1968 No. 388 (L. 7)

SUPREME COURT OF JUDICATURE, ENGLAND
MATRIMONIAL CAUSES
COUNTY COURTS

The Matrimonial Causes Fees Order 1968

Made - - - - 14*th March* 1968

Coming into Operation 11*th April* 1968

The Lord Chancellor and the Treasury, in exercise of the powers conferred on them by section 8 of the Matrimonial Causes Act 1967(**a**) and sections 2 and 3 of the Public Offices Fees Act 1879(**b**), hereby make and concur in the following Order:—

1. This Order may be cited as the Matrimonial Causes Fees Order 1968 and shall come into operation on 11th April 1968.

2.—(1) In this Order—

(*a*) expressions used in the Matrimonial Causes Rules 1968(**c**) have the same meaning as in those rules;

(*b*) a rule referred to by number means the rule so numbered in the Matrimonial Causes Rules 1968 and a form referred to by number means the form so numbered in Appendix II to those rules;

(*c*) "the County Court Fees Order" means the County Court Fees Order 1959(**d**), as amended(**e**), and a fee referred to by a number prefixed by the letters "C.C." means the fee so numbered in the Schedule to that Order;

(*d*) "the Supreme Court Fees Order" means the Supreme Court Fees Order 1961(**f**), as amended(**g**), and a fee referred to by number prefixed by the letters "S.C." means the fee so numbered in the First Schedule to that Order.

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

3. The fees specified in Schedule 1 to this Order shall be taken in all matrimonial proceedings, whether in the High Court or a divorce county court.

4. In addition to the fees specified in Schedule 1, the fees specified in the first column of Schedule 2 to this Order (being fees prescribed by the County Court Fees Order and the Supreme Court Fees Order) shall be taken in the matrimonial proceedings specified opposite thereto in the second column, subject to the directions contained in the notes to that Schedule.

5. Any fee prescribed by this Order shall be taken—

(*a*) in the divorce registry, by judicature fee stamps impressed on the appropriate document;

(*b*) in a divorce county court or district registry, in cash.

(**a**) 1967 c. 56.
(**b**) 1879 c. 58.
(**c**) S.I. 1968/219.
(**d**) S.I. 1959/1262 (1959 I, p. 803).
(**e**) S.I. 1961/355, 1961/1894, 1963/897, 1965/395, 1966/243 (1961 I, p. 565; III, p. 3554; 1963 II, p. 1508; 1965 I, p. 1099; 1966 I, p. 496).
(**f**) S.I. 1961/2307 (1961 III, p. 4055).
(**g**) There are no relevant amendments.
(**h**) 1889 c. 63.

6. If any question arises with regard to the amount or payment of any fee prescribed by this Order, the registrar may report the matter to the Lord Chancellor and obtain his directions thereon.

7. Where it appears to the Lord Chancellor that the payment of any fee prescribed by this Order would, owing to the exceptional circumstances of the particular case, involve undue hardship, the Lord Chancellor may reduce or remit the fee in that case.

8. The Supreme Court Fees Order shall have effect subject to the amendments set out in Schedule 3 to this Order, but those amendments shall not affect any fee due or payable before the commencement of this Order.

9. Where a cause begun by petition has not been set down for trial before the commencement of this Order, a fee of £5 shall be payable on a request for directions for trial or, if the registrar's certificate has been granted under the rules relating to matrimonial proceedings hitherto in force, on receipt of a demand by the registrar for payment of such fee.

Dated 14th March 1968.

Gardiner, C.

E. Alan Fitch,
B. K. O'Malley,
} Lords Commissioners of Her Majesty's Treasury.

SCHEDULE 1

FEES TO BE TAKEN IN ALL MATRIMONIAL PROCEEDINGS

	Fee	Amount
1.	On filing an originating application or on sealing an originating summons	£2
2.	On presenting a petition except in a case to which rule 12(3) applies	£10
3.	On filing a notice in Form 8 or 9 except where the terms of any agreement as to the order which the court is to be asked to make are set out in the notice	£2
4.	On making a search in the index of decrees absolute kept under rule 66(2)	2*s.* 6*d.*
5.	On a request for a photographic or office copy of a decree or of a certificate that a decree has been made absolute	5*s.* 0*d.*
6.	On a certificate under the hand of a judge or registrar	5*s.* 0*d.*
7.	On the issue of a notice under rule 55	£2

SCHEDULE 2

FEES TO BE TAKEN IN SPECIFIED MATRIMONIAL PROCEEDINGS

Fee	Proceedings in which fee to be taken
C.C. Fees Nos. 4*, 20, 35, 37, 39 to 44, 46, 49, 54, 66†, 67, 70 and 71	Proceedings in a divorce county court
C.C. Fees Nos. 62 and 69	Proceedings in a divorce county court other than the divorce registry
C.C. Fees Nos. 50, 51 and 53	All proceedings, whether in the High Court or a divorce county court
S.C. Fees Nos. 9(*b*), 15, 23, 62, 63, 69†, 70†, 72, 73, 81, 82 and 95	Proceedings in the Supreme Court
S.C. Fees Nos. 74 to 77	Proceedings in the divorce registry, whether pending in the High Court or treated as pending in a divorce county court, and proceedings in a district registry

Notes

* This fee is payable only in respect of a document requiring personal service.

† This fee does not apply to a copy in respect of which Fee No. 5 in Schedule 1 above is payable.

SCHEDULE 3

AMENDMENTS OF SUPREME COURT FEES ORDER 1961

1. S.C. Fees Nos. 20, 49 to 53, 65(*b*) and 71 shall be revoked.

2. In S.C. Fee No. 5 the words "Fee No. 49 or" shall be omitted.

3. In S.C. Fee No. 6 the words "or a notice under Rule 36(1) of the Matrimonial Causes Rules, 1957" shall be omitted.

4. In S.C. Fee No. 7 the words "(other than a petition on which Fee No. 49 has been paid or is payable)" shall be omitted.

5. In S.C. Fee No. 19(*a*) the words "(including a notice under Rule 36(1) of the Matrimonial Causes Rules, 1957)" shall be omitted.

6. In the proviso to S.C. Fee No. 64 the word "or" at the end of paragraph (*b*) shall be deleted and paragraphs (*c*), (*d*) and (*e*) shall be omitted.

7. In S.C. Fee No. 69 the words "(other than a copy on which Fee No. 71 is payable)" shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prescribes the fees to be taken in matrimonial proceedings in the High Court and divorce county courts. A fee of £2 is to be charged on issuing an originating application or originating summons and a fee of £10 on presenting a petition. In most cases no further fee will be payable except on an application for ancillary relief (for which a fee of £2 is prescribed by Schedule 1) or on the taxation of costs or the enforcement of any order (for which the ordinary county court and Supreme Court fees will be payable by virtue of Schedule 2).