STATUTORY INSTRUMENTS

1972 No. 194 (L.2)

MATRIMONIAL CAUSES
SUPREME COURT OF JUDICATURE, ENGLAND
COUNTY COURTS

The Matrimonial Causes Fees Order 1972

Made - - - 10*th February* 1972

Coming into Operation 6*th March* 1972

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 1972 and shall come into operation on 6th March 1972.

2.—(1) In this Order—

(*a*) expressions used in the Matrimonial Causes Rules 1971(**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 1971, as amended, and a form referred to by number means the form so numbered in Appendix 2 to those Rules;

(*c*) "the County Court Fees Order" means the County Court Fees Order 1971(**e**), and a fee referred to by a number prefixed by the letters "C.C." means the fee so numbered in Schedule 1 to that Order;

(*d*) "the Supreme Court Fees Order" means the Supreme Court Fees Order 1970(**f**), as amended (**g**), and a fee referred to by a 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.

(**a**) 1967 c. 56.
(**b**) 1879 c. 58.
(**c**) S.I. 1971/953 (1971 II, p. 2713).
(**d**) S.I. 1971/1923 (1971 III, p. 5243).
(**e**) S.I. 1971/1649 (1971 III, p. 4511).
(**f**) S.I. 1970/1870 (1970 III, p. 6135).
(**g**) S.I. 1971/1245 (1971 II, p. 3615).
(**h**) 1889 c. 63.

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 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 he may reduce or remit the fee in that case.

8. The Matrimonial Causes Fees Order 1971(**a**) is hereby revoked save as to any fee due or payable before the commencement of this Order.

Dated 7th February 1972.

Hailsham of St. Marylebone, C.

Dated 10th February 1972.

Walter Clegg,
P. L. Hawkins,
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 10 or 12 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)	0·15
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 54	2·00

(**a**) S.I. 1971/102 (1971 I, p. 190).

SCHEDULE 2

FEES TO BE TAKEN IN SPECIFIED MATRIMONIAL PROCEEDINGS

	Fee	Proceedings in which fee to be taken
1	C.C. Fees Nos. 4*, 19, 36, 38, 39 to 44, 46, 49, 54, 65 to 67†, 68, 70 and 71	Proceedings in a divorce county court
2	C.C. Fees Nos. 61 and 69	Proceedings in a divorce county court other than the divorce registry.
3	C.C. Fees Nos. 50, 51 and 53	All proceedings, whether in the High Court or a divorce county court.
4	S.C. Fees Nos. 9(*b*), 16, 22, 58, 59, 65†, 66†, 67, 68, 76, 77 and 90	Proceedings in the Supreme Court
5	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 makes similar provision for court fees to that made by the Matrimonial Causes Fees Order 1971, with alterations consequential on changes in the matrimonial causes rules and county court fees.

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