EXPLANATORY MEMORANDUM TO

THE CIVIL PROCEEDINGS FEES (AMENDMENT NO. 3) ORDER 2014

2014 No. 2059 (L. 29)

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty. It covers the Civil Fees Proceedings (Amendment No.3) Order 2014.

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

2. Purpose of the instrument

2.1 This instrument corrects an error in the Civil Proceedings Fees (Amendment No.2) Order 2014 (S.I. 2014/1834 L.27), which was laid on 14th July and comes into force on 4th August.

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

3.1 This instrument breaches the 21 day rule. The Ministry deeply regrets this and apologises to the Committee. However, it is essential that the mistake is corrected with immediate effect on 4 August in order to prevent a significant financial loss for HMCTS.

4. Legislative Context

4.1 Article 3(b) of the Civil Proceedings Fees (Amendment No.2) Order incorrectly amended fee 8.1 in the Schedule to the 2008 fees order, by reducing a wider range of enforcement fees from £100 to £70 than had been intended. The No.3 Order comes into effect at the same time as the incorrect amendment would have done, and therefore supersedes it.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 For the general policy background, please refer to the Explanatory Memorandum accompanying the Civil Proceedings Fees (Amendment No.2) Order (S.I. 2014/1834 L.27).

8. Consultation outcome

8.1 The Lord Chancellor has consulted the judicial statutory consultees in accordance with section 92 (5) and (6) of the Courts Act 2003. There has been no general public consultation on this Order because the original intention to align the Money Claims Online and County Court Business Centre fee (which this Order restores) was included in the original proposals on which the Lord Chancellor consulted in December 2013.[1]

9. Guidance

9.1 Her Majesty's Courts and Tribunal Service will update its guidance on fees payable in line with these amendments.

10. Impact

10.1 The amendment is a minor correction to an error contained in the 2014 Civil Fees Order (Amendment No.2). An Impact Assessment has not been prepared for this instrument because the net impact will be as intended in respect of the No. 2 Order.

11. Regulating small business

11.1 There will be no impact on small businesses as a result of this Order.

12. Monitoring & review

12.1 Fees and the impact of any changes are constantly monitored by way of feedback from courts and their customers and the monitoring of fee income and volumes.

13. Contact

Bill Dowse at the Ministry of Justice Tel: 020 3334 6099 or email: bill.dowse@justice,.gsi.gov.uk can answer any queries regarding the instrument.

[1] See: https://consult.justice.gov.uk/digital-communications/court-fees-proposals-for-reform