STATUTORY INSTRUMENTS

2010 No. 1917 (L. 11)

MAGISTRATES' COURTS, ENGLAND AND WALES

The Magistrates' Courts Fees (Amendment No. 2) Order 2010

Made - - - -	*26th July 2010*
Laid before Parliament	*27th July 2010*
Coming into force - -	*1st September 2010*

The Lord Chancellor, with the consent of the Treasury, makes the following Order in exercise of the power conferred by section 92 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 Magistrates' Courts Fees (Amendment No. 2) Order 2010 and shall come into force on 1st September 2010.

Amendment of the Magistrates' Courts Fees Order 2008

2. The Magistrates' Courts Fees Order 2008(**b**) is amended as follows.

3. For Schedule 1 (which specifies the fees to be taken in magistrates' courts), substitute Schedule 1 (Fees to be taken) set out in the Schedule to this Order.

Signed by authority of the Lord Chancellor

J Djanogly
Parliamentary Under Secretary of State
Ministry of Justice

26th July 2010

We consent,

Michael Fabricant
Jeremy Wright
Two of the Lords Commissioners of Her Majesty's Treasury

26th July 2010

(**a**) 2003 c.39. Section 92 was amended by section 59 of and paragraphs 308 and 345 of Schedule 4 Part 1 to the Constitutional Reform Act 2005 (c.4).
(**b**) S.I. 2008/1052 as amended by S.I. 2008/2855, S.I. 2009/1496 and S.I. 2010/731.

SCHEDULE

Article 3

"SCHEDULE 1

Fees to be taken

Column 1 *Number and description of fee*	*Column 2* *Amount of fee*
1 Attendance	
1.1 On an application which requires a justice of the peace to perform a function away from the court premises.	£50
Note: Fee 1.1 is payable in addition to other payable fees.	
2 Appeals	
2.1 On an application to state a case for the opinion of the High Court under section 111(1) of the Magistrates Court Act 1980[(a)].	£500
Note: where fee 2.1 is payable, no further fee is payable in respect of the preparation of a draft case by the justices' clerk, providing copies, taking recognizance as required by section 114 of that Act and enlargement and renewal of such recognizance.	
2.2 Proceedings under the Child Support Act 1991[(b)]—	
(a) On commencing an appeal under section 20[(c)];	£150
(b) On commencing an appeal against a deduction from earnings order.	£90
2.3 Proceedings under Schedule 5 to the Licensing Act 2003[(d)]—	£400
on commencing an appeal under paragraph 1, 2(2), 3(2)(a), 4(2), 7(2), 8(2)(b), 8A(2)(b), 10, 11(2), 12(2), 13(2)(b), 14, 16(2), 17(1), and (4) or 18(2)(a) of Schedule 5 to the Licensing Act 2003.	
2.4 On commencing an appeal where no other fee is specified.	£200
3 Certificates and Certified Documents	
3.1 On a request for a certificate of refusal to state a case.	£100
3.2 Register of judgments, orders and fines kept under section 98 of the Courts Act 2003[(e)] on a request for a certificate of satisfaction.	£15
3.3 On a request for a certified copy of a memorandum of conviction.	£60
3.4 On a request for a certificate or certified document where no other fee is specified.	£60
Note: Fee 3.4 includes any copy of a document certified by the court as a genuine copy of the original document.	
4 Liability Orders	
4.1 Proceedings under the Council Tax (Administration and Enforcement) Regulations 1992[(f)] or the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989[(g)] on an application for a liability order.	£3
Note: Fee 4.1 is payable in respect of each defendant against whom the liability order is sought.	
4.2 Proceedings under the Child Support Act 1991 on an application for a liability order.	£40
Note: Fee 4.2 is payable in respect of each liability order applied for.	
5 Copy Documents	
5.1 On a request for a copy document (other than where fee 5.2 applies)—	
(a) of ten pages or less; and	£5
(b) for each subsequent page.	50p
Note: The fee payable under fee 5.1 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; and -where the court provides a subsequent copy of a document which it has previously provided.	
5.2 On a request for a copy of a document on a computer disk or in other electronic form, for each such copy.	£5
6 Financial Provision	
6.1 Proceedings under the Domestic Proceedings and Magistrates' Courts Act 1978[(h)] or Schedule 6 to the Civil Partnership Act 2004[(i)] 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).	£200
7 Proceedings under the Family Law Act 1986[(j)]	
7.1 On an application for a declaration of parentage (each child).	£150
8 Proceedings under the Children Act 1989[(k)]	
8.1 On an application for an order in form C1 or form C100 (free-standing application), form C79 (application related to enforcement of a contact order), form C2 (application in existing proceedings) or a request for permission to apply for an order in form C2 under the following provisions of the Children Act 1989—	
(a) section 4(1)(c) or (3) or 4A(1)(b) or (3)[(l)] (parental responsibility);	£200
(b) section 4ZA(1)(c) or (6)[(m)] (parental responsibility);	£200
(c) section 5(1) or 6(7) (guardians);	£200
(d) section 10(1) or (2) (section 8 orders);	£200
(e) section 11J(2)[(n)] (enforcement orders);	£200
(f) section 11O(2)[(o)] (compensation for financial loss);	£200
(g) section 13(1) (change of child's surname or removal from jurisdiction while residence order in force);	£200
(h) section 14A(3) or (6)(a), 14C(3) or 14D(1)[(p)] (special guardianship orders);	£160
(i) section 25 (secure accommodation order);	£170
(j) section 33(7) (change of child's surname or removal from jurisdiction while care order in force);	£170
(k) section 34(2), (3), (4) or (9) (contact with child in care);	£170
(l) section 36(1) (education supervision order);	£170
(m) section 39 (variation or discharge etc of care and supervision orders);	£170
(n) section 43(1) (child assessment order);	£170
(o) sections 44, 45 and 46 (emergency protection order);	£170
(p) section 48 (warrant to assist person exercising powers under emergency protection order);	£170
(q) section 50 (recovery order);	£170
(r) section 79K (cancellation, variation or removal or imposition of condition of registration of child minder or day carer);	£170
(s) paragraph 4(2), 6(2), 7(2) or 9(2) of Schedule A1[(q)] (applications in respect of enforcement orders);	£90
(t) paragraph 5(2) of Schedule A1 (amendment of enforcement order by reason of change of address);	£45
(u) section 102 (warrant to assist person exercising powers to search for children or inspect premises);	£170
(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);	£200
(w) paragraph 19(1) of Schedule 2 (approval of court for child in care of local authority to live abroad);	£170
(x) paragraph 6 of Schedule 3 (extension of supervision order);	£170

(y) paragraph 15(2) or 17(1) of Schedule 3 (extension or discharge of education supervision order);	£170
(z) paragraph 8(1) of Schedule 8 (appeals concerning foster parenting).	£170
8.2 In relation to proceedings under section 31 of the Children Act 1989 (care and supervision orders)—	
(a) on an application;	£2,225
(b) where an issues resolution hearing or a pre-hearing review has been listed.	£700
(c) where a final hearing has been listed.	£1,900

Note to fees 8.1 and 8.2:

Where an application requires the permission of the court, the relevant fee is payable when the 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 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 or permission is sought under or relating to two or more provisions of the Children Act 1989 which are listed in the same numbered fee, the fee is payable only once.

Where the application is made or permission is sought in respect of two or more children at the same time, and these children are siblings or children of the family, only one fee is payable in respect of each numbered fee.

Notes to fee 8.2 only:

Where a final order is made at a case management conference, £500 of the amount paid under fee 8.2(a) will be refunded.

Where the court lists more than one issues resolution hearing or pre-hearing review, the fee is payable only once.

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.

Where a fee is paid under fee 8.2(b) or (c) in relation to a hearing that is cancelled, for example, because a final order is made at earlier hearing, the application is withdrawn, or the hearing is no longer needed, the fee will be refunded. A refund will not be given if the hearing is adjourned to a later date or to a date to be fixed.

The fee in 8.2(b) and (c) is payable 14 days before the hearing or review.

9 Proceedings under the Human Fertilisation and Embryology Act 2008[(r)]

9.1 On an application under section 54 (parental order).	£200

10 Proceedings under the Adoption and Children Act 2002[(s)]

10.1 On an application or a request for permission to apply under any provision in Part 1 of the Adoption and Children Act 2002, other than an application under section 22 of that Act.	£160
10.2 On an application under section 22 of the Adoption and Children Act 2002 (placement order).	£400

Notes: 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 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 at the same time, and these children are siblings or children of the family, only one fee is payable.

11 Proceedings under the Children and Adoption Act 2006[(t)]

11.1 On an application for a warning notice to be attached to a contact order.	£45

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 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.

12 Proceedings to vary, extend or revoke an order made in family proceedings

12.1 On an application to vary, extend or revoke an order made in family proceedings where no other fee is specified.	£20

13 Licences

13.1 On a request for a licence, consent or authority where no other fee is specified.	£25
13.2 On an application for the renewal or variation of an existing licence.	£25
13.3 On an application for the revocation of a licence where no other fee is specified.	£25

14 Oaths

14.1 On taking the attestation of a constable or special constable under the Police Act 1996[u].	£10

Note: Fee 14.1 is payable for every attestation made by every constable or special constable at or away from court premises.

14.2 For every oath, affirmation, solemn declaration or statutory declaration where no other fee is specified.	£25

Note: No fee is payable for the swearing in of witnesses or in any case where an enactment directs that no fee will be taken.

15 Other civil proceedings

15.1 On commencing proceedings where no other fee is specified and where leave or permission is not required.	£200
15.2 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	£100
(b) on commencing proceedings where leave or permission has been granted following payment of fee 15.2(a).	£100

Note: Fees 15.1 and 15.2 do not apply to family proceedings.

15.3 Contested hearing—	£500

For a hearing at which the proceedings are contested.

Note: Fee 15.3-—

-applies only in hearings to proceedings to which fee 15.1 or 15.2 apply;

-is payable by the party who commenced the proceedings;

-is payable on the day that the hearing commences; and

-is payable only once in the same proceedings.

16 Warrants

16.1 On an application for a warrant of entry.	£18
16.2 On an application for any other warrant where no other fee is specified.	£75

Note: Fee 16.2 includes an application for a warrant made during a hearing. No fee is payable if the court issues a warrant of its own initiative.

17 Commitment

17.1 Proceedings under the Council Tax (Administration and Enforcement) Regulations 1992 or the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 on an application for a warrant for commitment.	£240
17.2 Proceedings under the Child Support Act 1991 on an application for a warrant for commitment.	£240

Note Fees 17.1 and 17.2 do not include a warrant of arrest which is provided for under fee 16.2

Note to all fees: Where proceedings are brought against the individual members

of a partnership, any relevant fee is payable only once.

[a] 1980 c.43.

[b] 1991 c.48.

[c] 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. By virtue of the Child Support Appeals (Jurisdiction of the Courts) Order 1993 (S.I. 1993/961) appeals under section 20 relating to issues of parentage are to be made to the court instead of the Appeals Tribunal. This Order will come into force on the date on which section 10 of the Child Support, Pensions and Social Security Act 2000 comes into force.

[d] 2003 c.17. Schedule 5 is amended by S.I. 2005/886 and by section 22(2) of the Violent Crime Reduction Act 2006 (c.38).

[e] The Register of Judgments, Orders and Fines Regulations 2005 (amended by S.I. 2009/474) is made under section 98. Regulation 17 of S.I. 2005/3595 sets out the procedure for an application for a certificate of satisfaction.

[f] S.I. 1992/613; relevant amending instruments are S.I. 1998/3008 and S.I. 2004/785.

[g] S.I. 1989/1058.

[h] 1978 c.22.

[i] 2004 c.33.

[j] 1986 c.55.

[k] 1989 c.41.

[l] 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).

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

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

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

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

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

[r] 2008 c.22.

[s] 2002 c.38.

[t] 2006 c.20.

[u] 1996 c.16."

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the increase of certain family proceedings fees payable in the magistrates' courts. For convenience this Order replaces the entire schedule of fees payable in the magistrates' courts. Certain fees which were previously increased in 2006 have been increased by the rate of inflation since 2006. Other fees became payable in 2008 or 2009 at the same level as the fees that were increased in 2006. These fees are also being increased by the rate of inflation since 2006.

The original fees and the rate of inflation since the last fee increase are detailed in the Explanatory Memorandum which is published on the website of the Office of Public Sector Information along with a full impact assessment which was prepared for this Order.

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STATUTORY INSTRUMENTS

2010 No. 1917 (L. 11)

MAGISTRATES' COURTS, ENGLAND AND WALES

The Magistrates' Courts Fees (Amendment No. 2) Order 2010

£5.75

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