STATUTORY INSTRUMENTS

1975 No. 1346 (L. 18)

MATRIMONIAL CAUSES
SUPREME COURT OF JUDICATURE, ENGLAND
COUNTY COURTS

The Matrimonial Causes Fees Order 1975

Made - - - -	*29th July* 1975
Coming into Operation	*1st October* 1975

The Lord Chancellor and the Treasury, in exercise of the powers conferred on them by section 51 of the Matrimonial Causes Act 1973(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 1975 and shall come into operation on 1st October 1975.

2.—(1) In this Order—

(*a*) expressions used in the Matrimonial Causes Rules 1973(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 1973, as amended, and a form referred to by number means the form so numbered in the Appendix to those Rules;

(*c*) "the County Court Fees Order" means the County Court Fees Order 1975(e) and a fee referred to by 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 1975(f) 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(g) 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) 1973 c. 18.
(b) 1879 c. 58.
(c) S.I. 1973/2016 (1973 III, p. 6943).
(d) S.I. 1974/2168 (1974 III, p. 8512).
(e) S.I. 1975/1328 (1975 II, p. 4493).
(f) S.I. 1975/1343 (1975 II, p. 4551).
(g) 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 1972**(a)** and the Matrimonial Causes Fees (Amendment) Order 1974**(b)** are hereby revoked save as to any fee due or payable before the commencement of this Order.

Dated 24th July 1975.

Elwyn-Jones, C.

Dated 29th July 1975.

M. Cocks,
Donald R. Coleman,
Two of the Lords Commissioners
of Her Majesty's Treasury.

(a) S.I. 1972/194 (1972 I, p. 676). **(b)** S.I. 1974/1383 (1974 II, p. 5324).

SCHEDULE 1

FEES TO BE TAKEN IN ALL MATRIMONIAL PROCEEDINGS

	Fee	Amount £
1	On filing an originating application or on sealing an originating summons—	
	(*a*) under rule 5 or rule 128	5·00
	(*b*) in any other case	10·00
2	On presenting a petition except in a case to which rule 12(4) applies	16·00
3	On presenting a petition in a case to which rule 12(4) applies ...	8·00
4	On filing a notice in Form 11 or 13 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	10·00
5	On making a search in the index of decrees absolute kept under rule 67(3)	0·25
6	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
7	On the issue of a notice under rule 54	4·00

SCHEDULE 2

FEES TO BE TAKEN IN SPECIFIED MATRIMONIAL PROCEEDINGS

	Fee	Proceedings in which fee is to be taken
1	C.C. Fees Nos. 4*, 9, 12, 19, 21 to 28, 31, 33, 42 to 44†, 46 and 47	Proceedings in a divorce county court.
2	C.C. Fees Nos. 39 and 45	Proceedings in a divorce county court other than the divorce registry.
3	C.C. Fee No. 32 S.C. Fee No. 55	All proceedings, whether in the High Court or a divorce county court.
4	S.C. Fees Nos. 5, 11, 35, 36, 38†, 39†, 40, 41, 49, 50 and 58	Proceedings in the Supreme Court.
5	S.C. Fees Nos. 42 to 45	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 documents 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 replaces the Matrimonial Causes Fees Order 1972 as amended in 1974. A new fee (Fee No. 3) is introduced where a second petition is filed before another petition by the same petitioner is dismissed or disposed of by final order. The former fee on a certificate under the hand of a judge or registrar is omitted. Other changes made are consequential on changes in the County Court and Supreme Court Fees Orders.

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