Draft Order laid before Parliament under section 49(5) and (6) of the Tribunals, Courts and Enforcement Act 2007 and section 180(7) of the Anti-social Behaviour, Crime and Policing Act 2014, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2016 No. (L.)

SENIOR COURTS OF ENGLAND AND WALES

TRIBUNALS AND INQUIRIES

The Civil Proceedings, First-tier Tribunal, Upper Tribunal and Employment Tribunals Fees (Amendment) Order 2016

Made - - - - ***

Coming into force in accordance with article 1

The Lord Chancellor, with the consent of the Treasury, makes the following Order in exercise of the powers conferred by section 92(1) and (2) of the Courts Act 2003 ("the 2003 Act")(**a**), sections 42(1)(a), (b), (d) and (2) and 49(3) of the Tribunals, Courts and Enforcement Act 2007 ("the 2007 Act")(**b**), and section 180(1) of the Anti-social Behaviour, Crime and Policing Act 2014 ("the 2014 Act")(**c**).

The Lord Chancellor has had regard to the matters referred to in section 92(3) of the 2003 Act and in section 180(3) of the 2014 Act.

The Lord Chancellor has consulted in accordance with section 92(5) and (6) of the 2003 Act and section 42(5) of the 2007 Act.

A draft of this Order has been laid before Parliament and approved by resolution of each House of Parliament in accordance with section 49(5) and (6) of the 2007 Act and section 180(7) of the 2014 Act.

Citation and commencement

1. This Order may be cited as the Civil Proceedings, First-tier Tribunal, Upper Tribunal and Employment Tribunals Fees (Amendment) Order 2016 and comes into force on the next Monday after the day on which the Order is made.

(**a**) 2003 c. 39. Section 92 was amended by the Constitutional Reform Act 2005 (c. 4) Schedule 4, paragraph 345, and Schedule 11, paragraph 4, and by the Crime and Courts Act 2013 (c. 22), Schedule 9, paragraph 40(a), and Schedule 10, paragraph 95.

(**b**) 2007 c. 15; Section 42 was amended by S.I. 2010/21 and 2013/2042. Employment Tribunals have been specified by an Order (S.I. 2013/1892) made under section 42(3) as an added tribunal.

(**c**) 2014 c. 12.

Amendments to the Magistrates' Courts Fees Order 2008

2.—(1) The table in Schedule 1 (fees to be taken) to the Magistrates' Courts Fees Order 2008(**a**) is amended as follows.

(2) In column 2 (amount of fee), for the entry corresponding to fee 8.1 (commencing proceedings where no other fee is specified and where leave or permission is not required), for "£205" substitute "£226".

(3) For the text entries in both columns, from "8.2 On commencing proceedings where leave or permission is required" to the end of the entry for fee 8.3, excluding the text entry headed "Note: Fee 8.3", substitute—

"8.2 On commencing proceedings where leave or permission is required—	
(a) on an application for leave or permission to commence proceedings where no other fee is specified; and	£116
(b) on commencing proceedings where leave or permission has been granted following payment of fee 8.2(a).	£116
8.3 For a hearing at which the proceedings are contested.	£567"

Amendments to the Civil Proceedings Fees Order 2008

3.—(1) The table in Schedule 1 (fees to be taken) to the Civil Proceedings Fees Order 2008(**b**) is amended as follows.

(2) In column 2, for the entry corresponding to fee 1.5 (starting proceedings for any other remedy)—

(a) for "£480" (the amount of fee in the High Court) substitute "£528", and

(b) for "£280" (the amount of fee in the County Court) substitute "£308".

(3) In column 2, for the entry corresponding to fee 1.6 (filing of proceedings against a party or parties not named in the proceedings), for "£50" substitute "£55".

(4) In column 2, for the entry corresponding to fee 1.8(a) (application for permission to issue proceedings), for "£50" substitute "£55".

(5) In column 2, for the entry corresponding to fee 1.8(b) (application for an order under Part 3 of the Solicitors Act 1974 for the assessment of costs payable to a solicitor by a client or on starting costs-only proceedings), for "£50" substitute "£55".

(6) For the text entries in both columns, from "1.9(a) For permission to apply for judicial review" to the end of the entry for fee 1.9(d), substitute—

"1.9(a) For permission to apply for judicial review.	£154
1.9(b) On applying for a request to reconsider at a hearing a decision on permission.	£385
Where the court has made an order giving permission to proceed with a claim for judicial review, there is payable by the claimant within 7 days of service on the	

(**a**) S.I. 2008/1052 (L. 4); amended by S.I. 2014/875 (L. 18); there are other amending instruments but none is relevant.
(**b**) S.I. 2008/1053 (L. 5); relevant amending instruments are S.I. 2014/874 (L. 17), 2014/1834 (L. 27), 2014/2059 (L. 29), 2015/576 (L. 7), 2016/402 (L. 5), and 2016/434 (L. 6).

claimant of that order:	
1.9(c) if the proceedings have been started by an application for permission to apply for judicial review. Where fee 1.9(b) has been paid and permission has been granted at a hearing, the amount payable under fee 1.9(c) is £385.	£770
1.9(d) if the claim for judicial review was started otherwise than by an application for permission to apply for judicial review.	£154"

(7) For the text entries in both columns, from "5.1 "On the filing of a request for detailed assessment" to the end of the entry for fee 5.5, substitute—

"5.1 On the filing of a request for detailed assessment where the party filing the request is legally aided, is funded by the Legal Aid Agency or is a person for whom civil legal services have been made available under arrangements made by the Lord Chancellor under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**a**) and no other party is ordered to pay the costs of the proceedings.	£220
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 a client pursuant to an order under Part 3 of the Solicitors Act 1974(**b**), where (in either case) the amount of costs claimed:	
(a) does not exceed £15,000;	£369
(b) exceeds £15,000 but does not exceed £50,000;	£743
(c) exceeds £50,000 but does not exceed £100,000;	£1,106
(d) exceeds £100,000 but does not exceed £150,000;	£1,480
(e) exceeds £150,000 but does not exceed £200,000;	£1,848
(f) exceeds £200,000 but does not exceed £300,000;	£2,772
(g) exceeds £300,000 but does not exceed £500,000;	£4,620
(h) exceeds £500,000.	£6,160
Where there is a combined assessment of costs: party and party costs and legal aid costs; party and party costs and Legal Aid Agency costs; party and party costs and Lord Chancellor costs; or party and party	

(**a**) 2012 c. 10.
(**b**) 1974 c. 47; Part 3 was amended by the Legal Services Act 2007 (c. 29), section 177 and Schedule 16, Part 1, paragraphs 54 to 69.

costs and one or more of legal aid costs, Legal Aid Agency costs or Lord Chancellor determination of costs, fee 5.2 must be attributed proportionately to the party and party, legal aid, Legal Aid Agency or Lord Chancellor (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.	£66
5.4 On commencing an appeal against a decision made in detailed assessment proceedings.	£231
5.5 On a request or application to set aside a default costs certificate.	£121"

(8) For the text entries in both columns, from "7.1 On sealing a writ of control/possession/delivery." to the end of the entry for fee 7.5, substitute—

"7.1 On sealing a writ of control/possession/delivery. Where the recovery of a sum of money is sought in addition to a writ of possession and delivery, no further fee is payable.	£66
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.	£55
7.3(a) On an application for a third party debt order or the appointment of a receiver by way of equitable execution. Fee 7.3(a) is payable in respect of each third party against whom the order is sought.	£110
(b) On an application for a charging order. Fee 7.3(b) is payable in respect of each charging order applied for.	£110
7.4 On an application for a judgment summons.	£110
7.5 On a request or application to register a judgment or order, or for permission to enforce an arbitration award, or for a certificate or a certified copy of a judgment or order for use abroad.	£66"

(9) For the text entries in both columns, from "8.1 On an application for or in relation to enforcement of a judgment" to the end of the entry for fee 8.7, substitute—

"8.1 On an application for or in relation to enforcement of a judgment or order of the County Court or through the County Court, by the issue of a warrant of control against goods except a warrant to enforce payment of a fine:	
(a) in CCBC cases, or cases in which a warrant of control is requested in accordance with paragraph 11.2 of Practice	£77

Direction 7E to the Civil Procedure Rules (Money Claim Online cases);	
(b) in any other case.	£110
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).	£33
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.	£55
8.4(a) On an application for a third party debt order or the appointment of a receiver by way of equitable execution. Fee 8.4(a) is payable in respect of each third party against whom the order is sought.	£110
(b) On an application for a charging order. Fee 8.4(b) is payable in respect of each charging order applied for.	£110
8.5 On an application for a judgment summons.	£110
8.6 On the issue of a warrant of possession or a warrant of delivery. Where the recovery of a sum of money is sought in addition, no further fee is payable.	£121
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.	£110”

(10) For the text entries in both columns, from “8.9 On an application for the enforcement of an award for a sum of money” to the end of the entry for fee 8A.1, substitute—

“8.9 On an application for the enforcement of an award for a sum of money or other decision made by any court, tribunal, body or person other than the High Court or the County Court.	£44
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**); or pursuant to an enactment, treated as a specified debt for the purposes of that Order. No fee is payable on: an application for an extension of time to serve a statutory declaration or a witness statement in connection with any such	£8

(**a**) S.I. 1993/2073, amended by S.I. 2001/1386 and 2014/600.

order; or a request to issue a warrant of control to enforce any such order. 8A Service in the County Court 8A.1 On a request for service by a bailiff of an order to attend court for questioning.	£110”

(11) For the text entries in both columns, from “10.1 On filing any document under the Bills of Sale Act 1978” to the end of the entry for fee 10.3, substitute—

“10.1 On filing any document under the Bills of Sale Act 1878(**a**) and the Bills of Sale Act (1878) Amendment Act 1882(**b**) 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.	£28
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.	£50
10.3 On a search in person of the court’s records, including inspection, for each 15 minutes or part of 15 minutes.	£11”

(12) In column 2, for the entry corresponding to fee 12.1 (affidavits), for “£11” substitute “£12”.

Amendments to the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011

4.—(1) The table in Schedule 1 (fees to be taken) to the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011(**c**) is amended as follows.

(2) For the text entries in both columns, from “1.1 For permission to apply for judicial review.” to the end of the entry for fee 1.3, substitute—

“1.1 For permission to apply for judicial review.	£154
Where the Tribunal has made an order giving permission to proceed with an application for judicial review, there is payable by the applicant within 7 days of service on the applicant of that order: 1.1(a) On applying for a request to reconsider at a hearing a decision on permission Where fee 1.1(a) has been paid and	£385

(**a**) 1878 c. 31; amended by S.I. 2015/912, regulation 50 and Schedule 5, paragraphs 6 and 7.
(**b**) 1882 c. 43; amended by S.I. 2015/912, regulation 50 and Schedule 5, paragraphs 6 and 7.
(**c**) S.I. 2011/2344; Schedule 1 was amended by S.I. 2013/2069, S.I. 2013/2302 (L. 21), S.I. 2014/878 (L. 21), and S.I. 2016/402 (L. 5).

permission is granted at a hearing, the amount payable under fee 1.2 is £385.	
1.2 If the proceedings have been started by an application for permission to apply for judicial review.	£770
1.3 If the claim for judicial review was started otherwise than by an application for permission to apply for judicial review.	£154"

Amendments to the First-tier Tribunal (Property Chamber) Fees Order 2013

5.—(1) The First-tier Tribunal (Property Chamber) Fees Order(**a**) is amended as follows.

(2) In article 3 (definitions)—

(a) before the definition for "lead case", insert—

""the 2013 Rules" means the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013(**b**)";

(b) in the definition for "lead case", for "the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013" substitute "the 2013 Rules";

(c) after the definition for "lead case", insert—

""leasehold case" has the meaning given in rule 1(3) of the 2013 Rules;", and

(d) after the definition for "related case", insert—

""residential property case" has the meaning given in rule 1(3) of the 2013 Rules;".

(3) In paragraph (3) of article 4 (fees payable), for "fees 1 to 5" substitute "fees 1.1 to 1.6".

(4) In paragraph (4) of article 4 (fees payable)—

(a) for "fee 6", substitute "fee 2", and

(b) for "the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013", substitute "the 2013 Rules".

(5) In article 5 (fees: transferred proceedings), for "fee 4 or 5" substitute "a fee payable under Schedule 1 to this Order".

(6) In paragraph (1) of article 8 (fees: apportionment of liability for fees in cases involving more than one applicant), for "fee 4, 5 or 6" substitute "Schedule 1 to this Order".

(7) For Schedule 1 (fees to be taken), substitute the Schedule set out in the Schedule to this Order.

Amendments to the Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013

6.—(1) The Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013(**c**) is amended as follows.

(2) In Table 1 (abbreviations used in Table 2 in this Schedule) of Schedule 2 (Employment Tribunals – issue and hearing fee) after the entry for Pensions Schemes Act 1993(**d**) insert—

"PWER	The Posted Workers (Enforcement of Employment Rights) Regulations 2016(**e**)"

(**a**) S.I. 2013/1179, amended by S.I. 2014/182 and 2014/1900.
(**b**) S.I. 2013/1169.
(**c**) S.I. 2013/1893, amended by S.I. 2014/468 and 2015/414.
(**d**) 1993 c. 48.
(**e**) S.I. 2016/539.

(3) In Table 2 (type A claims) of Schedule 2 after row 62 insert—

"63	Appeal against a penalty notice	Section 37G ETA	Section 37G ETA
64	Complaint of unauthorised deductions from wages	Regulation 5 PWER	Regulation 6 PWER "

Name
Parliamentary Under Secretary of State
Ministry of Justice

Date

We consent

Name
Name
Two of the Lords Commissioners of Her Majesty's Treasury

Date

SCHEDULE

Article 5(7)

Substituted Schedule 1 to the First-tier Tribunal (Property Chamber) Fees Order 2013

"SCHEDULE 1

Fees to be taken

Column 1 Number and description of fee	Column 2 Amount of fee
1. Application Fee	
1.1 Where no other fee is specified, on filing an application to commence proceedings in any leasehold case or on filing an appeal or an application to commence proceedings in a residential property case.	£100
1.2 On filing proceedings for approval of the exercise of a power of entry, made under paragraph 6B of Schedule 9 to the Local Government Finance Act 1988(**a**) or under section 25A of the Local Government Finance Act 1992(**b**).	£100
1.3 On filing an application under Schedule 1, Part 1, Chapter 2, paragraph 16(b) to the Mobile Homes Act 1983(**c**) (determination	£20

(**a**) 1988 c. 41. Paragraph 6B of Schedule 9 was inserted by S.I. 2015/982.
(**b**) 1992 c. 14. Section 25A was inserted by S.I. 2015/982.
(**c**) 1983 c. 34; relevant amending instruments to Schedule 1 are S.I. 2006/1755 and S.I. 2011/1005. Paragraph 18 of Chapter 2 was amended by the Mobile Homes Act 2013 (c. 14), and the Mobile Homes (Wales) Act 2013. Paragraph 16 of Chapter 4 was amended by S.I. 2013/1723. S.I. 2012/899 has made amendments in relation to Wales.

of the amount of the pitch fee other than on Local Authority and County Council Gypsy and Traveller Sites).	
1.4 On filing an application under Schedule 1, Part 1, Chapter 2, paragraph 18(1)(a)(iii) of the Mobile Homes Act 1983 (determination to take into account sums expended by the owner since the last review date on improvements).	£20
1.5 On filing an application under Schedule 1, Part 1, Chapter 4, paragraph 14(b) of the Mobile Homes Act 1983 (determination of the amount of the pitch fee on Local Authority or County Council Gypsy and Traveller sites.	£20
1.6 On filing an application under Schedule 1, Part 1, Chapter 4, paragraph 16(1)(a)(iii) of the Mobile Homes Act 1983 (determination to take into account sums expended by the owner since the last review date on improvements).	£20
Where an application is made under two or more provisions, the fee payable in respect of the application is the highest fee which would have been payable if a separate application had been made under each of the provisions.	
2. Hearing Fee On receiving notice of a hearing date. Fee 2.1 only applies to an application which attracts fee 1.1 or 1.2. Where a number of applications are joined together for the purposes of a hearing, fee 2 is payable only once in respect of that hearing."	£200

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Magistrates' Courts Fees Order 2008 (S.I. 2008/1052), the Civil Proceedings Fees Order 2008 (S.I. 2008/1053), the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011 (S.I. 2011/2344), the First-tier Tribunal (Property Chamber) Fees Order (S.I. 2013/1179), and the Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013 (S.I. 2013/1893).

This Order provides for the increase of certain fees currently payable in civil proceedings and in connection with civil proceedings in the Magistrates' Courts. It provides for the increase of certain fees for judicial review proceedings in the Upper Tribunal Immigration and Asylum Chamber. This Order introduces a new fee structure in the First-tier Tribunal Property Chamber.

It amends Schedule 1 to the Civil Proceedings Fees Order 2008, Schedule 1 to the Magistrates' Courts Fees Order 2008, and Schedule 1 to the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011 to make the relevant increases. It substitutes a new Schedule of fees for the existing Schedule of fees into the First-tier Tribunal (Property Chamber) Fees Order 2013.

Article 6 of this Order amends Tables 1 and 2 to Schedule 2 of the Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013 by adding an appeal of a penalty notice under section 37G of the Employment Tribunals Act 1996 (c. 17) and a claim for unauthorised deductions from wages under regulation 5 of the Posted Workers Enforcement Regulations 2016 (S.I. 2016/539) to the list of Type A claims, reflecting the likely lower financial burden of administering such claims.

A full impact assessment accompanies this instrument (copies are also available on the Ministry of Justice's website at https://www.gov.uk/government/consultations/enhanced-fees-response-and-consultation-on-further-fee-proposals).

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