STATUTORY INSTRUMENTS

2007 No. 2176 (L. 16)

SUPREME COURT OF ENGLAND AND WALES

COUNTY COURTS, ENGLAND AND WALES

The Civil Proceedings Fees (Amendment) (No.2) Order 2007

Made - - - -	*24th July 2007*
Laid before Parliament	*26th July 2007*
Coming into force - -	*1st October 2007*

The Lord Chancellor makes the following Order in exercise of the powers conferred by section 92 of the Courts Act 2003(**a**) sections 414 and 415 of the Insolvency Act 1986(**b**) and section 128 of the Finance Act 1990(**c**).

In accordance with section 92(1) of the Courts Act 2003 he has obtained the consent of the Treasury and in accordance with sections 414(1) and 415(1) of the Insolvency Act 1986 he has obtained the sanction of the Treasury.

In accordance with section 92(5) and (6) of the Courts Act 2003 he 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 Civil Proceedings Fees (Amendment) (No.2) Order 2007 and shall come into force on 1st October 2007.

Amendments to the Civil Proceedings Fees Order 2004

2. The Civil Proceedings Fees Order 2004(**d**) is amended in accordance with the following articles.

3. Omit paragraph (b) of article 3.

4. For article 4 substitute—

(**a**) 2003 c.39. section 92 is amended by section 15(1) of and paragraphs 308 and 345 of Part I of Schedule 4 to the Constitutional Reform Act 2005 (c.4) from 1 October 2005 and by section 59(5) of and paragraph 4(1) and (3) of Schedule 11 to that Act from a date to be appointed.
(**b**) 1986 c.45.
(**c**) 1990 c.29.
(**d**) S.I. 2004/3121; as amended by S.I 2005/473 and 3445, 2006/719 and 2007/680.

"Remissions and part remissions

4. Schedule 1A applies for the purpose of ascertaining whether a party is entitled to the remission or part remission of a fee prescribed by this Order.".

5. For Schedule 1 substitute Schedule 1 and Schedule 1A as set out in the Schedule to this Order.

Jack Straw
24th July 2007 Lord Chancellor

We consent,

Frank Roy
Alan Campbell
24th July 2007 Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE

Article 5

"SCHEDULE 1

Article 2

Fees to be taken

Column 1 *Number and description of fee*	*Column 2* *Amount of fee*
1 Starting proceedings (High Court and county court)	
1.1 On starting proceedings (including proceedings issued after permission to issue is granted but excluding CPC cases brought by Centre users or cases brought by Money Claim OnLine users) to recover a sum of money where the sum claimed:	
(a) does not exceed £300	£30
(b) exceeds £300 but does not exceed £500	£45
(c) exceeds £500 but does not exceed £1,000	£60
(d) exceeds £1,000 but does not exceed £1,500	£70
(e) exceeds £1,500 but does not exceed £3,000	£80
(f) exceeds £3,000 but does not exceed £5,000	£108
(g) exceeds £5,000 but does not exceed £15,000	£225
(h) exceeds £15,000 but does not exceed £50,000	£360
(i) exceeds £50,000 but does not exceed £100,000	£630
(j) exceeds £100,000 but does not exceed £150,000	£810
(k) exceeds £150,000 but does not exceed £200,000	£990
(l) exceeds £200,000 but does not exceed £250,000	£1,170
(m) exceeds £250,000 but does not exceed £300,000	£1,350
(n) exceeds £300,000 or is not limited	£1,530
1.2 On starting proceedings to recover a sum of money in Claim	

Production Centre cases brought by Centre users, where the sum claimed:	
(a) does not exceed £300	£15
(b) exceeds £300 but does not exceed £500	£30
(c) exceeds £500 but does not exceed £1,000	£55
(d) exceeds £1,000 but does not exceed £1,500	£65
(e) exceeds £1,500 but does not exceed £3,000	£75
(f) exceeds £3,000 but does not exceed £5,000	£85
(g) exceeds £5,000 but does not exceed £15,000	£190
(h) exceeds £15,000 but does not exceed £50,000	£310
(i) exceeds £50,000 but does not exceed £100,000	£550
1.3 On starting proceedings to recover a sum of money brought by Money Claim OnLine users where the sum claimed:	
(a) does not exceed £300	£25
(b) exceeds £300 but does not exceed £500	£35
(c) exceeds £500 but does not exceed £1,000	£65
(d) exceeds £1,000 but does not exceed £1,500	£75
(e) exceeds £1,500 but does not exceed £3,000	£85
(f) exceeds £3,000 but does not exceed £5,000	£100
(g) exceeds £5,000 but does not exceed £15,000	£210
(h) exceeds £15,000 but does not exceed £50,000	£340
(i) exceeds £50,000 but does not exceed £100,000	£595
Fees 1.1, 1.2 and 1.3. Where the claimant is making a claim for interest on a specified sum of money, the amount on which the fee is calculated is the total amount of the claim and the interest.	
1.4 On starting proceedings for the recovery of land in the county court brought by Possession Claim OnLine users	£100
1.5 On starting proceedings for any other remedy (including proceedings issued after permission to issue is granted)—	
—in the High Court	£400
—in the county court	£150
Fees 1.1, 1.4 and 1.5. Recovery of land or goods. Where a claim for money is additional or alternative to a claim for recovery of land or goods, only fee 1.4 or 1.5 shall be payable.	
Fees 1.1and 1.5. Claims other than recovery of land or goods. Where a claim for money is additional to a non money claim (other than a claim for recovery of land or goods), then fee 1.1 is payable in addition to fee 1.5.	
Where a claim for money is alternative to a non money claim (other than a claim for recovery of land or goods), only fee 1.1 shall be payable in the High Court, and, in the county court, fee 1.1 or fee 1.5 shall be payable, whichever is the greater.	
Fees 1.1 and 1.5. Where more than one non money claim is made in the same proceedings, fee 1.5 shall be payable once only, in addition to any fee which may be payable under fee 1.1.	
Fees 1.1 and 1.5 shall not be payable where fee 1.8(b), fee 1.9(a), fee 10.1 or fee 3 apply.	

Fees 1.1 and fee 1.5. Amendment of claim or counterclaim. Where the claim or counterclaim is amended, and the fee paid before amendment is less than that which would have been payable if the document, as amended, had been so drawn in the first instance, the party amending the document shall pay the difference.	
1.6 On the filing of proceedings against a party or parties not named in the proceedings	£40
Fee 1.6 Fee 1.6 shall be payable by a defendant who adds or substitutes a party or parties to the proceedings or by a claimant who adds or substitutes a defendant or defendants.	
1.7 On the filing of a counterclaim	The same fee as if the remedy sought were the subject of separate proceedings
Fee 1.7. No fee is payable on a counterclaim which a defendant is required to make under the CPR because he contends that he has any claim or is entitled to any remedy relating to a grant of probate of a will, or letters of administration of an estate, of a deceased person.	
1.8 (a) On an application for permission to issue proceedings	£40
(b) On an application for an order under Part III of the Solicitors Act 1974(a) for the assessment of costs payable to a solicitor by his client or on starting costs-only proceedings	£40
1.9(a) On starting proceedings for judicial review	£50
Where the court has made an order giving permission to proceed with a claim for judicial review, there shall be payable by the claimant within 7 days of service on the claimant of that order:	
1.9(b) if the judicial review procedure has been started	£180
1.9(c) if the claim for judicial review was started otherwise than by using the judicial review procedure	£50
2 General Fees (High Court and county court)	
2.1 On the claimant filing an allocation questionnaire; or	
—where the court dispenses with the need for an allocation questionnaire, within 14 days of the date of despatch of the notice of allocation to track; or —where the CPR or a Practice Direction provide for automatic allocation or provide that the rules on allocation shall not apply, within 28 days of the filing of the defence (or the filing of the last defence if there is more than one defendant), or within 28 days of the expiry of the time permitted for filing all defences if sooner:	
(a) if the case is on the small claims track and the claim exceeds £1,500	£35
(b) if the case is on the fast track or multi -track	£200
Fee 2.1. Fee 2.1 shall be payable by the claimant except where the action is proceeding on the counterclaim alone, when it shall be payable by the defendant— —on the defendant filing an allocation questionnaire; or —where the court dispenses with the need for an allocation	

(**a**) 1974 c.47.

questionnaire, within 14 days of the date of despatch of the notice of allocation to track; or —where the CPR or a Practice Direction provide for automatic allocation or provide that the rules on allocation shall not apply, within 28 days of the filing of the defence to the counterclaim (or the filing of the last defence to the counterclaim if there is more than one party entitled to file a defence to the counterclaim), or within 28 days of the expiry of the time permitted for filing all defences to the counterclaim if sooner. Where fee 2.1 is payable on the filing of an allocation questionnaire, by the claimant or the defendant as the case may be, the fee payable shall be based on the track for the case specified in the allocation questionnaire. If the case is subsequently allocated to a track which attracts a higher fee then the difference in fee shall be payable, by the party liable to pay the fee, within 14 days of the date of despatch of notice of allocation to track. If the case is allocated to a track which attracts a lower fee the difference in fee shall be refunded.	
2.2 On the claimant filing a listing questionnaire; or where the court fixes the trial date or trial week without the need for a listing questionnaire, within 14 days of the date of despatch of the notice (or the date when oral notice is given if no written notice is given) of the trial week or the trial date if no trial week is fixed.	£100
Fee 2.2. Fee 2.2 shall be payable by the claimant except where the action is proceeding on the counterclaim alone, when it shall be payable by the defendant— —on the defendant filing a listing questionnaire; or —where the court fixes the trial date or trial week without the need for a listing questionnaire, within 14 days of the date of despatch of the notice (or the date when oral notice is given if no written notice is given) of the trial week or the trial date if no trial week is fixed.	
Fees 2.1 and 2.2 in the High Court and the county court. Fees 2.1 and 2.2 shall be payable as appropriate where the court allocates a case to track for a trial of the assessment of damages. Fees 2.1 and 2.2 shall not be payable in relation to claims managed under a GLO after that GLO is made. Fees 2.1 and 2.2 shall be payable once only in the same proceedings. Fee 2.1 shall not be payable where the procedure in Part 8 of the CPR is used. Fee 2.2 shall not be payable where the court fixed the hearing date on the issue of the claim.	
Fees 2.1 and 2.2 in the county court. Fee 2.1 shall not be payable in proceedings where the only claim is a claim to recover a sum of money and the sum claimed does not exceed £1,500. Fee 2.2 shall not be payable in respect of a case on the small claims track	
2.3 On the occasion of fee 2.2 becoming payable; or where the claim is on the small claims track, within 14 days of the date of despatch of the notice (or the date when oral notice is given if no written notice is given) of the trial week or the trial date if no trial week is fixed a fee payable for the hearing of:	
(a) a case on the multi-track	£1,000
(b) a case on the fast track	£500
(c) a case on the small claims track where the sum claimed:	

(i) does not exceed £300	£25
(ii) exceeds £300 but does not exceed £500	£50
(iii) exceeds £500 but does not exceed £1,000	£75
(iv) exceeds £1,000 but does not exceed £1,500	£100
(v) exceeds £1,500 but does not exceed £3,000	£150
(vi) exceeds £3,000 but does not exceed £5,000	£300
Fee 2.3. Fee 2.3 shall be payable by the claimant except where the action is proceeding on the counterclaim alone, when it shall be payable by the defendant— —on the defendant filing a listing questionnaire; or —where the claim is on the small claims track or the court fixes the trial date or trial week without the need for a listing questionnaire, within 14 days of the date of despatch of the notice (or the date when oral notice is given if no written notice is given) of the trial week or the trial date if no trial week is fixed. Where a case is on the multi-track or fast track and, after a hearing date has been fixed, the court receives notice in writing from the party who paid the hearing fee that the case has been settled or discontinued then the following percentages of the hearing fee shall be refunded— (i) 100% if the court is notified more than 28 days before the hearing; (ii) 75% if the court is notified between 14 and 28 days before the hearing; (iii) 50% if the court is notified between 7 and 14 days before the hearing. Where a case is on the small claims track and, after a hearing date has been fixed, the court receives notice in writing from the party who paid the hearing fee, at least 7 days before the date set for the hearing, that the case has been settled or discontinued the hearing fee shall be refunded in full. Fee 2.3 shall not be payable in respect of a case where the court fixed the hearing date on the issue of the claim.	
2.4 In the High Court on filing—	£200
—an appellant's notice, or	
—a respondent's notice where the respondent is appealing or wishes to ask the appeal court to uphold the order of the lower court for reasons different from or additional to those given by the lower court	
2.5 In the county court on filing—	
—an appellant's notice, or	
—a respondent's notice where the respondent is appealing or wishes to ask the appeal court to uphold the order of the lower court for reasons different from or additional to those given by the lower court:	
(a) in a claim allocated to the small claims track (b) in all other claims	£100 £120
Fees 2.4 and 2.5. Fees 2.4 and 2.5 do not apply on appeals against a decision made in detailed assessment proceedings.	
2.6 On an application on notice where no other fee is specified	£75
2.7 On an application by consent or without notice for a judgment or order where no other fee is specified	£40
For the purpose of fee 2.7 a request for a judgment or order on admission	

or in default shall not constitute an application and no fee shall be payable. Fee 2.7 shall not be 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.	
Fees 2.6 and 2.7. Fees 2.6 and 2.7 shall not be payable when an application is made in an appeal notice or is filed at the same time as an appeal notice.	
2.8 On an application for a summons or order for a witness to attend court to be examined on oath or an order for evidence to be taken by deposition, other than an application for which fee 7.2 or 8.3 is payable	£35
2.9 On an application to vary a judgment or suspend enforcement (where more than one remedy is sought in the same application only one fee shall be payable)	£35
2.10 Register of judgments kept under section 98 of the Courts Act 2003—	
On a request for the issue of a certificate of satisfaction	£15
3 Companies Act 1985(a) and Insolvency Act 1986(b) (High Court and county court)	
3.1 On entering a bankruptcy petition:	
(a) if presented by a debtor or the personal representative of a deceased debtor	£150
(b) if presented by a creditor or other person	£190
3.2 On entering a petition for an administration order	£150
3.3 On entering any other petition	£190
One fee only is payable where more than one petition is presented in relation to a partnership.	
3.4(a) On a request for a certificate of discharge from bankruptcy	£60
(b) and after the first certificate, for each copy	£5
3.5 On an application under the Companies Act 1985 or the Insolvency Act 1986 other than one brought by petition and where no other fee is specified	£130
Fee 3.5. Fee 3.5 is not payable where the application is made in existing proceedings.	
3.6 On an application for the conversion of a voluntary arrangement into a winding up or bankruptcy under Article 37 of Council Regulation (EC) No 1346/2000	£130
3.7 On an application, for the purposes of Council Regulation (EC) No 1346/2000, for an order confirming creditors' voluntary winding up (where the company has passed a resolution for voluntary winding up, and no declaration under section 89 of the Insolvency Act 1986 has been made)	£30
3.8 On filing— —a notice of intention to appoint an administrator under paragraph 14 of Schedule B1 to the Insolvency Act 1986 or in accordance with paragraph 27 of that Schedule; or— a notice of appointment of an administrator in accordance with paragraphs 18 or 29 of that Schedule	£30

(**a**) 1985 c.6.
(**b**) 1986 c.45.

Fee 3.8. Where a person pays fee 3.8 on filing a notice of intention to appoint an administrator, no fee shall be payable on that same person filing a notice of appointment of that administrator.	
3.9 On submitting a nominee's report under section 2(2) of the Insolvency Act 1986	£30
3.10 On filing documents in accordance with paragraph 7(1) of Schedule A1 to the Insolvency Act 1986	£30
3.11 On an application by consent or without notice within existing proceedings where no other fee is specified	£30
3.12 On an application with notice within existing proceedings where no other fee is specified	£60
3.13 On a search in person of the bankruptcy and companies records, in a county court	£40
Requests and applications with no fee. No fee is payable on a request or on an application to the Court by the Official Receiver when applying only in the capacity of Official Receiver to the case (and not as trustee or liquidator), or on an application to set aside a statutory demand.	
4 Copy Documents (Court of Appeal, High Court and county court)	
4.1 On a request for a copy of a document (other than where fee 4.2 applies):	
(a) for ten pages or less	£5
(b) for each subsequent page	50p
Fee 4.1. Fee 4.1 shall be payable for a faxed copy or for examining a plain copy and marking it as an examined copy and shall be payable whether or not the copy is issued as an office copy.	
4.2 On a request for a copy of a document on a computer disk or in other electronic form, for each such copy	£5
5 Determination of costs (Supreme Court and county court). Fee 5 does not apply to the determination in the Supreme Court of costs incurred in the Court of Protection.	
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 and no other party is ordered to pay the costs of the proceedings—	
—in the Supreme Court	£120
—in the county court	£105
5.2 On the filing of a request for detailed assessment in any case where fee 5.1 does not apply; or on the filing of a request for a hearing date for the assessment of costs payable to a solicitor by his client pursuant to an order under Part III of the Solicitors Act 1974	
where the amount of the costs to be assessed (excluding VAT and disbursements):	
(a) does not exceed £15,000	£300
(b) exceeds £15,000 but does not exceed £50,000	£600
(c) exceeds £50,000 but does not exceed £100,000	£900
(d) exceeds £100,000 but does not exceed £150,000	£1,200
(e) exceeds £150,000 but does not exceed £200,000	£1,500
(f) exceeds £200,000 but does not exceed £300,000	£2,250
(g) exceeds £300,000 but does not exceed £500,000	£3,750

(h) exceeds £500,000	£5,000
Where there is a combined party and party and legal aid, or a combined party and party and LSC, or a combined party and party, legal aid and LSC determination of costs, fee 5.2 shall be attributed proportionately to the party and party, legal aid, or LSC (as the case may be) portions of the bill on the basis of the amount allowed.	
5.3 On a request for the issue of a default costs certificate—	
— in the Supreme Court	£50
—in the county court	£45
5.4 On an appeal against a decision made in detailed assessment proceedings—	
—in the Supreme Court	£200
—in the county court	£105
5.5 On applying for the court's approval of a certificate of costs payable from the Community Legal Service Fund—	
—in the Supreme Court	£50
—in the county court	£35
Fee 5.5. Fee 5.5 is payable at the time of applying for the court's approval and is recoverable only against the Community Legal Service Fund.	
5.6 On a request or application to set aside a default costs certificate—	
—in the Supreme Court	£100
—in the county court	£65
6 Determination in the Supreme Court of costs incurred in the Court of Protection	
6.1 On the filing of a request for detailed assessment:	
(a) where the amount of the costs to be assessed (excluding VAT and disbursements) does not exceed £3,000	£100
(b) in all other cases	£200
6.2 On an appeal against a decision made in detailed assessment proceedings	£60
6.3 On a request or application to set aside a default costs certificate	£60
7 Enforcement in the High Court	
7.1 On sealing a writ of execution/possession/delivery	£50
Where the recovery of a sum of money is sought in addition to a writ of possession and delivery, no further fee is payable.	
7.2 On an application for an order requiring a judgment debtor or other person to attend court to provide information in connection with enforcement of a judgment or order	£50
7.3(a) On an application for a third party debt order or the appointment of a receiver by way of equitable execution	£100
(b) On an application for a charging order	£100
Fee 7.3(a) and (b). Fee 7.3(a) shall be payable in respect of each third party against whom the order is sought. Fee 7.3(b) shall be payable in respect of each application issued.	
7.4 On an application for a judgment summons	£100
7.5 On a request or application to register a judgment or order, or	£50

for permission to enforce an arbitration award, or for a certificate or a certified copy of a judgment or order for use abroad	
8 Enforcement in the county court	
8.1 On an application for or in relation to enforcement of a judgment or order of a county court or through a county court—	
In cases other than CCBC cases brought by Centre users, by the issue of a warrant of execution against goods except a warrant to enforce payment of a fine:	
(a) Where the amount for which the warrant issues does not exceed £125	£35
(b) Where the amount for which the warrant issues exceeds £125	£55
In CCBC cases brought by Centre users, by the issue of a warrant of execution against goods except a warrant to enforce payment of a fine:	
(a) Where the amount for which the warrant issues does not exceed £125	£25
(b) Where the amount for which the warrant issues exceeds £125	£45
8.2 On a request for a further attempt at execution of a warrant at a new address following a notice of the reason for non-execution (except a further attempt following suspension and CCBC cases brought by Centre users)	£25
8.3 On an application for an order requiring a judgment debtor or other person to attend court to provide information in connection with enforcement of a judgment or order	£45
8.4(a) On an application for a third party debt order or the appointment of a receiver by way of equitable execution	£55
(b) On an application for a charging order	£55
Fee 8.4(a) and (b). Fee 8.4(a) shall be payable in respect of each third party against whom the order is sought. Fee 8.4(b) shall be payable in respect of each application issued.	
8.5 On an application for a judgment summons	£95
8.6 On the issue of a warrant of possession or a warrant of delivery	£95
Where the recovery of a sum of money is sought in addition, no further fee is payable.	
8.7 On an application for an attachment of earnings order (other than a consolidated attachment of earnings order) to secure payment of a judgment debt	£65
Fee 8.7. Fee 8.7 is payable for each defendant against whom an order is sought. Fee 8.7 is not payable where the attachment of earnings order is made on the hearing of a judgment summons.	
8.8 On a consolidated attachment of earnings order or on an administration order	For every £1 or part of a £1 of the money paid into court in respect of debts due to creditors – 10p
Fee 8.8. Fee 8.8 shall be calculated on any money paid into court under any order at the rate in force at the time when the order was made (or, where the order has been amended, at the time of the last amendment before the date of payment).	
8.9 On the application for the recovery of a tribunal award	£35
8.10 On a request for an order to recover a sum that is—	

—a specified debt within the meaning of the Enforcement of Road Traffic Debts Order 1993(**a**) as amended from time to time; or —pursuant to an enactment, treated as a specified debt for the purposes of that Order	£5
No fee is payable on— —an application for an extension of time to serve a statutory declaration in connection with any such order; or —a request to issue a warrant of execution to enforce any such order.	
9 Sale (county court only)	
9.1 For removing or taking steps to remove goods to a place of deposit	The reasonable expenses incurred
Fee 9.1 is to include the reasonable expenses of feeding and caring for any animals.	
9.2 For advertising a sale by public auction pursuant to section 97 of the County Courts Act 1984(**b**)	The reasonable expenses incurred
9.3 For the appraisement of goods	5p in the £1 or part of a £1 of the appraised value
9.4 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
9.5 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 9.1, 9.2 or 9.3
FEES PAYABLE IN HIGH COURT ONLY	
10 Miscellaneous proceedings or matters	
Bills of Sale	
10.1 On filing any document under the Bills of Sale Acts 1878(c) and the Bills of Sale Act (1878) Amendment Act 1882(d) or on an application under section 15 of the Bills of Sale Act 1878 for an order that a memorandum of satisfaction be written on a registered copy of the bill	£25

(**a**) S.I. 1993/2073; as amended by S.I. 2001/1386.
(**b**) 1984 c.28.
(**c**) 1878 c.31.
(**d**) 1882 c.43.

Searches	
10.2 For an official certificate of the result of a search for each name, in any register or index held by the court; or in the Court Funds Office, for an official certificate of the result of a search of unclaimed balances for a specified period of up to 50 years	£40
10.3 On a search in person of the bankruptcy and companies records, including inspection, for each 15 minutes or part of 15 minutes	£5
Judge sitting as arbitrator	
10.4 On the appointment of:	
(a) a judge of the Commercial Court as an arbitrator or umpire under section 93 of the Arbitration Act 1996(**a**); or	£1,800
(b) a judge of the Technology and Construction Court as an arbitrator or umpire under section 93 of the Arbitration Act 1996	£1,400
10.5 For every day or part of a day (after the first day) of the hearing before:	
(a) a judge of the Commercial Court; or	£1,800
(b) a judge of the Technology and Construction Court, so appointed as arbitrator or umpire	£1,400
Where fee 10.4 has been paid on the appointment of a judge of the Commercial Court or a judge of the Technology and Construction Court as an arbitrator or umpire but the arbitration does not proceed to a hearing or an award, the fee shall be refunded.	
Foreign process	
10.6 For the registration and service of process received from abroad in accordance with the Convention of 15 November 1965 on the service abroad of judicial and extra judicial documents in civil or commercial matters signed at the Hague on November 15 1965(**b**)or Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extra judicial documents in civil or commercial matters	£60
11 Fees payable in Admiralty matters	
In the Admiralty Registrar and Marshal's Office—	
11.1 On the issue of a warrant for the arrest of a ship or goods	£200
11.2 On the sale of a ship or goods—	
Subject to a minimum fee of £200:	
(a) for every £100 or fraction of £100 of the price up to £100,000	£1
(b) for every £100 or fraction of £100 of the price exceeding £100,000	50p
Where there is sufficient proceeds of sale in court, fee 11.2 shall be taken by transfer from the proceeds of sale in court.	
11.3 On entering a reference for hearing by the Registrar	£50
FEES PAYABLE IN HIGH COURT AND COURT OF APPEAL ONLY	
11 Affidavits.	
12.1 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 the Accountant General and for a declaration by a shorthand writer appointed in insolvency proceedings—	£10

(**a**) 1996 c.23.
(**b**) Cmnd. 3986.

—for each person making any of the above	
12.2 For each exhibit referred to in an affidavit, affirmation, attestation or declaration for which fee 12.1 is payable	£2
FEES PAYABLE IN COURT OF APPEAL ONLY	
13 Fees payable in appeals to the Court of Appeal	
13.1(a) Where in an appeal notice permission to appeal or an extension of time for appealing is applied for (or both are applied for)— — on filing an appellant's notice, or — where the respondent is appealing, on filing a respondent's notice	£200
13.1(b) Where permission to appeal is not required or has been granted by the lower court— — on filing an appellant's notice, or — on filing a respondent's notice where the respondent is appealing	£400
13.1(c) On the appellant filing an appeal questionnaire (unless the appellant has paid fee 13.1(b), or on the respondent filing an appeal questionnaire (unless the respondent has paid fee 13.1(b))	£400
13.2 On filing a respondent's notice where the respondent wishes to ask the appeal court to uphold the order of the lower court for reasons different from or additional to those given by the lower court	£200
13.3 On filing an application notice	£200
Fee 13.3. Fee 13.3 shall not be payable for an application made in an appeal notice.	

SCHEDULE 1A

Article 4

Remission and part remission of fees

Interpretation

1.—(1) In this Schedule—

"child care costs" and "the Independent Living Funds" have the meaning given to them in the Criminal Defence Service (Financial Eligibility) Regulations 2006(**a**);

"child" means a child of the party, living in his household, under the age of 18;

"couple" has the meaning given in section 3(5A) of the Tax Credits Act 2002(**b**);

"disposable monthly income" has the meaning given in paragraph 5;

"excluded benefits" means —

(a) any of the following benefits payable under the Social Security Contributions and Benefits Act 1992(**c**)—

(i) attendance allowance paid under section 64;

(ii) severe disablement allowance;

(iii) carer's allowance;

(iv) disability living allowance;

(v) constant attendance allowance paid under section 104 or paragraph 4 or 7(2) of Schedule 8 as an increase to a disablement pension;

(**a**) S.I. 2006/2492; there are no relevant amendments.
(**b**) 2002 c.21. Section 5A was inserted by paragraph 144 of Schedule 24 to the Civil Partnership Act 2004 (c.33).
(**c**) 1992 c.4.

(vi) council tax benefit;

(vii) any payment made out of the social fund;

(viii) housing benefit;

(b) any direct payments made under the Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2003(**a**) or the Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2004(**b**);

(c) a back to work bonus payable under section 626 of the Jobseekers Act 1995(**c**);

(d) any exceptionally severe disablement allowance paid under the Personal Injuries (Civilians) Scheme 1983(**d**);

(e) any pensions paid under the Naval, Military and Air Forces etc (Disablement and Death) Service Pension Order 2006(**e**);

(f) any payments made from the Independent Living Funds; and

(g) any financial support paid under an agreement for the care of a foster child.

"gross annual income" means total annual income, for the 12 months preceding the application for remission or part remission, from all sources other than receipt of any of the excluded benefits;

"gross monthly income" means total monthly income, for the month in which the application for remission or part remission is made, from all sources other than receipt of any of the excluded benefits;

"partner" means a person with whom the party lives as a couple and includes a person with whom the party is not currently living but from whom he is not living separate and apart;

"party" means the party who would, but for this Schedule, be liable to pay the fee required under this Order; and

"restraint order" means—

(a) an order under section 42(1A) of the Supreme Court Act 1981(**f**); or

(b) a civil restraint order under rule 3.11 of the Civil Procedure Rules 1998(**g**) or a practice direction made under that rule.

(2) Paragraphs 2, 3 and 4 are subject to the provisions of paragraphs 8 (vexatious litigants) and 9 (exception).

Full remission of fees – qualifying benefits

2.—(1) No fee shall be payable under this Order by a party who, at the time when a fee would otherwise be payable—

(a) is in receipt of a qualifying benefit; and

(b) is not in receipt of , as appropriate, either—

(i) representation under Part IV of the Legal Aid Act 1988(**h**) for the purposes of the proceedings; or

(ii) funding provided by the LSC for the purposes of the proceedings and for which a certificate has been issued under the Funding Code certifying a decision to fund services for that party.

(**a**) S.I. 2003/762.
(**b**) S.I. 2004/1748.
(**c**) 1995 c18.
(**d**) S.I. 1983/686.
(**e**) S.I. 2006/606.
(**f**) 1981 c.54. Section 42(1A) was inserted by section 24 of the Prosecution of Offences Act 1985 c. .
(**g**) S.I. 1988/ 3132. Relevant amendment is S.I.2004/2072.
(**h**) 1988 c.34.

(2) The following are qualifying benefits for the purposes of paragraph (1)(a)—

(a) income support under the Social Security Contributions and Benefits Act 1992;

(b) working tax credit, provided that no child tax credit is being paid to the party;

(c) income-based jobseeker's allowance under the Jobseekers Act 1995; and

(d) guarantee credit under the State Pension Credit Act 2002(**a**).

Full remission of fees – gross annual income

3.—(1) No fee shall be payable under this Order by a party if, at the time when the fee would otherwise be payable, he has the number of children specified in column 1 of the table below and —

(a) if he is single, his gross annual income does not exceed the amount set out in the appropriate row of column 2; or

(b) if he is one of a couple, the gross annual income of the couple does not exceed the amount set out in the appropriate row of column 3.

Column 1 *Number of children of party paying fee*	*Column 2* *Single*	*Column 3* *Couple*
no children	£12,000	£16,000
1 child	£14,470	£18,470
2 children	£16,940	£20,940
3 children	£19,410	£23,410
4 children	£21,880	£25,880

(2) If the party paying the fee has more than 4 children then the relevant amount of gross annual income shall be the amount specified in the table for 4 children plus the sum of £2,470 for each additional child.

Full and part remission of fees – disposable monthly income

4.—(1) No fee shall be payable under this Order by a party if, at the time when the fee would otherwise be payable, his disposable monthly income is £50 or less.

(2) The maximum amount of fee payable by a party is—

(a) if his disposable monthly income is more than £50 but does not exceed £210, an amount equal to one-quarter of every £10 of his disposable monthly income up to a maximum of £50; and

(b) if his disposable monthly income is more than £210, an amount equal to £50 plus one-half of every £10 over £200 of his disposable monthly income.

(3) Where the fee that would otherwise be payable under this Order is greater than the maximum fee which a party is required to pay as calculated in sub-paragraph (2), the fee shall be remitted to the amount payable under that sub-paragraph .

Disposable monthly income

5.—(1) A party's disposable monthly income is his gross monthly income for the month in which the fee becomes payable ("the period") less the deductions referred to in sub-paragraphs (2) and (3).

(2) There shall be deducted from the gross monthly income—

(a) income tax paid or payable in respect of the period;

(**a**) 2002 c.16.

(b) any contributions estimated to have been paid under Part I of the Social Security Contributions and Benefits Act 1992;

(c) either—

(i) monthly rent or monthly payment in respect of a mortgage debt or hereditable security, payable by him in respect of his only or main dwelling, less any housing benefit paid under the Social Security Contributions and Benefits Act 1992; or

(ii) the monthly cost of his living accommodation.

(d) any child care costs paid or payable in respect of the period;

(e) if the party is making bona fide payments for the maintenance of a child who is not a member of his household, the amount of such payments paid or payable in respect of the period;

(f) any amount paid or payable by the party, in respect of the period, in pursuance of a court order.

(3) There shall be deducted from the gross monthly income an amount representing the cost of living expenses in respect of the period being—

(a) £279; plus

(b) £198 for each child of the party; plus

(c) £142, if the party has a partner.

Resources of partners

6.—(1) For the purpose of determining whether a party is entitled to the remission or part remission of a fee in accordance with this Schedule, the income of his partner, if any, is to be included as income of the party.

(2) The receipt by a partner of a qualifying benefit does not entitle a party to remission of a fee.

Application for remission or part remission of fees

7.—(1) An application for remission or part remission of a fee shall be made to the court officer at the time when the fee would otherwise be payable.

(2) If the applicant is claiming a full remission of fees he must provide documentary evidence of, as the case may be—

(a) his entitlement to a qualifying benefit; or

(b) his gross annual income and, if applicable, the children included for the purposes of paragraph 3.

(3) If the applicant is claiming a full or part remission of fees under paragraph 4, he must provide documentary evidence of—

(a) such of his gross monthly income as he derives from—

(i) employment;

(ii) rental or other income received from persons living with him by reason of their residence in his home;

(iii) a pension; or

(iv) a state benefit, not being an excluded benefit;

(b) any expenditure being deducted from his gross monthly income in accordance with paragraph 5(2).

Vexatious litigants

8.—(1) This paragraph applies where—

(a) a restraint order is in force against a party;

(b) the party makes an application for leave to—

(i) issue proceedings or take a step in proceedings as required by the restraint order;

(ii) apply for amendment or discharge of the order; or

(iii) appeal the order.

(2) The fee prescribed for the application by Schedule 1 to this Order shall be payable in full.

(3) If the court grants the permission requested there shall be refunded to the applicant the difference between—

(a) the fee paid; and

(b) the fee that would have been payable if this Schedule had been applied without reference to this paragraph.

Exception

9. This Schedule does not apply to fee 8.8 (fee payable on a consolidated attachment of earnings order or an administration order."

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Civil Proceedings Fees Order 2004 (S.I. 2004/3121).

The fees for starting proceedings in the High Court and county courts have been amalgamated under one heading and reduced slightly, with new monetary bands being introduced in relation to starting proceedings in the county court (fee 1.1). Fees for starting proceedings in the county court in Claim Production Centre cases have also been reduced slightly, with new monetary bands added (fee 1.2) and a new set of fees introduced for starting proceedings by Money OnLine claim users (fee 1.3).

In relation to starting proceedings for the recovery of land in a county court, a reduced fee has been introduced for Possession Claim OnLine users (fee 1.4).

A new hearing fee has been introduced (fee 2.3) with provision made for the refund of the hearing fee, or a percentage of it, if the claim is settled or discontinued before the date fixed for the hearing and notice is given to the court within specified periods.

There is no longer provision for refund of the listing questionnaire fee.

A fee has been introduced (fee 3.13) for a personal search in the bankruptcy and companies records in a county court.

A request for the detailed assessment of costs in the Court of Protection will be dealt with by the Supreme Court Costs Office and the relevant fees now appear in this Order (Fee 6). There is no change to the amount of fees payable.

Schedule 1A is inserted and set out when a party is entitled to a remission or part remission of a fee. Previously remission was only available in the circumstances now set out in paragraph 2 of Schedule 1A.

The remaining changes are set out in the table below.

Brief description of fee	*Amount of new fee (High Court and county court)*	*Amount of old fee (High Court)*	*Amount of old fee (county court)*
Starting proceedings			
1.6 Filing against person not named in originating proceedings	£40	£50	£35
1.8(a) Application for permission to issue proceedings	£40	£50	£35
1.8(b) Application for an order under Part III Solicitors Act 1974	£40	£50	£35
General fees			
2.1 Filing an allocation questionnaire—		£200	£100
—small claims track	£35		
—fast or multi track	£200		
2.2 Filing a listing questionnaire	£100	£600	£500 (multi track) £275 (otherwise)
2.3 Hearing fee	£1000 (multi track) £500 (fast track) £25 - £300 (small track)	no previous fee	no previous fee
2.6 Application on notice where no other fee specified	£75	£100	£65
2.7 Application by consent where no other fee specified	£40	£50	£35
2.8 Application for a summons or order for a witness to attend court	£35	£50	£35
2.9 Application to vary a judgment or suspend enforcement	£35	£50	£35
Companies Act 1985 and Insolvency Act 1986			
3.4(b) Certificate of discharge from bankruptcy (not first copy)	£5	£1	£1
Copy documents			
4.1(a) copy of a document – ten pages or less	£5	£1 (for the first page)	£1 (for the first page)
4.1(b) each subsequent page	50p	20p	20p
4.2 copy of a document in electronic form	£20	£3	£3
Determination of costs			
5.2 Detailed assessment where 5.1 does not apply	£300 - £5000 depending on amount	£300	£600
Miscellaneous proceedings in High Court			
10.1 Bills of Sale	£25	£10	n/a
10.2 Search of Courts Funds Office	£40	£5	n/a
Admiralty			
11.1 Warrant of arrest for ship or goods	£200	£100	n/a
Affidavits (High Court)			

12.1 (Taking an affidavit)	£10	£5	n/a

STATUTORY INSTRUMENTS

2007 No. 2176 (L. 16)

SUPREME COURT OF ENGLAND AND WALES

COUNTY COURTS, ENGLAND AND WALES

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