**EXPLANATORY MEMORANDUM TO**

**THE CIVIL PROCEEDINGS FEES (AMENDMENT No. 2) ORDER 2013**

**2013 No. 1410 (L. 13)**

**THE FAMILY PROCEEDINGS FEES (AMENDMENT) ORDER 2013**

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

**THE MAGISTRATES' COURTS FEES (AMENDMENT) ORDER 2013**

**2013 No. 1409 (L. 12)**

**AND**

**THE NON-CONTENTIOUS PROBATE FEES (AMENDMENT) ORDER 2013**

**2013 No. 1408 (L.11 )**

**1.** This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Purpose of the instruments**

2.1 Amendments are made to the Family Proceedings Fees Order 2008 (S.I. 2008/1054) ("family order") and Magistrates' Courts Fees Order 2008 (S.I. 2008/1052) ("magistrates' order") so as to increase the majority of family court fees based on the cumulative rate of Consumer Price Index inflation since the date on which they were last increased

2.2 Amendments are also made to the family order, magistrates' order, Civil Proceedings Fees Order 2008 (S.I. 2008/1053) ("civil order") and Non-Contentious Probate Fees Order 2004 (S.I. 2004/3120) ("probate order") to harmonise the fee levels charged across the civil and family courts for certain types of applications, to reduce the amount of fee charging points in certain types of applications and to amend existing anomalies in certain fee charges.

2.3 Details of all changes are provided at **Annex A**.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 In addition to the increase in family court fees, the Ministry of Justice wishes to bring the following amendments to fees to the attention of the Joint Committee on Statutory Instruments.

**a) Fee harmonisation**

3.2 A number of civil, family and magistrates' fees have been adjusted to ensure that the same fee is charged in all applicable courts for the same type of application. In each case the fees have been aligned to the most voluminous fee point, in other words the fee that most court users currently pay. In particular:

3.2.1 The fee for an application on notice is being reduced from £90 to £80 in the family order (fee 4.3), and increased from £20 to £80 in the magistrates' order (fee 12.1) to align with the £80 fee in the civil order (fee 2.6).

3.2.2 The fee for an application without notice or by consent remains at £45 in the family and civil orders and increases from £20 to £45 in the magistrates' order (fee 12.2).

3.2.3 The fee for declaration of parentage, which is £365 per application in the family order (fee 1.3b) increases from £150 to £365 in the magistrates' order. The fee in the magistrates' order is also amended so that, as is the case in the family order, it now applies per application, rather than per child.

3.2.4 A new fee of £215 is included in the family order (fee 1.8) for an application under section 54 of the Human Fertilisation and Embryology Act 2008, to align with the fee charged for the same type of application in the magistrates' order (fee 9.1). At present this application in the family court would attract a general application fee of £90.

3.2.5 A new fee of £75 is being introduced in the magistrates' order for an application for a non-molestation or occupation order (fee 18.1) to align with the fee charged for the same type of application in the family order (fee 1.4). At present no fee is charged for this type of application in the magistrates' court.

3.2.6 The fee for electronic copies of documents in the probate order (fee 8c) is being increased from £4 to £6 to align with the fee for a first copy (fee 8a).

**b) Fee mergers**

3.3 A number of fees in the family, magistrates' and civil orders have been combined to reduce the number of fee charging points in certain types of applications to provide a simpler payment system for court users and staff where there is a high correlation between payment of the first and second fee. In particular:

3.3.1 A new combined fee of £410 has been introduced in the family order for applications for divorce, nullity or dissolution of a marriage or civil partnership (fee 1.2). This fee incorporates the previous application fee (£340) and that for a decree nisi absolute or final order (£45), uprated by inflation. In 2011, there were only 7% fewer decree absolutes issued than divorce applications[1].

3.3.2 A new combined fee of £3,320 has been introduced in the family order (fee 2.2(a)) and the magistrates' order (fee 8.2a) for applications under section 31 of the Children Act 1989 (care and supervision orders). This combines the two previous fees for an application (£2225) and an issues resolution hearing (£700), uprated by inflation. An initial monitoring exercise using the public law case fee tracking spreadsheets of a sample of 1,227 cases from 2009 – 2010 indicated that over 90% of cases proceeded from application to an issues resolution hearing. The amount of this fee which may be refunded has also been increased in the event that a final order is made at case conference or a case management hearing (i.e. before an issues resolution hearing) from £500 to £1360 to reflect the fact that the cost of the issues resolution hearing has been included in the application fee. Reference to a case management hearing (in addition to a case conference) has been included in this section to reflect procedural changes in the management of these cases.

3.3.3 A new combined fee of £195 has been introduced in the family (fee 8.1) and civil (fee 5.1) orders for filing a request for a detailed assessment of costs. This fee combines the two previous fees of £145 for filing a request for a detailed assessment and £50 for applying for a certificate of costs. This fee has not been uprated by inflation in the family order so that it remains aligned to the equivalent fee in the civil order. As a matter of process, those who apply for

[1] Judicial and Court statistics (annual) 2011

an assessment of costs also need to apply for the court's approval of a certificate of costs and will therefore pay both fees.

3.3.4 Where an applicant has paid a fee before the coming into force of this Order which has been merged by this Order, the fee which has been merged will continue to be charged separately.

**c) Directions questionnaires**

3.4 The wording of the fees set out at 2.1 of the civil order has been amended to remove references to an allocation questionnaire as these are no longer filed at court following amendments made by the Civil Procedure (Amendment) Rules 2013. The wording of fees 2.1(a) and 2.1(b) has also been amended to make it clearer that the fee is payable either when a case is allocated to a specific track, or when a directions questionnaire is filed.

**d) Search fees in the High Court**

3.5 The wording of fee 10.3 in the civil order has been amended so that the fee for a search in the High Court extends to a general search in addition to that of bankruptcy or companies records. The absence of a fee for a general search was highlighted in the November 2011 consultation on Fees in the High Court and Court of Appeal. The response to the consultation on fees in the High Court and Court of Appeal has not yet been issued However the Lord Chancellor has separately considered the consultation responses in relation to this fee and agreed to the fee's introduction in this order in advance of the wider consultation response.

**e) No rise in enforcement fees**

3.6 Enforcement fees are not being increased in this round of inflationary uplifts to ensure that the fees for enforcement activity continue to align across the civil and family courts as civil fees are not subject to an inflationary increase. Fee 11.1 in the family order (request for service by a bailiff of a document) is the only exception, as this fee does not apply in the civil order.

## 4. Legislative Context

4.1 The amendments to the Family Proceedings Fees Order and Magistrates' Courts Fees Order increase the majority of family court fees based on the cumulative rate of Consumer Price Index inflation since the date on which they were last increased, which for the vast majority of fees was September 2010.

4.2 The other amendments to the Family Proceedings Fees Order, Magistrates' Courts Fees Order, Civil Proceedings Fees Order and Non-Contentious Probate Fees Orders harmonise the fee levels charged across the civil and family courts for certain types of applications so that the same fee is charged for the same process in all relevant courts; reduce the amount of fee charging points in certain types of applications and amend existing anomalies in certain fee charges.

4.3 The Civil Proceedings Fees (Amendment No. 2) Order 2013 amends The Civil Proceedings Fees Order 2008 (S.I 2008/1053) as amended. The Family Proceedings Fees (Amendment) Order 2013 amends The Family Proceedings Fees Order 2008 (S.I 2008/1054) as amended. The Magistrates' Courts (Fees) Amendment Order 2013 amends The Magistrates' Courts Fees Order 2008 (S.I. 2008/1052) as amended. The

Non-Contentious Probate Fees (Amendment) Order 2013 amends the Non-Contentious Probate Fees Order 2004 (S.I. 2004/3120) as amended.

## 5. Territorial Extent and Application

5.1 These instruments apply to England and Wales.

## 6. European Convention on Human Rights

6.1 As the instruments are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

## 7. Policy background

7.1 The Ministry of Justice's long-term aim is to achieve full cost recovery (where total fee income, plus the value of fee remissions, equals cost) in the civil and family courts, while protecting access to justice for the less well off through the system of fee remissions.

7.2 The total cost of running the civil and family courts in 2011/12 was £594m. The gross fee income recovered was £503m. This amounts to 85% of the cost of running the civil and family courts and leaves a shortfall of £91m. The taxpayer funds this shortfall through the department's spending settlement. The majority of family fees contained in these proposals have not been increased by the rate of inflation since September 2010. This means that while the general UK price level has been rising, court fees have fallen in real terms. The inflationary uplift will therefore help ensure that the gap between income and expenditure in the family courts does not increase in advance of a wider review of fees which will be undertaken in 2013. Civil fees are not being uprated in these orders as they were last uprated more recently than family fees in April 2011.

7.3 The Ministry of Justice aims to create a fee system which is straightforward for both court users and staff. The changes to harmonise certain fees to the same level across different courts and to reduce the number of fee points in a limited number of cases are intended as a small steps towards this aim, in advance of a wider review of fees which will is currently being undertaken.

7.4 A system of fee remissions is available to protect access to justice for the less well-off. A remission is available to anyone on a specified means-tested benefit, with an income below a certain level or with a low monthly disposable income. In 2011/12, 170,335 fee remissions were granted at a value of £25.7m in the civil and family courts. A consultation on fee remissions in courts and tribunals ran from 18 April to 16 May 2013 and the responses are currently being considered.

## 8. Consultation outcome

8.1 On the basis that these fee increases are either inflation linked, harmonise with fees charged for the same practice in other jurisdictions, or merge existing fees and in the absence of any past practice of consulting on fee increases or promises to do so, we have not gone to full public consultation. The proposal to introduce a fee for general searches in the High Court (civil order fee 10.3) was included in the November 2011 consultation on fees in the High Court and Court of Appeal.

8.2 Under section 92(5) and (6) of the Courts Act 2003 the Lord Chancellor is required to consult the Lord Chief Justice, Master of the Rolls, President of the Queen's Bench Division, President of the Family Division, Chancellor of the High Court, Head of Civil Justice, Deputy Head of Civil Justice, Civil Justice Council and the Family Justice

Council before making a fees order. The Lord Chancellor has written to these statutory consultees and they have made no objection to the amendments.

## 9. Guidance

9.1 The guidance provided by the Ministry of Justice and Her Majesty's Courts and Tribunals service for court users, both electronic and in paper form will be updated to reflect the fee changes. The websites of Her Majesty's Courts and Tribunals Service and the Ministry of Justice will have information providing court staff and users with information about the amended fees orders in advance of the implementation date.

## 10. Impact

10.1 The impact on business, charities or voluntary bodies is likely to be broadly neutral.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment is attached to this memorandum and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk.

## 11. Regulating small business

11.1 The legislation will not apply specifically to small business, but to all users of the civil and family courts.

## 12. Monitoring & review

12.1 Fees and the impact of any changes are constantly monitored by way of feedback from courts and customers and the monitoring of fee income and volumes. Fees orders are reviewed every six months.

## 13. Contact

Jane Sigley, Head of fees Policy, Ministry of Justice, tel: 0203 334 5442 or email: jane.sigley@justice.gsi.gov.uk can answer any queries regarding the instrument.

**Annex A**

| Fees Order | Fee Number | Summary description | Value of claim (where applicable) | Current Fee | New Fee | Inflationary uplift CPI rate and date of last uplift | Notes |
|---|---|---|---|---|---|---|---|
| Civil Proceedings | 2.1(a) | On the claimant filing a directions questionnaire if the case is on small claims track or a directions questionnaire (small claims track) has been filed and the claim exceeds £1500 | £1500< | 40 | No change | n/a | Removes reference to an allocation questionnaire and clarifies that a fee can be charged on allocation to the small claims track or on filing a directions questionnaire (small claims track). |
| Civil Proceedings | 2.1(b) | On the claimant filing a directions questionnaire if the case is on the fast track or multi-track or a directions questionnaire (fast track or multi-track) has been filed. | | 220 | No change | n/a | Removes reference to an allocation questionnaire and clarifies that a fee can be charged on allocation to the fast track or multi track or on filing a directions questionnaire (fast track or multi track). |
| Civil Proceedings | 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 etc and no other party is ordered to pay the costs of the proceedings. | | 145 | 195 | n/a | Fee now covers both fee for filing a request and that for applying for the court's approval for a certificate of costs (previously fee 5.5) |

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| Civil Proceedings | | On applying for the court's approval of a certificate of costs payable from the Community Legal Service Fund. | | 50 | obsolete | n/a | Was fee 5.5 has now been merged with 5.1<br>The transitional power to charge £50 for approval of a certificate of costs for applications made before 15/4/13 is found at section 4 of the Civil Proceedings Fees (Amendment) Order 2013 |
| Civil Proceedings | 5.5 | On a request or application to set aside a default costs certificate. | | 105 | No change | n/a | Was fee 5.6 now fee 5.5. |
| Civil Proceedings | 10.3 | On a general search in the records of the High Court for each 15 minutes or part of 15 minutes. | | 7 | Change of wording to include fee for a general search | n/a | Change of wording to include fee for a general search |
| Family Proceedings | 1.1 | On filing an application to start proceedings where no other fee is specified | | 230 | 245 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 1.2 | On presenting an application for—<br>([a]) a decree of divorce made under section 1 of the Matrimonial Causes Act 1973;<br>(b) a decree of nullity made under sections 11 or 12 of the Matrimonial Causes Act 1973;<br>(b) a dissolution order or nullity order made under section 37 of the Civil Partnership Act 2004);<br>Note: Where fee 1.2 has been paid, no further fee is due on an application to make a decree nisi absolute or a conditional order final | | 340 | 410 | 6.96%<br><br>1/9/10 | Fee now includes both the fee for a divorce/nullity/dissolution application and that for the decree absolute or final order (previously charged under 4.1)<br><br>Fee no longer includes the other types of application previously included in fee 1.2 – these are now in fee 1.3<br><br>The transitional power to charge £45 for making a decree nisi absolute or conditional order final for applications made before 15/4/13 is contained at section 4 of the Family Proceedings Fees (Amendment) Order 2013 |

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| Family Proceedings | 1.3 | On presenting an application for—<br>(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 applies, or<br>(b) a declaration to which Chapter 5 of Part 8 of the Family Procedure Rules 2010 applies<br><br>Note: Only one fee is payable for each declaration to which Chapter 5 of Part 8 of the Family Procedure Rules 2010 applies. | | New fee (previously charged £340 under fee 1.2) | 365 | 6.96%<br><br>1/9/10 | New fee – removes from fee 1.2 those types of application without decree nisi absolute of conditional order final |
| Family Proceedings | 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 (or on applying for two or more of those orders). | | 70 | 75 | 6.96%<br><br>1/9/10 | Change to fee number was 1.3 now 1.4 |
| Family Proceedings | 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 FPR 2010 applies, or making an application to which rule 7.7(1)(b) of the FPR 2010 applies | | 90 | 95 | 6.96%<br><br>1/9/10 | Change to fee number was 1.4 now 1.5 |
| Family Proceedings | 1.6 | On filing an answer to an application for a matrimonial or civil partnership order | | 230 | 245 | 6.96%<br><br>1/9/10 | Change to fee number was 1.5 now 1.6 |

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| Family Proceedings | 1.7 | 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 | No change | n/a | Change to fee number was 1.6 now 1.7 |
| Family Proceedings | 1.8 | On application under section 54 of the Human Fertilisation and Embryology Act 2008 | | n/a | 215 | (see 9.1 Magistrates) | New fee for application under s54 of the Human Fertilisation and Embryology Act 2008, to align with equivalent fee in Magistrates' Courts Fees Order fee 9.1.<br><br>Previously treated as a general application (4.3) |
| Family Proceedings | 2.1a | Filing an application parental responsibility 4(1)(c ) or 3 / 4A(1) (b) or 3 | | 200 | 215 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1b | Filing an application parental responsibility 4ZA(1) (c ) or3 | | 200 | 215 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1c | Guardians Section 5(1) & 6(7) | | 200 | 215 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1d | Contact / Residence - Section 8 orders etc.<br>Section 10(1) or (2) (section 8 orders); | | 200 | 215 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1e | Enforcement Orders Section 11J(2) | | 200 | 215 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1f | Compensation for Financial Loss Section 110(2) | | 200 | 215 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1g | Section 13(1) Change of child's surname or removal from jurisdiction while residence order in force | | 200 | 215 | 6.96%<br><br>1/9/10 | |

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| Family Proceedings | 2.1h | Special Guardianship - Section 14A(3) or (6)(a), 14C(3) or 14D(1)(e) | | 160 | 170 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1i | Secure accommodation Order - Section 25 | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1j | section 33(7) (change of child's surname or removal from jurisdiction while care order in force); | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1k | Contact with child in care section 34(2), (3), (4) or (9): | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1l | Education supervision order section 36(1) | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1m | Section 39 - Variation or discharge etc of care and supervision orders. | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1n | Child assessment order - Section 43(1) | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1o | Emergency Protection Order Section 44, 45, 46 | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1p | Warrant to assist person exercising powers under emergency protection order - Section 48 | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1q | Recovery order - Section 50 | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1r | Warrant to assist person exercising powers to search for children or inspect premises) - Section 102 | | 170 | 180 | 6.96%<br><br>1/9/10 | |

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| Family Proceedings | 2.1s | Paragraph 4(2), 6(2), 7(2) or 9(2) of Schedule A1(j) (applications in respect of enforcement orders) | | 90 | 95 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1t | Amendment of enforcement order by reason of change of address.<br>Paragraph 5(2) of Schedule A1 | | 90 | 95 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1u | Financial provision for children paragraph 1(1) & (4) , 2(1) & (5), 5(6), 6(5) & (7) & (8), 8(2), 10(2), 11 or 14(1) of Schedule 1 | | 200 | 215 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1v | Approval of court for child in care of local authority to live abroad.<br>Paragraph 19(1) of schedule 2 | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1w | Extension of Supervision Order.<br>Paragraph 6 of Schedule 3 | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.1x | Extension or discharge of education supervision order<br>Paragraph 15(2) or 17(1) of Schedule 3 | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.2a | Section 31 - Care & Supervision on Application | | 2,225 | 3,320 | 13.48%<br><br>1/5/08 | Fee now includes both fee for s31 application and that for an issues resolution hearing (old fee 2.2b) |
| Family Proceedings | | where an issues resolution hearing or pre-hearing review has been listed | | 700 | obsolete | 13.48%<br><br>1/5/08<br><br>(for transitional fee) | Old fee 2.2b now merged with 2.2a.<br><br>The transitional power to charge £795 for an issues resolution hearing for applications made before 15/4/13 is contained at section 4 of the Family Proceedings Fees (Amendment) Order 2013 |
| Family Proceedings | 2.2b | Where a final hearing has been listed | | 1,900 | 2,155 | 13.48%<br><br>1/5/08 | Was fee 2.2c now 2.2b |

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| | Notes to 2.2 | Where a final order is made at case management conference or case management hearing, 1360 of the amount paid under fee 2.2(a) will be refunded | | REFUND 500 | REFUND 1,360 | 13.48% | Change to amount of refund given under 2.2 to reflect inclusion of fee for issues resolution hearing in application fee |
| Family Proceedings | 2.3a | On commencing an appeal under section 94 relating to provisions to which the following fees apply: 2.1(a) to (g) or (u) | | 200 | 215 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.3b | On commencing an appeal under section 94 relating to provisions to which the following fees apply: 2.1(h) | | 160 | 170 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.3c | On commencing an appeal under section 94 relating to provisions to which the following fees apply: 2.1 (i) to (r) & (v) to (x) & 2.2 | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 2.4 | On commencing an appeal under paragraph 23(11) of Schedule 2 to the Children Act 1989 (appeal against contribution order). | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 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 | 170 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 3.2 | On applying under section 22 of the Adoption and Children Act 2002 (placement order) | | 400 | 455 | 13.48%<br><br>1/5/08 | |
| Family Proceedings | 3.3 | Applying for the exercise by the High Court of its jurisdiction with respect to children | | 160 | 170 | 6.96%<br><br>1/9/10 | |

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| Family Proceedings | 4.1 | On an application without notice or by consent except where separately listed in this Schedule<br>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 | | 45 | No change | n/a | This fee cannot be charged to make a decree nisi absolute or a conditional order final for applications made under 1.2<br><br>The transitional power to charge £45 for making a decree nisi absolute or conditional order final for applications made before 15/4/13 is contained at section 4 of the Family Proceedings Fees (Amendment) Order 2013 |
| Family Proceedings | 4.2 | On an application under rule 7.19 of the FPR 2010 for the court to consider the making of a decree nisi, a conditional order, a decree of judicial separation or a separation order (other than in an undefended case where no fee is payable) | | 45 | 50 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 4.3 | On an application on notice except where separately listed in this schedule | | 90 | 80 | n/a | Fee decrease to harmonise with the fee for an application on notice in Civil Proceedings Fees Order (2.6) and Magistrates' Courts Fees Order (12.1) |
| Family Proceedings | 4.4 | On the filing of<br>(a) a notice of intention to proceed with an application for a financial order to which rule 9.4(b) of the FPR 2010 applies;<br>(b) an application for a financial order to which rule 9.4(b) of the FPR 2010 applies,<br>other than an application for a consent order | | 240 | 255 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 5.1 | On filing a notice of appeal from a district judge to a judge | | 115 | 125 | 6.96%<br><br>1/9/10 | |

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| Family Proceedings | 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 | 65 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 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 | 45 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 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. | | 40 | 45 | 6.96%<br><br>1/9/10 | |

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| Family Proceedings | 8.1 | On filing a request for detailed assessment where the party filing the request is legally aided or is funded by the LSC etc and no other party is ordered to pay the costs of the proceedings. | | 145 | 195 | n/a | Fee now covers both fee for filing a request and that for applying for the court's approval for a certificate of costs (previously fee 8.5) |
| Family Proceedings | | On applying for the court's approval of a certificate of costs payable from the Community Legal Service Fund.<br>Note: Fee 8.5 is payable at the time of applying for approval and is recoverable only against the Community Legal Service Fund. | | 50 | obsolete | n/a | Was fee 8.5 has now been merged with 8.1<br>The transitional power to charge £50 for approval of a certificate of costs for applications made before 15/4/13 is found at section 4 of the Civil Proceedings Fees (Amendment) Order 2013 |
| Family Proceedings | 8.5 | Application to set aside a default costs certificate | | 105 | No change | n/a | Change to fee number was 8.6 now 8.5 |
| Family Proceedings | 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 | | 40 | 45 | 6.96%<br><br>1/9/10 | |
| Family Proceedings | 9.2 | On an application for a Maintenance order to be sent abroad for enforcement under the Maintenance Orders (Reciprocal Enforcement) Act 1972 | | 40 | 45 | 6.96%<br><br>1/9/10 | |

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| Family Proceedings | 11.1 | On a request for service by bailiff of any document except for:<br>(a) an order for a debtor to attend the adjourned hearing of a judgment summons;<br>(b) an interpleader summons under an execution;<br>(c) an order made under section 23 of the Attachment of Earnings Act 1971(p) (enforcement provisions); or<br>(d) an order for a debtor to attend an adjourned oral examination of means. | | 105 | 110 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 2.2a | Proceedings under the Child Support Act 1991 - On commencing an appeal under section 20(c); | | 150 | 160 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 2.2b | Proceedings under the Child Support Act 1991 - On commencing an appeal against a deduction from earnings order. | | 90 | 95 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 6.1 | Proceedings under the Domestic Proceedings and Magistrates' Courts Act 1978 or Schedule 6 to the Civil Partnership Act 2004 on an application for an order for financial provision (other than an application to vary or revoke such an order, or an application for an order for financial provision made for the benefit of, or against, a person residing outside the United Kingdom). | | 200 | 215 | 6.96%<br><br>1/9/10 | |

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| Magistrates' Court Proceedings | 7.1 | Application for declaration of parentage (FLA 86) | | 150 | 365 | See 1.3 in Family Proceedings Order | Fee aligns to fee for same application in Family Proceedings Order (new fee 1.3) Fee increase - fee is now to be applied per application not per child |
| Magistrates' Court Proceedings | 8.1a | CA'89 Section 4(1)(c) or (3) or 4A(1)(b) or (3)(l) (parental responsibility) | | 200 | 215 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1b | CA'89 Section 4ZA(1)(c) or (6)(m) (parental responsibility) | | 200 | 215 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1c | CA'89 Section 5(1) or 6(7) (guardians) | | 200 | 215 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1d | CA'89 Section 10(1) or (2) (section 8 orders) | | 200 | 215 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1e | CA'89 Section 11J(2)(n) (enforcement orders) | | 200 | 215 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1f | CA'89 Section 11O(2)(o) (compensation for financial loss) | | 200 | 215 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1g | CA'89 Section 13(1) (change of child’s surname or removal from jurisdiction while residence order in force); | | 200 | 215 | 6.96%<br><br>1/9/10 | |

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| Magistrates' Court Proceedings | 8.1h | CA'89 Section 14A(3) or (6)(a), 14C(3) or 14D(1) (special guardianship orders) | | 160 | 170 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1i | CA'89 Section 25 (secure accommodation order) | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1j | CA'89 Section 33(7) (change of child's surname or removal from jurisdiction while care order in force); | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1k | CA'89 Section 34(2), (3), (4) or (9) (contact with child in care) | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1l | CA'89 Section 36(1) (education supervision order) | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1m | CA'89 Section 39 (variation or discharge etc of care and supervision orders) | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1n | CA'89 Section 43(1) (child assessment order) | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1o | CA'89 Sections 44, 45 and 46 (emergency protection order) | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1p | CA'89 Section 48 - Warrant to assist person exercising powers under emergency protection order. | | 170 | 180 | 6.96%<br><br>1/9/10 | |

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| Magistrates' Court Proceedings | 8.1q | CA'89 Section 50 Recovery Order | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1r | CA'89 Section 79K - cancellation, variation or removal or imposition of condition of registration of child minder or day carer. | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1s | CA'89 Paragraph 4(2), 6(2), 7(2) or 9(2) of Schedule A1 - applications in respect of enforcement orders | | 90 | 95 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1t | CA'89 Paragraph 5(2) of Schedule A1 - amendment of enforcement order by reason of change of address | | 45 | 50 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1u | CA'89 Section 102 - warrant to assist person exercising powers to search for children or inspect premises. | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1v | CA'89 - 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 | 215 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1w | CA'89 Paragraph 19(1) of Schedule 2 - approval of court for child in care of local authority to live abroad | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1x | CA'89 Paragraph 6 of Schedule 3 - extension of supervision order | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.1y | CA'89 Paragraph 15(2) or 17(1) of Schedule 3 - extension or discharge of education supervision order | | 170 | 180 | 6.96%<br><br>1/9/10 | |

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| Magistrates' Court Proceedings | 8.1z | CA'89 - Paragraph 8(1) of Schedule 8 - appeals concerning foster parenting. | | 170 | 180 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 8.2a | CA'89 In relation to proceedings under section 31 of the Children Act 1989 (care and supervision orders) on an application | | 2,225 | 3,320 | 13.48%<br><br>1/5/08 | Fee now includes both fee for s31 application and that for an issues resolution hearing (old fee 8.2b) |
| Magistrates' Court Proceedings | | CA'89 In relation to proceedings under section 31 of the Children Act 1989 (care and supervision orders) where an issues resolution hearing or a pre-hearing review has been listed. | | 700 | obsolete | 13.48%<br><br>1/5/08<br><br>(for transitional fee) | Old fee 8.2b now merged with 8.2a.<br><br>The transitional power to charge £795 for an issues resolution hearing for applications made before 15/4/13 is contained at section 4 of the Magistrates' Courts Fees (Amendment) Order 2013 |
| Magistrates' Court Proceedings | 8.2b | CA'89 In relation to proceedings under section 31 of the Children Act 1989 (care and supervision orders) where a final hearing has been listed. | | 1,900 | 2,155 | 13.48%<br><br>1/5/08 | Was fee 8.2c now 8.2b |
| | 2.2 Note | Where a final order is made at case management conference, 500 of the amount paid under fee 8.2(a) will be refunded | | REFUND 500 | REFUND 1,360 | 13.48% | Change to amount of refund given under 8.2 to reflect inclusion of fee for issues resolution hearing in application fee |
| Magistrates' Court Proceedings | 9.1 | On an application under section 54 (parental order) Human Fertilisation and Embryology Act 2008 | | 200 | 215 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | 10.1 | On an application or a request for permission to apply under any provision in Part 1 of the Adoption and Children Act 2002, other than an application under section 22 of that Act. | | 160 | 170 | 6.96%<br><br>1/9/10 | |

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| Magistrates' Court Proceedings | M10.2 | On an application under section 22 of the Adoption and Children Act 2002 (placement order).<br><br>**Notes:** 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 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 at the same time, and these children are siblings or children of the family, only one fee is payable. | | 400 | 455 | 13.48%<br><br>1/5/08 | |

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| Magistrates' Court Proceedings | M11.1 | C&A A'06 On an application for a warning notice to be attached to a contact order.<br><br>Notes: Where an application is made or permission is sought under or relating to provisions of the Children Act 1989 and the Children and Adoption Act 2006 which are listed in two or more different numbered fees, only one fee is payable. Where the same application is made or permission is sought in respect of two or more children at the same time, and those children are siblings or children of the family, only one fee is payable in respect of each numbered fee. | | 45 | 50 | 6.96%<br><br>1/9/10 | |
| Magistrates' Court Proceedings | | Application to vary, extend or revoke an order not otherwise charged (on notice or by consent) | | 20 | obsolete | n/a | replaced by new 12.1 and 12.2 below |
| Magistrates' Court Proceedings | 12.1 | On an application made in family proceedings on notice where no other fee is specified<br>Note Fee 12.1 and 12.2 are not payable when an application is made in an appeal | | | 80 | n/a | New fee to harmonise with fee for application on notice in Family Proceedings Fees Order (4.3) and Civil Proceedings Fees Order (2.6) |

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| Magistrates' Court Proceedings | 12.2 | On an application made in family proceedings by consent or without notice where no other fee is specified<br><br>Note Fee 12.1 and 12.2 are not payable when an application is made in an appeal<br>Note for the purpose of fee 12.2 a request for a judgment or order on admission or in default does not constitute an application an no fee is payable<br>Fee 12.2 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 | | | 45 | n/a | New fee to harmonise with fee for application without notice or by consent in Family Proceedings Fees Order (4.1) and Civil Proceedings Fees Order (2.7) |
| Magistrates' Court Proceedings | 18.1 | On an application for a non-molestation order or an occupation order under Part IV of the Family Law Act 1996 (or on applying for two or more of those orders) | | n/a | 75 | See Family Proceedings fee 1.4 | New fee to align with fee 1.4 in Family Proceedings Order |
| Non Contentious Probate | 8c | Where copies of any document are made available on a computer disk for each such copy | | 4 | 6 | n/a | Fee increase to align with fee 8a for first copy |