STATUTORY INSTRUMENTS

1975 No. 1328 (L. 14)

COUNTY COURTS

FEES

The County Court Fees Order 1975

Made - - -	*29th July* 1975
Laid before Parliament	*20th August* 1975
Coming into Operation	*1st October* 1975

The Lord Chancellor and the Treasury, in exercise of the powers conferred on them by section 177 of the County Courts Act 1959(**a**), section 2 of the Public Offices Fees Act 1879(**b**) and section 365(3) of the Companies Act 1948(**c**), hereby make, concur in and sanction the following Order:—

1.—(1) This Order may be cited as the County Court Fees Order 1975 and shall come into operation on 1st October 1975.

(2) The Interpretation Act 1889(**d**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2.—(1) In this Order, unless the context otherwise requires—

(*a*) "the Act" means the County Courts Act 1959;

(*b*) "the County Court Rules" means the Rules for the time being in force under section 102 of the Act;

(*c*) an Order, Rule or Form referred to by number means the Order, Rule or Form so numbered in the County Court Rules;

(*d*) expressions used in the County Court Rules have the same meaning as in those Rules;

(*e*) Schedule 1 and Schedule 2 mean respectively Schedule 1 and Schedule 2 to this Order;

(*f*) a fee or column referred to by number means the fee or column so numbered in Schedule 1.

(2) In Sections III and IV of Schedule 1, for the purpose of calculating poundage, a fraction of a pound shall be reckoned as an entire pound.

3.—(1) The fees set out in column 3 shall be taken in county courts in respect of the proceedings described in column 2, in accordance with and subject to the directions contained in Schedule 1.

(2) Subject to any direction to the contrary in Schedule 1, the fee prescribed by this Order on any proceeding shall be payable by the party at whose instance the proceeding is taken and, except as provided in the following paragraph, before it is taken.

(a) 1959 c. 22. (b) 1879 c. 58. (c) 1948 c. 38. (d) 1889 c. 63.

(3) Any fee prescribed on a proceeding taken under a warrant of execution shall, to the extent that it is not recovered in any other manner, be payable by the execution creditor when the registrar so requests or the court so orders.

4. If any question arises with regard to the payment of any fee, the registrar may report the matter to the Lord Chancellor and obtain his directions thereon.

5. Where it appears to the Lord Chancellor that the payment of any fee specified in Schedule 1 would, owing to the exceptional circumstances of the particular case, involve hardship, he may reduce or remit the fee in that case.

6. The fees prescribed in this Order shall be taken in cash.

7. The Orders specified in Schedule 2 shall be revoked save as to any fee or other sum due or payable thereunder before the commencement of this Order.

Dated 24th July 1975.

Elwyn-Jones, C.

Dated 29th July 1975.

M. Cocks,
Donald R. Coleman,
Two of the Lords Commissioners
of Her Majesty's Treasury.

SCHEDULE 1

FEES

Section I.—General.
Section II.—Actions and matters under specified Acts.
Section III.—Enforcement of judgments, orders, etc.
Section IV.—Miscellaneous.

SECTION I
GENERAL

1. The fees prescribed in this Section are payable, so far as they are applicable, in all actions and matters commenced in or transferred to a county court:

Provided that where special provision is made in another Section with regard to the fees payable on any particular proceeding, that provision shall have effect in lieu of any fee in this Section which would otherwise apply.

2. The fee payable on entering a plaint, originating application, petition or appeal includes:—

(*a*) the examination and filing of the application, petition, request or any amendment;

(*b*) the preparation and issue of the summons, or a second or subsequent summons or notice of hearing;

(*c*) except where Fee No. 4 applies, the service by the court of the summons, application, petition or request, and any notice of hearing;

(*d*) the trial or hearing of an action, originating application, petition or appeal and the drawing, entering, sealing and issue of the judgment or order given or made thereon, and the service of the judgment or order by post.

3. Where a claim, counterclaim, originating application or petition is amended and the fees paid before amendment are less than those 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.

4. Except where it is otherwise provided, the fee payable on an application for an order made in the course of proceedings includes:—

(*a*) the examination and filing of any affidavit in support of or in opposition to the application; and

(*b*) the drawing, entering, sealing and issue of the order made thereon, and the service of such order or judgment by post.

Col. 1 No. of Fee	*Column* 2 Description of Proceeding	*Column* 3 Amount of Fee
1	On entering a plaint—	
	(i) for the recovery of a sum of money—	
	not exceeding £10	£1
	exceeding £10 but not exceeding £15 ...	£2·50
	„ £15 „ „ „ £20 ...	£3
	„ £20 „ „ „ £30 ...	£4
	„ £30 „ „ „ £50 ...	£5
	„ £50 „ „ „ £80 ...	£6
	„ £80 „ „ „ £100 ...	£7
	„ £100 „ „ „ £200 ...	£8
	„ £200 „ „ „ £500 ...	£10
	exceeding £500	£12
	Where a sum of money is claimed as an alternative to a claim for another sum of money, this fee is to be calculated on whichever sum is the greater.	
	Where a sum of money is claimed in addition to another sum of money, then for the purpose of calculating this fee the additional sum is to be added to the sum on which this fee would otherwise be calculated.	
	(ii) for the approval of a settlement under Order 5, Rule 19(1), where such approval is requested in the particulars of claim	£5
	If the settlement is not approved and the action proceeds to hearing, the plaintiff shall pay the difference between this fee and Fee No. 1(i), *calculated on the sum of money claimed.*	

Col. 1 No. of Fee	*Column* 2 Description of Proceeding	*Column* 3 Amount of Fee
	(iii) for the recovery of land with or without a money claim	£5
	(iv) for the delivery of goods—	
	(*a*) where the action is brought against a person to whom the goods have been supplied under a hire-purchase agreement and/or against a guarantor of such person	Fee No. 1(i) calculated on the unpaid balance of the hire-purchase price.
	(*b*) in any other case	Fee No. 1(i) calculated on the value of the goods.
	It shall be the duty of the plaintiff to estimate the value of the goods and the amount so estimated shall be stated in the request. If the value appears subsequently to the court to have been underestimated, the plaintiff shall pay the difference between the amount paid by him on entering the plaint and the fee which would have been payable if the estimate had been correct.	
	Where a sum of money is claimed as an alternative to the delivery of the goods, Fee No. 1(iv)(*a*) *or* (*b*) *is to be calculated on the sum of money or the unpaid balance of the hire-purchase price (or the value of the goods, as the case may be), whichever is the greater.*	
	Where a sum of money is claimed in addition to the delivery of the goods, then for the purpose of calculating Fee No. 1(iv)(*a*) *or* (*b*), *the sum of money is to be added to the sum on which the fee would otherwise be calculated.*	
	(v) for any other remedy or relief—	
	(*a*) under the Rent Acts 1968 and 1974 ...	Such fee as would be payable on an application under the Rent (County Court Proceedings) Rules 1970 for the remedy or relief claimed.
	(*b*) in any other case	£5
	Where two or more such claims are joined, or where such a claim is joined with a claim for a sum of money, the maximum fee payable is £12.	

Col. 1 No. of Fee	*Column* 2 Description of Proceeding	*Column* 3 Amount of Fee
2	On entering an originating application or petition—	
	(i) (*a*) for an order under the Guardianship of Minors Acts 1971 and 1973 or the Marriage Act 1949, or (*b*) for an adoption order	£5
	(ii) for an order for the recovery of a sum of money under Order 25, Rule 7A	10p for every £2 or part thereof in respect of which the application is made. Minimum fee, £1. Maximum fee, £5
	(iii) for the taxation of costs under Order 47, Rule 41 *At the time of entering the application a deposit must be made of the fee which would be payable if the bill were allowed in full.*	For every £1 or part thereof allowed, 5p
	(iv) for any other remedy or relief	£5
3	On entering an appeal to a county court	£5
4	On a request for service by bailiff— (i) of an ordinary or default summons— (*a*) where the amount claimed does not exceed £30	£1
	(*b*) where the amount exceeds £30 but does not exceed £100	£1·50
	(*c*) where the amount claimed exceeds £100 or any other relief is claimed	£2
	(ii) of any other document except— (*a*) an order in Form 179; (*b*) an interpleader summons under an execution; (*c*) an originating application for an adoption order	£1
	Fee No. 4 *is payable in respect of each person to be served, but, in the case of a document not requiring personal service, only one fee is payable in respect of two or more persons to be served at the same address.* *This fee is not payable where service is to be effected by post pursuant to Order* 8, *Rule* 8(2).	

Col. 1 No. of Fee	*Column* 2 Description of Proceeding	*Column* 3 Amount of Fee
5	On the delivery of a counterclaim	The amount (if any) whereby the fee payable on entering proceedings for the sum of money or other remedy or relief counterclaimed exceeds the fee paid by the plaintiff or applicant.
	In Admiralty actions	
6	For a warrant of arrest of a ship or goods (including the execution thereof)	£10
7	On a bail bond	£2
8	On an appraisement in an action for salvage under Order 35, Rule 34	The same fee as would be payable if the appraisement were in an Admiralty action *in rem.*
	Taxation	
9	On the taxation of costs or expenses	For every £1 or part thereof allowed, 5p
	This fee is not payable where costs are allowed without taxation pursuant to Order 47, *Rule* 36(1) *or* 37.	
	The registrar may in any case before taxation require a deposit of the amount of fees which would be payable if the bill or the expenses were allowed by him at the full amount thereof.	
	This fee is not payable where, in an action by a solicitor for costs, the judge refers the bill to the registrar under section 93 *of the Act.*	
10	On an application to the judge to review a taxation	£2

SECTION II

ACTIONS AND MATTERS UNDER SPECIFIED ACTS

1. On any proceedings under the several Acts specified in this Section for which no fee is prescribed in this Section the fees prescribed in the other sections of the Schedule are payable so far as applicable.

2. The fee payable on an application for an order or certificate includes—

(*a*) the examination and filing of any affidavit in support of or in opposition to the application; and

(*b*) the drawing, entering, sealing and issue of the order or certificate made thereon; and the service of such order or certificate by post.

Col. 1 No. of Fee	*Column* 2 Description of Proceeding	*Column* 3 Amount of Fee
	The Agricultural Holdings Act 1948	
11	On the hearing of a special case stated by an arbitrator under paragraph 24 of the Sixth Schedule to the Agricultural Holdings Act	£5
	This fee is payable by the party at whose instance the special case is stated.	
	The Attachment of Earnings Act 1971	
12	(i) On an application for an attachment of earnings order to secure maintenance payments ...	£1
	(ii) On an application for an attachment of earnings order (other than a consolidated attachment order) to secure payment of a judgment debt which—	
	does not exceed £10 ...	£1
	exceeds £10 but ,, ,, ,, £20 ...	£2
	,, £20 ,, ,, ,, ,, £30 ...	£3
	,, £30 ,, ,, ,, ,, £50 ...	£4
	,, £50 ,, ,, ,, ,, £100 ...	£5
	,, £100 ,, ,, ,, ,, £150 ...	£6
	,, £150 ,, ,, ,, ,, £200 ...	£7
	,, £200 ,, ,, ,, ,, £300 ...	£8
	,, £300 ,, ,, ,, ,, £400 ...	£9
	exceeds £400	£10
	Fee No. 12(i) *or* (ii) *is not payable where an attachment of earnings order is made on the hearing of a judgment summons.*	
	(iii) On a consolidated attachment order under Order 25, Rule 90	The same fee as would be payable if the order were an administration order
	This fee is payable out of the money paid into court.	
	The Companies Act 1948	
13	(i) On a petition	£5
	(ii) On an originating application	£5

Col. 1 No. of Fee	*Column* 2 Description of Proceeding	*Column* 3 Amount of Fee
	The Crown Proceedings Act 1947	
14	On an application under section 27	For every £2 or part thereof of the debt alleged to be owing by the Crown (or so much as will satisfy the applicant's judgment debt and costs), 10p. Maximum fee, £10
	The Hire-Purchase Act 1965	
15	On an application under Order 46, Rule 10(6), for an order for the payment of a sum of money which has not already been claimed in the action	The amount whereby the fee which would be payable on entering a plaint for the sum of money and the relief previously claimed in the action exceeds the fee paid under Fee No. 1(iv).
	The Landlord and Tenant Acts 1927 *and* 1954	
16	On any originating application	£5
	The Law of Distress Amendment Act 1888	
17	On an application—	
	(*a*) for a bailiff's general certificate	£5
	(*b*) for the renewal of a general certificate ...	£5
	The Rent Act 1968	
18	On an originating application under the Rent (County Court Proceedings) Rules 1970—	
	(i) for leave to distrain	£1
	(ii) for any other remedy or relief under the Rent Act 1968	£1
	The Solicitors Act 1974	
19	On an originating application for an order for the taxation of a solicitor's bill of costs ... ... *At the time of entering the application a deposit must be made of the fees which would be payable if the bill were allowed in full.*	For every £1 or part thereof allowed, 5p
	The Tithe Acts 1836 *to* 1951	
20	On filing a notice of application for an order for the recovery of an instalment of an annuity or for the recovery of consideration money for the compulsory redemption of an annuity or of interest on such consideration money	Fee No. 1(i) calculated on the sum sought to be recovered, exclusive of costs.

SECTION III

ENFORCEMENT OF JUDGMENTS, ORDERS, ETC.

Col. 1 No. of Fee	*Column* 2 Description of Proceeding	*Column* 3 Amount of Fee
21	On an application for an order for the attendance of a judgment debtor or any other person under Order 25, Rule 2 or 3	£2
22	On the issue of a warrant of execution against goods, except a warrant to enforce payment of a court fee or an order for payment of a fine	For every £1 or part thereof of the amount for which the warrant issues, 15p. Minimum fee, £1·05p. Maximum fee, £15
	On the issue of concurrent warrants of execution against goods only one fee is payable.	
23	(i) For keeping possession of goods (other than walking possession) under a warrant of execution	£1 per day, and in addition thereto where there are animals to be fed the reasonable expenses of feeding them.
	(ii) For removing or taking steps to remove goods to a place of deposit	The reasonable expenses thereof.
	These fees are not payable for more than seven days: *Provided that—* (*a*) *where possession is kept after the seventh day at the request in writing of both the execution creditor and the execution debtor, this fee is payable for a reasonable further time; and* (*b*) *where notice of claim by a third party to or in respect of the goods has been given to the bailiff, the number of days for which possession fees may be charged shall be determined by the court.*	
24	For advertising a sale by auction pursuant to section 132 of the Act	The reasonable expenses thereof.
25	For the appraisement of goods	5p in the £ of the appraised value.

Col. 1 No. of Fee	*Column* 2 Description of Proceeding	*Column* 3 Amount of Fee
26	For the sale of goods (including advertisements, catalogues, sale and commission and delivery of goods)	15p in the £ on the amount realised by the sale.
27	When no sale takes place by reason of an execution being withdrawn, satisfied or stopped	(*a*) 10p in the £ on the value of the goods seized, the value to be the appraised value where the goods have been appraised, and in addition (*b*) any sum payable under Fee No. 23, 24 or 25.
28	On an application for an order charging the land or securities of a judgment debtor	£5
29	On the issue of a warrant of possession whether or not for the recovery of money in addition to possession	£5
30	On the issue of a warrant of delivery	For every £1 or part thereof of the value of the goods, 15p. Minimum fee, £1·05. Maximum fee, £15
	The value is to be— (*a*) *if the plaint fee was taken under Fee No.* 1(iv)(*a*), *the balance of the hire-purchase price attributable to the goods at the time when the warrant is issued; or* (*b*) *if the plaint fee was taken under Fee No.* 1(iv)(*b*), *the value stated in the judgment or, if none is so stated, the value on which the plaint fee was calculated.* *In every other case the maximum fee is payable.* *Where the warrant is for the recovery of a sum of money in addition to delivery, then for the purpose of calculating this fee the sum of money is to be added to the sum on which the fee would otherwise be calculated.*	

Col. 1 No. of Fee	*Column* 2 Description of Proceeding	*Column* 3 Amount of Fee
31	(i) On an application for the issue of a notice to show cause why an order of attachment should not be made	£1
	(ii) On the issue of a warrant of attachment ...	£1
32	On the issue of a judgment summons	For every £2 or part thereof for which the summons issues, 20p. Maximum fee, £5
	Garnishee proceedings	
33	On entering garnishee proceedings	For every £2 or part thereof, 10p. Maximum fee, £10
	This fee is to be calculated on the amount sought to be attached, or, if the amount sought to be attached is not stated, on the unpaid balance of the judgment debt and costs.	
	Admiralty actions in rem	
34	On the issue of a warrant of execution against a ship or goods (including the execution thereof)	£10
	This fee is not payable where the ship or goods are under arrest, and Fee No. 6 *has been paid.*	
35	On the appraisement— (i) of a ship where the appraised value— does not exceed £500 exceeds £500 but ,, ,, ,, £1,000 ,, £1,000 ,, ,, ,, ,, £5,000 ,, £5,000 ,, ,, ,, ,, £10,000 ,, £10,000 ,, ,, ,, ,, £15,000 ,, £15,000 ,, ,, ,, ,, £20,000 ,, £20,000 ,, ,, ,, ,, £30,000 ,, £30,000 ,, ,, ,, ,, £40,000 exceeds £40,000	 £5 £10 £15 £20 £25 £30 £35 £40 £45
	(ii) of goods	The reasonable expenses thereof.
36	On the sale of a ship or goods	For every £5 or part thereof of the price, 5p
	In addition to this fee the reasonable expenses of the sale are also payable.	
37	For keeping possession of a ship or goods, where the registrar employs— (i) a possession man ... ... *or* (ii) a shipkeeper	 For every day, £10 The reasonable expenses of the shipkeeper employed.

SECTION IV

MISCELLANEOUS

Col. 1 No. of Fee	*Column* 2 Description of Proceeding	*Column* 3 Amount of Fee
	Payment into Court by Trustees	
38	On the payment of money or securities into court under Order 38	£1 and in addition 5p for every £4 or part thereof calculated on the amount of the money or the value of the securities paid into court.
	Where money is paid into court, this fee is to be deducted from the money.	
	Administration of money for benefit of person under disability	
39	On transfer or payment of money into a deposit account	For every £100 or part thereof, £1. Maximum fee in respect of each action, £10
	This fee is to be deducted from the money transferred or paid into court.	
	Where the money is for the benefit of more than one person and is apportioned between them, the fee is to be deducted rateably from the portions.	
	Where the money is paid into court under Order 5, *Rule* 19, *this fee is not to be deducted until judgment has been given or a settlement approved, and any sum then ordered to be paid out forthwith is to be excluded for the purpose of calculating the fee.*	
	This fee is not to be charged when Fee No. 38 *is payable.*	
	Administration Order	
40	On an administration order under section 148 of the Act or section 4 of the Attachment of Earnings Act 1971	For every £1 of the money paid into court in respect of debts due to the creditors, 5p
	This fee is payable out of the money paid into court.	

Col. 1 No. of Fee	*Column* 2 Description of Proceeding	*Column* 3 Amount of Fee
	Possession, appraisement and sale of goods otherwise than under an execution	
41	For keeping possession, appraisement or sale of goods	The same fees as would be payable if the goods were seized, appraised or sold under an execution.
	Copies of documents	
42	For a photographic copy of all or part of any document, whether or not issued as an office copy, for each photographic sheet	25p
43	For a typewritten copy of any document, per page... and for each page of any additional carbon copy bespoken, half of this fee.	50p
44	For examining a plain copy and marking the same as an office copy for each sheet	25p
	Dormant Funds	
45	For keeping an account of any money or fund to which Rule 38 of the County Court Funds Rules 1965 applies ... ... *This fee is to be deducted from the money or fund when the account is closed and is to be calculated on the amount of the money including any proceeds of sale such as are referred to in Rule* 37(2) *of the said Funds Rules.*	For every £100 or part thereof, £5
	Officers attending as Witnesses	
46	On an application with or without subpœna for any officer to attend as a witness in his official capacity or to produce official records or documents in evidence—	
	(i) in civil proceedings ... ... *In addition to this fee the reasonable expenses of the officer for travelling and subsistence are also payable.* *The registrar may require a deposit on account of any further fees or expenses which may probably become payable beyond the amount paid for fees and expenses on the application. He may also require an undertaking in writing to pay any further fees and expenses which may become payable beyond the amounts so paid and deposited.*	For each day or part of a day he is absent from his office, £10
	(ii) in criminal proceedings	Such sum as may be allowed under the scale applicable to the particular tribunal.

Col. 1 No. of Fee	*Column* 2 Description of Proceeding	*Column* 3 Amount of Fee
	Registrars attending away from the Court House or office	
47	Where the registrar is required to perform any of his duties away from the Court House or office ...	The reasonable travelling expenses, and, where necessary, subsistence allowance.
	The Registry of County Court Judgments	
48	(i) On a search by an applicant who attends at the Registry	For every name, 50p
	(ii) On a request to the Registrar of County Court Judgments—	
	(*a*) for a search for any entries against a named person	£1 and if the search is to extend for more than five calendar years an additional £1
	This fee includes the supply of an uncertified copy of any entries found.	
	(*b*) for a serial list of entries of a specified class	For every 50 entries copied and supplied, £10
	(*c*) for a certified copy of an entry in the Register	£1
	The request for the search or serial list or certified copy may be made by letter addressed to the Registrar of County Court Judgments, and the fee payable under Fee No. 48(ii), *so far as it can be ascertained in advance, is to accompany the request.*	
	(iii) On a request to cancel the registration of a judgment which has been satisfied	50p
	This fee is to be paid to the registrar of the county court in which satisfaction was made.	

SCHEDULE 2

Article 7

ORDERS REVOKED

Title	Reference
The County Court Fees Order 1971	S.I. 1971/1649 (1971 III, p. 4511)
The County Court Fees (Amendment) Order 1974	S.I. 1974/1382 (1974 II, p. 5322)

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order which replaces the County Court Fees Order 1971—

(*a*) substitutes a new scale of plaint fees for money claims;

(*b*) deletes a number of small fees, the items now being covered by the increased plaint fee;

(*c*) introduces a scale for the service of ordinary and default summons by the bailiff;

(*d*) increases the fee on taxation of costs;

(*e*) changes the scale on which the fee for warrants of execution or delivery are charged;

(*f*) increases the charge for the copying of documents; and

(*g*) makes changes to a number of other fees and deletes fees which are no longer considered necessary.

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