STATUTORY INSTRUMENTS

2014 No. 877 (L. 20)

FAMILY PROCEEDINGS, ENGLAND AND WALES

SENIOR COURTS OF ENGLAND AND WALES

The Family Proceedings Fees (Amendment) Order 2014

Made - - - -	*27th March 2014*
Laid before Parliament	*1st April 2014*
Coming into force - -	*22nd April 2014*

The Lord Chancellor, with the consent of the Treasury, makes the following Order in exercise of the power conferred by sections 92 and 108(6) of the Courts Act 2003(**a**).

In accordance with section 92(5) and (6) of that Act the Lord Chancellor 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 Family Proceedings Fees (Amendment) Order 2014 and shall come into force on 22nd April 2014.

Amendment of the Family Proceedings Fees Order 2008

2.—(1) The Family Proceedings Fees Order 2008(**b**) is amended as follows.

(2) In article 2 for "county courts" substitute "the family court".

(3) For Schedule 1 (which specifies the fees to be taken in family proceedings), substitute the Schedule in the Schedule to this Order.

Transitional Provision

3. Where fee 2.2, as it stood immediately before this Order came into force, has been paid before 22nd April 2014 and subsequently a final order is made at a case management conference or case management hearing, £1,360 shall be refunded.

Signed by authority of the Lord Chancellor

(**a**) 2003 c.39. Section 92 was amended by sections 15(1) and 59, paragraphs 308 and 345 of Schedule 4 Part 1 and paragraph 4 of Schedule 11 Part 2 to the Constitutional Reform Act 2005 (c.4) and sections 17(5) and 17(6), paragraph 40(a) of Schedule 9 Part 2 and paragraphs 83 and 95 of Schedule 10 Part 2 to the Crime and Courts Act 2013 (c. 22).

(**b**) SI 2008/1054. Schedule 1 was substituted by S.I. 2013/1407 and amended by S.I. 2014/590.

Shailesh Vara
Parliamentary Under Secretary of State
27th March 2014 Ministry of Justice

We consent

Sam Gyimah
Anne Milton
27th March 2014 Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE

Article 2(3)

"SCHEDULE 1

Fees to be taken

Column 1 *Number and description of fee*	*Column 2* *Amount of fee*
1 Commencement of proceedings	
1.1 On filing an application to start proceedings where no other fee is specified.	£245
1.2 On presenting an application for— (a) a decree of divorce made under section 1 of the Matrimonial Causes Act 1973[(a)]; (b) a decree of nullity made under sections 11 or 12 of the Matrimonial Causes Act 1973; (b) a dissolution order or nullity order made under section 37 of the Civil Partnership Act 2004[(b)].	£410
1.3 On presenting an application for— (a) a matrimonial or civil partnership order, other than an application for a decree of divorce, a decree of nullity, a dissolution order, nullity order or to which rule 7.7(1)(b) of the Family Procedure Rules 2010[(c)] applies, or (b) a declaration to which Chapter 5 of Part 8 of the Family Procedure Rules 2010 applies.	£365
Note: Fee 1.3 is payable only once for each declaration to which Chapter 5 of Part 8 of the Family Procedure Rules 2010 applies.	
1.4 On applying for a forced marriage protection order under Part 4A of the Family Law Act 1996[(d)].	£75
1.5 On amending an application for a matrimonial or civil partnership order, amending an application for a declaration to which Chapter 5 of Part 8 of the Family Procedure Rules 2010 applies, or making an application to which rule 7.7(1)(b) of the Family Procedure Rules 2010 applies.	£95
1.6 On filing an answer to an application for a matrimonial or civil partnership order.	£245
1.7 On applying for an order under Part 3 of the Solicitors Act 1974[(e)] for the assessment of costs payable to a solicitor by a client; or on the commencement of costs-only proceedings.	£50
1.8 On an application under section 54 (parental order) of the Human Fertilisation and Embryology Act 2008[(f)].	£215

2 Proceedings under the Children Act 1989	
2.1 On an application for an order under the following provisions of the Children Act 1989[g]—	
(a) section 4(1)(c) or (3), 4A(1)(b) or (3)[h] (parental responsibility);	£215
(b) section 4ZA (1)(c) or (6)[i] (parental responsibility);	£215
(c) section 5(1) or 6(7) (guardians);	£215
(d) section 10(1) or (2) (section 8 orders);	£215
(e) section 11J(2)[j] (enforcement orders);	£215
(f) section 11O(2)[k] (compensation for financial loss);	£215
(g) section 13(1) (change of child's surname or removal from jurisdiction while child arrangements order in force);	£215
(h) section 14A(3) or (6)(a), 14C(3) or 14D(1)[l] (special guardianship orders);	£215
(i) section 25 (secure accommodation order);	£215
(j) section 33(7) (change of child's surname or removal from jurisdiction while care order in force);	£215
(k) section 34(2), (3), (4) or (9) (contact with child in care);	£215
(l) section 36(1) (education supervision order);	£215
(m) section 39 (variation or discharge etc of care and supervision orders);	£215
(n) section 43(1) (child assessment order);	£215
(o) sections 44, 45 and 46 (emergency protection orders);	£215
(p) section 48 (warrant to assist person exercising powers under emergency protection order);	£215
(q) section 50 (recovery order);	£215
(r) section 79K (cancellation, variation or removal or imposition of condition of registration of child minder or day carer);	£215
(s) section 102 (warrant to assist person exercising powers to search for children or inspect premises);	£215
(t) paragraph 4(2), 6(2), 7(2) or 9(2) of Schedule A1[m] (applications in respect of enforcement orders);	£95
(u) paragraph 5(2) of Schedule A1 (amendment of enforcement order by reason of change of address);	£95
(v) paragraph 1(1) or (4), 2(1) or (5), 5(6), 6(5), (7) or (8), 8(2), 10(2), 11 or 14(1) of Schedule 1 (financial provision for children);	£215
(w) paragraph 19(1) of Schedule 2 (approval of court for child in care of local authority to live abroad);	£215
(x) paragraph 6 of Schedule 3 (extension of supervision order);	£215
(y) paragraph 15(2) or 17(1) of Schedule 3 (extension or discharge of education supervision order).	£215
(z) paragraph 8(1) of Schedule 8 (appeals concerning foster parenting).	£215
2.2 On an application under section 31 of the Children Act 1989 (care and supervision orders).	£2,055
Notes to fees 2.1 and 2.2	
Where an application requires the permission of the court, the relevant fee is payable when permission is sought but no further fee will be charged if permission is granted and the application is made.	
Where an application is made, permission is sought or an appeal is commenced under or relating to provisions of the Children Act 1989 which are listed in two or more different numbered fees, or require two or more different numbered forms, only one fee is payable, and if those fees are different, only the highest fee is payable.	
Where an application is made, permission is sought or an appeal is	

commenced under or relating to two or more provisions of the Children Act 1989 which are listed in the same numbered fee, that fee is payable only once.	
Where the same application is made, permission is sought or an appeal is commenced in respect of two or more children, who are siblings or children of the family, at the same time, only one fee is payable in respect of each numbered fee.	
Note to fee 2.2 only	
Where proceedings are consolidated with other proceedings, any fee which falls to be paid after the date on which the proceedings are consolidated is payable only once.	
2.3 On commencing an appeal in relation to proceedings to which the fees listed as 2.1 (a) to (s), (v) to (y) and 2.2 apply.	£215
2.4 On commencing an appeal under paragraph 23(11) of Schedule 2 to the Children Act 1989 (appeal against contribution order).	£215
3 Adoption and wardship applications	
3.1 On applying or requesting permission to apply under any provision in Part 1 of the Adoption and Children Act 2002[(n)], other than an application under section 22 of that Act.	£170
3.2 On applying under section 22 of the Adoption and Children Act 2002 (placement order).	£455
3.3 On applying for the exercise by the High Court of its inherent jurisdiction with respect to children.	£170
When an application requires the permission of the court, the relevant fee is payable when permission is sought but no further fee will be charged if permission is granted and the application is made.	
Where an application is made or permission is sought under or relating to two or more provisions of the Adoption and Children Act 2002 only one fee is payable.	
Where the same application is made or permission is sought in respect of two or more children, who are siblings or children of the same family, at the same time, only one fee is payable.	
4 Proceedings under the Children and Adoption Act 2006	
4.1 On an application for a warning notice to be attached to a contact order.	£50
Notes: Where an application is made or permission is sought under or relating to provisions of the Children Act 1989 and the Children and Adoption Act 2006[(o)] which are listed in two or more different numbered fees, only one fee is payable.	
Where the same application is made or permission is sought in respect of two or more children at the same time, and those children are siblings or children of the family, only one fee is payable in respect of each numbered fee.	
5 Applications in existing proceedings	
5.1 On an application in existing proceedings without notice or by consent, except where separately listed in this Schedule.	£50
Notes: Fee 5.1 is not 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.	
Fee 5.1 is not payable on an application to make a decree or order absolute or final, as the case may be, where the applicant has paid fee 1.2.	
Fee 5.1 is payable in proceedings under the Children Act 1989 to which the fees listed at 2.1 apply.	

5.2 On an application under rule 7.19 of the Family Procedure Rules 2010 for the court to consider the making of a decree nisi, conditional order, a decree of judicial separation or a separation order (other than in an undefended case where no fee is payable).	£50
5.3 On an application in existing proceedings on notice, except where separately listed in this Schedule.	£155
Note: Fee 5.3 is payable in proceedings under the Children Act 1989 to which the fees listed at 2.1 apply, except for those at 2.1(t) and (u), where the application fee of £95 is payable.	
5.4 On the filing of— (a) a notice of intention to proceed with an application for a financial order to which rule 9.4(a) of the Family Procedure Rules 2010 applies; or (b) an application for a financial order to which rule 9.4(b) of the Family Procedure Rules 2010 applies, other than an application for a consent order.	£255
6 Appeal	
6.1 On filing an appeal notice from a district judge, one or more lay justices, a justices' clerk or an assistant to a justices' clerk.	£125
6.2 On commencing an appeal under section 20[(p)] in proceedings under the Child Support Act 1991[(q)]	£165
7 Searches	
7.1 On making a search in the central index of decrees absolute or of final orders kept at the Principal Registry of the Family Division for any specified period of ten calendar years or, if no such period is specified, for the ten most recent years, and, if appropriate, providing a certificate of decree absolute or of final order, as the case may be.	£65
7.2 On making a search in the central index of parental responsibility agreements kept at the Principal Registry of the Family Division in accordance with regulations made under section 4(2) of the Children Act 1989 and, if appropriate, providing a copy of the agreement.	£45
7.3 On making a search in the index of decrees absolute or of final orders kept at any designated family court or district registry for any specified period of ten calendar years or, if no period is specified, for the ten most recent years, and if appropriate, providing a certificate of decree absolute or of final order, as the case may be.	£45
8 Copy documents	
8.1 On a request for a copy document (other than where fee 8.2 applies)—	
(a) for ten pages or less; and	£10
(b) for each subsequent page.	50p
Note: The fee payable under fee 9.1 includes— - where the court allows a party to fax to the court for the use of that party a document that has not been requested by the court and is not intended to be placed on the court file. - where a party requests that the court fax a copy of a document from the court file. - where the court provides a subsequent copy of a document which it has previously provided.	
8.2 On a request for a copy of a document on a computer disk or in other electronic form, for each such copy.	£10
9 Determination of costs	
9.1 On filing a request for detailed assessment where the party filing the request is legally aided, is funded by the Legal Services	£200

Commission or is a person for whom civil legal services have been made available under arrangements made by the Lord Chancellor under Part of the Legal Aid, Sentencing and Punishment of Offenders Act 2012[(r)] and no other party is ordered to pay the costs of the proceedings.	
9.2 On filing a request for detailed assessment in any case where fee 9.1 does not apply; or on filing 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 where the amount of the costs claimed—	
(a) does not exceed £15,000;	£335
(b) exceeds £15,000 but does not exceed £50,000;	£675
(c) exceeds £50,000 but does not exceed £100,000;	£1,005
(d) exceeds £100,000 but does not exceed £150,000;	£1,345
(e) exceeds £150,000 but does not exceed £200,000;	£1,680
(f) exceeds £200,000 but does not exceed £300,000;	£2,520
(g) exceeds £300,000 but does not exceed £500,000;	£4,200
(h) exceeds £500,000.	£5,600
Where there is a combined standard basis and legal aid, or a combined standard basis and Legal Services Commission, or a combined standard basis and Lord Chancellor, or a combined standard basis, and one or more of legal aid, Legal Services Commission or Lord Chancellor determination of costs, fee 9.2 will be attributed proportionately to the standard basis, legal aid, Legal Services Commission or Lord Chancellor (as the case may be) portions of the bill on the basis of the amount allowed.	
9.3 On a request for the issue of a default costs certificate.	£60
9.4 On commencing an appeal against a decision made in detailed assessment proceedings.	£210
9.5 On an application to set aside a default costs certificate.	£110
10 Registration of maintenance orders	
10.1 On an application for a maintenance order to be sent abroad for enforcement under the Maintenance Orders (Reciprocal Enforcement) Act 1972.[(s)]	£50
10.2 On an application for a maintenance order to be registered under the Maintenance Orders Act 1950[(t)] or the Maintenance Orders Act 1958.[(u)]	£50
11 Financial Provision	
11.1 Proceedings under the Domestic Proceedings and Magistrates' Courts Act 1978[(v)] or Schedule 6 to the Civil Partnership Act 2004[(w)] on an application for an order for financial provision (other than an application to vary or revoke such an order, or an application for an order for financial provision made for the benefit of, or against, a person residing outside the United Kingdom).	£215
12 Enforcement	
12.1 On an application to question a judgment debtor or other person on oath in connection with enforcement of a judgment, or on an application to which rule 33.3(2)(b) of the Family Procedure Rules 2010 applies.	£50
12.2 On an application for a third party debt order or the appointment of a receiver by way of equitable execution.	£100
Note: Fee 12.2 is payable in respect of each third party against whom the order is sought.	
12.3 On an application for a charging order.	£100

Note: Fee 12.3 is payable in respect of each charging order applied for.	
12.4 On an application for a judgment summons.	£100
12.5 On an application for an attachment of earnings order to secure money due under an order made in family proceedings.	£100
Fee 12.5 is payable in respect of each defendant against whom an order is sought.	
Fee 12.5 is not payable where the attachment of earnings order is made on the hearing of a judgment summons.	
13 Enforcement in the family court	
13.1 On an application for or in relation to enforcement of a judgment or order by the issue of a warrant of control against goods except a warrant to enforce payment of a fine.	£100
13.2 On a request for further attempt at execution of a warrant at a new address where the warrant has been returned to the court not executed (except where the warrant has been returned after it has been suspended by the court).	£30
13.3 On the issue of a warrant of possession or a warrant of delivery.	£110
Note on fee 13.3: Where the recovery of a sum of money is sought in addition, no further fee is payable.	
14 Enforcement in the High Court	
14.1 On sealing a writ of control/possession/delivery.	£60
Note on fee 14.1: Where the recovery of a sum of money is sought in addition to a writ of possession and delivery, no further fee is payable.	
14.2 On a request or application to register a judgment or order; or for permission to enforce an arbitration award; or for a certified copy of a judgment or order for use abroad.	£60
15 Service	
15.1 On a request for service by bailiff of any document except—	£110
(a) an order for a debtor to attend the adjourned hearing of a judgment summons;	
(b) a claim to controlled, executed or exempt goods;	
(c) an order made under section 23 of the Attachment of Earnings Act 1971[(x)] (enforcement provisions); or	
(d) an order for a debtor to attend an adjourned oral examination of means.	
16 Sale	
16.1 For removing or taking steps to remove goods to a place of deposit.	The reasonable expenses incurred.
Fee 16.1 is to include the reasonable expenses of feeding and caring for animals.	
16.2 For the appraisement of goods.	5p in the £1 or part of a £1 of the appraised value.
16.3 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.
16.4 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 16.1 and 16.2.
17 Affidavits	
17.1 On taking an affidavit or an affirmation or attestation upon honour in lieu of an affidavit or a declaration.	£11
17.2 For each exhibit referred to and required to be marked.	£2

[a] 1973 c. 18. Section 1 has been prospectively repealed by section 66(3) of and Schedule 10 to the Family Law Act 1996.

[b] 2004 c. 33.

[c] S.I. 2010/2955.

[d] 1996 c. 27. Part 4A was inserted by the Forced Marriage (Civil Protection) Act 2007 (c.20).

[e] 1974 c. 47.

[f] 2008 c. 22.

[g] 1989 c. 41.

[h] Section 4A was inserted by section 112 of the Adoption and Children Act 2002 (c.38) and was amended by section 75 of the Civil Partnership Act 2004 (c.33).

[i] Section 4ZA(1)(c) and (6) were inserted by paragraph 27 of Schedule 6 to the Human Fertilisation and Embryology Act 2008 (c.22).

[j] Section 11J was inserted by section 4(1) of the Children and Adoption Act 2006 (c.20).

[k] Section 11O was inserted by section 5 of the Children and Adoption Act 2006 (c.20).

[l] Sections 14A, 14C and 14D were inserted by section 115 of the Adoption and Children Act 2002 (c.38).

[m] Schedule A1 was inserted by Schedule 1 to the Children and Adoption Act 2006 (c.20).

[n] 2002 c. 38.

[o] 2006 c. 20.

[p] Section 20 is substituted by section 10 of the Child Support, Pensions and Social Security Act 2000 (c.19) from a date to be appointed.

[q] 1991 c.48.

[r] 2012 c. 10.

[s] 1972 c. 18.

[t] 1950 c. 37.

[u] 1958 c. 39.

[v] 1978 c. 22.

[w] 2004 c. 33.

[x] 1971 c. 32."

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Family Proceedings Fees Order 2008 (S.I. 2008/1054).

It increases fees payable in family proceedings as set out in the Explanatory Memorandum, which is published at www.legislation.gov.uk.

It incorporates those fees relating to family proceedings which have been removed from the Magistrates' Courts Fees Order 2008 (S.I. 2008/1052) on the establishment of the single family court.

Where fee 2.2 has been paid before this order comes into force, a refund of £1,360 is payable if a final order is made at a case management conference or case management hearing.

The schedule to this Order contains a new schedule showing all the fees payable in family proceedings.

A full impact assessment is also annexed to the Explanatory Memorandum.

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