*) section 67, to confirm a reduction of a capital redemption reserve fund,		
(*d*) section 67, to confirm a reduction of capital, or		
(*e*) section 206, to sanction a compromise or scheme of arrangement	10 0 0	The petition.
58. On presenting a petition under one or more of the following:—		
(*a*) section 5, to cancel an alteration of objects,		
(*b*) section 23, to cancel an alteration in conditions in a memorandum of association,		
(*c*) section 72, to cancel any variation of the rights attached to any class of shares,		

First Column	Second Column	Third Column
Item	Fee	Document to be Stamped
	£ s. d.	
(*d*) section 353, to restore a name to the register of companies, (*e*) section 395, to cancel an alteration in the form of the constitution of a company, or (*f*) section 448, for relief by officers of a company	6 0 0	The petition.
59. On presenting a petition for the winding-up of a company by or under the supervision of the court, or for an order under section 210	6 0 0	The petition.
60. On a certificate as to debts under sections 5, 23, 56, 58, 67 or 208	10 0 0	The certificate.
61. On an inspection of a file of proceedings under Rule 19 of the Companies (Winding-up) Rules, 1949, by a person not entitled to inspect free of charge	0 5 0	The application.
62. On proof of a debt above £5 (other than a proof for workmen's wages)	0 2 6	The proof.

SECTION VII

First Column	Second Column	Third Column
Item	Fee	Document to be Stamped
	£ s. d.	
Miscellaneous		
63.—(*a*) On filing a notice in lieu of distringas	1 0 0	The notice.
(*b*) On amending the same	0 5 0	The amended notice.
64. Upon an application for the production of records or documents to be given in evidence—		
(*a*) where the records or documents are sent by post—		
for the first document	0 10 0	The application.
for each additional document	0 2 6	The application.

First Column	Second Column	Third Column
Item	Fee	Document to be Stamped
	£ s. d.	
(*b*) Where an officer is required to produce the records or documents in court	1 0 0	
and, in addition,		
(i) for every half-day or part thereof that he is necessarily absent from his office	2 0 0	
(ii) his reasonable expenses of attendance:		The application or fee sheet.
Provided that the officer may require—		
(1) a deposit on account of any further fees and a deposit of money on account of any further expenses which may probably become payable beyond the amount paid for fees and expenses on the application, and the officer or his clerk taking such deposit shall thereupon make a memorandum thereof on the application;		
(2) an undertaking in writing to pay any further fees and expenses which may become payable beyond the amounts so paid and deposited.		
65. 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 funds in court for each person making the same	0 5 0	
And in addition thereto, for each exhibit therein referred to and required to be marked	0 2 0	The affidavit, affirmation, or declaration.
66. (*a*) On approving		
(i) a guarantee	1 0 0	The guarantee.
(ii) an undertaking in lieu of a guarantee	0 10 0	The undertaking.
(*b*) (i) On vacating a guarantee	1 0 0	When the vacating or discharge is conditional, the duplicate of the order.

First Column	Second Column	Third Column
Item	Fee	Document to be Stamped
	£ s. d.	
(ii) on discharging an undertaking in lieu of a guarantee	0 10 0	When the vacating or discharge is unconditional, the summons or other document by which the order was sought.
Provided that, when the vacating or discharge is unconditional, Fee 66 (*b*) shall be impressed after the order has been made but before it is perfected.		
67. On sealing or issuing any document, not being a judgment or order, where no other fee is prescribed by this Schedule:	0 10 0	The document sealed or issued or praecipe.

Rule 13

SCHEDULE 2

Column 1 Rule or Order revoked	Column 2 References	Column 3 Extent of revocation
Rule 25A of Order 33 of the Chancery of Lancaster Rules 1884	Rev. 1903, VI, Lancaster (Ct. of Chancery), p. 23	The whole Rule
The Order as to Court Fees 1884	Rev. XI, p. 733	The whole Order
The Order as to Court Fees & Solicitors Costs 1884	Rev. XI, p. 759	The whole Order
The Chancery of Lancaster (Court Fees) Order 1926	S.R. & O. 1926/1189 (Rev. XI, p. 762: 1926, p. 730)	The whole Order
The Chancery of Lancaster (Court Fees) Order 1942	S.R. & O. 1942/128 (Rev. XI, p. 769: 1942, p. 491)	The whole Order
The Chancery of Lancaster (Court Fees) Order 1955	S.I. 1955/1350 (1955 I, p. 1068)	The whole Order
The Chancery of Lancaster (Court Fees) Order 1956	S.I. 1956/1426 (1956 I, p. 1126)	The whole Order

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order lays down a new table of the fees to be taken in the Lancashire Chancery Court in place of those being currently taken, which for the most part are those laid down in 1884 plus 50 per cent. The new table in effect adopts for the purposes of the Lancashire Chancery Court so much as is appropriate of the table of Court Fees scheduled to the Supreme Court Fees Order 1961. Correspondence between the fees payable in the Chancery Division of the High Court and those payable in the Lancashire Chancery Court will bring the latter Court into line with the High Court.