STATUTORY INSTRUMENTS

1978 No. 1243 (L. 29)

COUNTY COURTS

The County Court Fees Order 1978

Made - - - -	*9th August* 1978
Laid before Parliament	*4th September* 1978
Coming into Operation	*2nd October* 1978

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 1978 and shall come into force on 2nd October 1978.

(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. 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; and

(*g*) 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.

(3) Any fee prescribed in 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.

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

4. If any question arises with regard to the payment of any fee, the chief clerk of the county court 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.

Elwyn-Jones, C.

Dated 4th August 1978.

A. W. Stallard,

Peter Snape,

Dated 9th August 1978.

Two of the Lord Commissioners of Her Majesty's Treasury.

SCHEDULE 1

FEES

1. The fee payable on entering a plaint or any other originating process includes:—

(*a*) the examination and filing of the application, petition, request or other process or any amendment to it.

(*b*) the preparation and issue of any summons or other originating document and of any second or subsequent successive summons or originating document together with any notice of hearing.

(*c*) except where Fee No. 2 applies, the service by the court of the summons, application, petition or request and any notice of hearing.

(*d*) the examination and filing of any affidavit in support of or in opposition to an application.

(*e*) the issue of an interlocutory application except where a fee is specifically prescribed.

(*f*) except where otherwise provided, the trial or hearing of an action, originating application, petition or appeal and of any interlocutory application in the course of the proceeding together with the drawing, entering, sealing and issue of the judgment, order or certificate given or made thereon, and the service of the judgment, order or certificate by post.

2. Where any claim, counter-claim, originating application, notice of 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.

3. Fee No. 1(ii) shall not be payable on an originating application for the taxation of a solicitor's bill of costs.

4. Where Value Added Tax is chargeable in respect of the provision of any service for which a fee is prescribed by this Schedule, there shall be payable in addition to that fee the amount of the Value Added Tax.

5. In relation to an action for the recovery of goods under a hire-purchase agreement "value" in this Schedule means the unpaid balance of the hire purchase price of the date of the issue of the relevant process.

Column 1 No. of Fee	*Column 2* Description of Fee	*Column 3* Amount of Fee
1	COMMENCEMENT OF PROCEEDINGS	
	(i) On entering a plaint for the recovery of a sum of money or the delivery of goods.	
	Where the sum claimed or the value of the goods—	
	does not exceed £150	10p for every £1 or part thereof claimed. Minimum fee £1.50
	Exceeds £150 but does not exceed £200 ...	£15
	Exceeds £200 but does not exceed £250 ...	£16
	Exceeds £250 but does not exceed £300 ...	£17
	Exceeds £300 but does not exceed £350 ...	£18
	Exceeds £350	£19
	Where a sum of money is claimed as an alternative to a claim for another sum of money or to the delivery of goods this fee is to be calculated on the greater sum of money or on the sum of money or the value of the goods, whichever is the greater.	
	Where a sum of money is claimed in addition to another sum of money or to the delivery of goods 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.	
	On a claim for delivery of goods it shall be the duty of the plaintiff to estimate the value of the goods and the amount so estimated shall be entered 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.	
	(ii) On the commencement of proceedings for any other remedy or relief whether by plaint, originating application, notice of application, petition, appeal or otherwise	£5
	Where such a claim is joined with a claim for a sum of money then this fee or Fee No. 1(i), *calculated on the sum of money claimed is payable, whichever is the greater.*	
	Where two or more such claims are joined in the same proceedings the maximum fee payable is £19.	
	On delivery of a counter-claim which exceeds the amount of the claim there shall be paid the amount by which the fee calculated on the amount of the counter-claim exceeds the fee paid by the plaintiff or applicant.	

Column 1 No. of Fee	*Column 2* Description of Fee	*Column 3* Amount of Fee
2	SERVICE On request for service by bailiff of any document except— (*a*) an order in Form 179; (*b*) an interpleader summons under an execution; (*c*) an originating application for an adoption order; and (*d*) an order made under section 23 of the Attachment of Earnings Act 1971. ...	£2
	Fee No. 2 *is payable in respect of each person to be served, but in respect 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).	
3	TAXATION (i) On the taxation of costs or expenses ...	For every £1 or part thereof allowed, 5p
	No fee is payable where costs are allowed without taxation pursuance to Order 47, *Rule* 36(1) *or* 37.	
	(ii) On an application to the judge to review a taxation	£2
	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 if in an action by a solicitor for costs, the judge refers the bill to the registrar under section 93 *of the Act.*	
4	ENFORCEMENT On an application for enforcement of a judgment or order of a county court or through a county court:	

Column 1 No. of Fee	*Column 2* Description of Fee	*Column 3* Amount of Fee
	(i) By the issue of a warrant of delivery or 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 £1.05 Maximum fee £15
	On a warrant of delivery:— (*a*) *the maximum fee is payable unless the value is stated in the judgment or in the request and in that case the fee is to be calculated on that value or the greater value if more than one.* (*b*) *where a sum of money is claimed in addition 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.*	
	(ii) (*a*) By an application for an order for the attendance of a judgment debtor or any other person under Order 25, Rule 2 or 3	£0.50
	(*b*) on the making of such an order ...	£1.50
	(iii) By 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.	
	(iv) By the issue of a warrant of possession whether or not for the recovery of a sum of money in addition to possession	£5
	(v) By an application for an order charging the land or securities of a judgment debtor ...	£5
	(vi) By the issue of a judgment summons ...	For every £2 or part thereof for which the summons issues, 20p Maximum fee, £5
	(vii) By an application for an attachment of earnings order to secure maintenance payments	£2

Column 1 No. of Fee	*Column 2* Description of Fee	*Column 3* Amount of Fee
	(viii) By an application for an attachment of earnings order (other than a consolidated attachment of earnings order) to secure payment of a judgment debt	10p for every £1 or part thereof Minimum fee £1 Maximum fee £15
	This fee is payable for each defendant against whom an order is sought.	
	Fee No. 4(vii) *or* (viii) *is not payable where an attachment of earnings order is made on the hearing of a judgment summons.*	
	(ix) On a consolidated attachment of earnings order under Order 25, Rule 90, or on an administration order made 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 paid to creditors 5p
	This fee is payable out of the money paid into court.	
5	SALE	
	(i) For removing or taking steps to remove goods to a place of deposit.	The reasonable expenses thereof
	This fee to include the reasonable expenses of feeding and caring for any animals.	
	(ii) For advertising a sale by public auction pursuant to section 132 of the Act	The reasonable expenses thereof
	(iii) For the appraisement of goods	5p in the £ of the appraised value
	(iv) 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 or such other sum as the registrar may, consider to be justified, in the circumstances.

Column 1 No. of Fee	*Column 2* Description of Fee	*Column 3* Amount of Fee
	(v) Where no sale takes place by reason of an execution being withdrawn satisfied or stopped.	(*a*) 10p in the £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 registrar, may consider to be justified in the circumstances, and in addition; (*b*) any sum payable under Fee 5(i), (ii) or (iii).
6	COPIES OF DOCUMENTS For a copy of any document, or for examining a plain copy and marking it as an office copy, per page; (*a*) Typewritten ... ... (*b*) Carbon or photographic ... ... *This fee is payable whether or not the copy is issued as an office copy.*	 50p 25p
7	ATTENDING AWAY FROM COURT (*a*) On an application with or without subpoena for any officer to attend as a witness in his official capacity or to produce official records or documents. (*b*) Where the registrar is required to perform duties away from the court house or office	 For each day or part of a day he is absent from his office, £10 and in addition travelling expenses and where necessary, subsistence incurred.
8	REGISTRY OF COUNTY COURT JUDGMENTS (i) On a search by an application who attends at the registry	 For every name 50p

Column 1 No. of Fee	*Column 2* Description of Fee	*Column 3* Amount of Fee
	(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 5 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, £11
	(*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. 8(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.	
9	ADMIRALTY ACTIONS	
	(i) For a warrant of arrest of a ship or goods including the execution thereof or the issue of a warrant of execution where the ship or goods are not under arrest (including the execution thereof).	£10
	(ii) On a bail bond.	£2
	(iii) On an appraisement in an action for salvage under Order 35, Rule 34 or in an action in rem.	The reasonable expenses thereof
	(iv) On the sale of a ship or goods	For every £5 or part thereof of the price, 5p
	(v) For keeping possession of a ship or goods, where the registrar employs:—	
	(i) a possession man	For every day, £10.
	(ii) a shipkeeper	The reasonable expenses of the shipkeeper employed.

SCHEDULE 2

ORDERS REVOKED

Article 7

Title	Reference
The County Court Fees Order 1975	S.I. 1975/1328
The County Court Fees (Amendment) Order 1976	S.I. 1976/1479
The County Court Fees (Amendment) Order 1977	S.I. 1977/1451
The County Court Fees (Amendment No. 2) Order 1977	S.I. 1977/2184

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order replaces the County Court Fees Order 1975, as amended. It amalgamates a large number of fees and deletes a number of fees which are no longer considered relevant. As a result of amalgamation a number of fees are altered and increased. In addition the fee for the supply of a serial list by the Registry of County Court Judgments is increased.

The following table shows in Part I the number of a fee in this Order compared to the number of that fee in the 1975 Order as amended. Part II shows the fees in the 1975 order which are deleted:

PART I

TABLES OF CORRESPONDENCE

No. of Fee in this Order	*No. of Fee in 1975 Order, as amended*
1(i)	1(i), 1(iv) (*a*), 1(iv) (*b*), 1(v) (*a*), 5, 14, 15, 20.
1(ii)	1(ii), 1(iii), 1(v) (*b*), 2(i) (*a*), 2(i) (*b*), 2(ii), 2(iv), 3, 11, 13(i), 13(ii), 16, 17(*a*), 17(*b*), 18(i), 18(ii).
2	4.
3(i)	2(iii), 9, 19.
3(ii)	10.
4(i)	22, 30.
4(ii)	21.
4(iii)	33.
4(iv)	29.
4(v)	28.
4(vi)	32.
4(vii)	12(i).
4(viii)	12(ii).
4(ix)	12(iii), 40.
5(i) to (v)	23(ii), 24, 25, 26, 27.
6	42, 43, 44.
7	46(i), 46(ii), 47.
8(i)	48(i).
8(ii)	48(ii).
8(iii)	48(iii).
9(i)	6, 34.
9(ii)	7.
9(iii)	8, 35(i), 35(ii).
9(iv)	36.
9(v)	37.

PART II

Fees contained in 1975 Order and now deleted:

Nos. 23(i), 31(i), 31(ii), 38, 39, 41, 45.

SI 1978/1243
ISBN 0-11-084243-X

