1971 No. 102 (L.4)

MATRIMONIAL CAUSES
SUPREME COURT OF JUDICATURE, ENGLAND
COUNTY COURTS

The Matrimonial Causes Fees Order 1971

Made - - - 18*th January* 1971

Coming into Operation 15*th February* 1971

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 1971 and shall come into operation on 15th February 1971.

2.—(1) In this Order—

(*a*) expressions used in the Matrimonial Causes Rules 1968(**c**), as amended (**d**), 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, as amended, 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(**e**), as amended (**f**), 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 1970(**g**), and a fee referred to by number prefixed by the letters "S.C." means the fee so numbered in the schedule to that Order.

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

(**a**) 1967 c. 56. (**b**) 1879 c. 58.
(**c**) S.I. 1968/219 (1968 I, p. 665).
(**d**) S.I. 1969/763, 1970/29, 1161, 1349 (1969 II, p. 2176; 1970 I, p. 226; II, p. 3929; III, p. 4514). (**e**) S.I. 1959/1262 (1959 I, p. 803).
(**f**) S.I. 1961/355, 1894, 1963/897, 1965/395, 1966/243, 1971/101 (1961 I, p. 565; III, p. 3554; 1963 II, p. 1508; 1965 I, p. 1099; 1966 I, p. 496).
(**g**) S.I. 1970/1870 (1970 III, p. 6135). (**h**) 1889 c. 63.

5. Any fee prescribed by this Order shall be taken in cash.

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 Matrimonial Causes Fees Order 1968(a) and the Matrimonial Causes Fees (Amendment) Order 1970(b) are hereby revoked save as to any fee due or payable before the commencement of this Order.

Dated 15th January 1971.

Hailsham of St. Marylebone, C.

Dated 18th January 1971.

Walter Clegg,

V. H. Goodhew,

Two of the 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	2·00
2.	On presenting a petition except in a case to which rule 12(4) applies	12·00
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	2·00
4.	On making a search in the index of decrees absolute kept under rule 66(2)	0·13
5.	On a request for a photographic or office copy of a decree or of a certificate that a decree has been made absolute	0·25
6.	On a certificate under the hand of a judge or registrar ...	0·25
7.	On the issue of a notice under rule 55	2·00

(a) S.I. 1968/388 (1968 I, p. 1046). (b) S.I. 1970/1840 (1970 III, p. 5996).

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*), 16, 22, 58, 59, 65†, 66†, 67, 68, 76, 77 and 90	Proceedings in the Supreme Court
S.C. Fees Nos. 69 to 72	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.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order consolidates the Matrimonial Causes Fees Order 1968 and the Matrimonial Causes Fees Amendment Order 1970, with minor alterations necessitated by the introduction of decimal currency and the coming into operation of the Matrimonial Causes (Amendment No. 3) Rules 1970 and the Supreme Court Fees Order 1970.