STATUTORY INSTRUMENTS

1980 No. 819 (L.10)

MATRIMONIAL CAUSES

SUPREME COURT OF JUDICATURE, ENGLAND AND WALES

COUNTY COURTS

The Matrimonial Causes Fees Order 1980

Made - - - -	*12th June* 1980
Coming into Operation	*7th July* 1980

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 1980 and shall come into operation on 7th July 1980.

2. In this Order—

(*a*) A rule referred to by number only means the rule so numbered in the Matrimonial Causes Rules 1977**(c)**, and a form referred to by number only means the form so numbered in Appendix 1 to those Rules;

(*b*) expressions used in the Matrimonial Causes Rules 1977 have the same meaning as in those Rules;

(*c*) references to County Court Orders Rules and Forms are to Orders and Rules in the County Court Rules 1936**(d)** and to the Forms in the Appendix thereto.

3.—(1) Subject to Article 4, fees shall be taken as follows:—

(*a*) 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;

(*b*) the fees specified in Schedule 2 shall be taken in matrimonial proceedings pending in a divorce county court (including matrimonial proceedings in the divorce registry which are treated as pending in a divorce county court and not in the High Court);

(*c*) the fees specified in Schedule 3 shall be taken in matrimonial proceedings pending in the High Court.

(2) Any fees made payable by this Order shall be taken in cash.

(a) 1973 c. 18. **(b)** 1879 c. L.58.
(c) S.I. 1977/344, to which there are amendments not relevant to this Order.
(d) S.R. & O. 1936/626; the only relevant amending instruments are S.I. 1956/1243 and S.I. 1957/1136.

4. No fee shall be payable under this Order where the person who would otherwise be liable to pay it is in receipt of—

(*a*) legal advice and assistance under section 1 of the Legal Aid Act 1974**(a)** in connection with the proceeding: or

(*b*) a supplementary pension or an allowance under Part I of the Supplementary Benefits Act 1976**(b)**; or

(*c*) a family income supplement under section 1 of the Family Income Supplements Act 1970**(c)**, unless he is also in receipt of legal aid under Part I of the Legal Aid Act 1974 in connection with the same proceeding.

5. 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.

6. The Matrimonial Causes Fees Order 1975**(d)** is hereby revoked save as to any fee due or payable before the commencement of this Order.

Dated 11th June 1980.

Hailsham of St. Marylebone, C.

Peter Morrison,
J. A. Douglas-Hamilton,
Two of the Lords Commissioners
of Her Majesty's Treasury.

Dated 12th June 1980.

(a) 1974 c. 4. **(b)** 1976 c. 71. **(c)** 1970 c. 55. **(d)** S.I. 1975/1346.

SCHEDULE 1

FEES TO BE TAKEN IN ALL MATRIMONIAL PROCEEDINGS

	Fee
1. *Commencement of Proceedings*	
(i) On filing an originating application or on sealing an originating summons	£10
(ii) On presenting any petition other than a second petition presented with leave granted under rule 12(4)	£35
2. *Applications for Ancillary Relief*	
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
3. *Searches*	
On making a search in the central index of decrees absolute kept at the Divorce Registry	£2
4. *Copies of Documents*	
For a copy of any document, or for examining a plain copy and marking it as an office copy, per page:	
(*a*) Typewritten	50p
(*b*) Carbon or photographic	25p
Note.	
This fee is payable whether or not the copy is issued as an office copy.	
5. *Swearing Affidavits*	
(*a*) On taking any affidavit other than an affidavit in support of a petition in the Special Procedure list, for each deponent	£2
(*b*) For marking each exhibit to such an affidavit	50p
6. *Taxation*	
(i) On the taxation of costs or expenses .. .. No fee is payable where costs are allowed without taxation. The Registrar may in any case before taxation require a deposit of the amount of fees which would be payable if the bill or the expenses were allowed by him at the full amount thereof.	For every £1 or part thereof allowed 5p
(ii) On the withdrawal of a bill of costs which has been lodged for taxation, such fee (not exceeding the amount which would have been payable under Fee No. 6(i) if the bill had been allowed in full) as may be reasonable having regard to the amount of work done in the court office.	
7. *Registration of Maintenance Orders*	
On an application for a maintenance order to be—	
(*a*) registered under the Maintenance Orders Act 1950 or the Maintenance Orders Act 1958	£2
(*b*) sent abroad for enforcement under Maintenance Orders (Reciprocal Enforcement) Act 1972	£10

SCHEDULE 2

FEES TO BE TAKEN IN MATRIMONIAL PROCEEDINGS PENDING IN DIVORCE COUNTY COURTS

	Fee
1. *Service*	
On a request for service by bailiff of any document except—	£4
(*a*) an order in County Court Form 179	
(*b*) an interpleader summons under an execution	
(*c*) an order made under section 23 of the Attachment of Earnings Act 1971.	
This fee is payable in respect of each person to be served, but in respect of a document not requiring personal service only one fee is payable in respect of two or more persons to be served at the same address. This fee is not payable where service is to be effected by post pursuant to County Court Order 8, Rule 8(2).	
2. *Enforcement*	
On an application for enforcement of a judgment or order—	
(i) by the issue of a warrant of execution against goods except a warrant to enforce payment of a court fee or an order for payment of a fine	For every £1 or part thereof the amount for which the warrant issues 15p. Minimum fee, £3.50 Maximum fee, £25.
(ii) (*a*) By an application for an order for the attendance of a judgment debtor or any other person under County Court Order 25, Rule 2 or 3	£1
(*b*) On the making of such an order ..	£3
(iii) By entering garnishee proceedings.. ..	For every £2 or part thereof, 10p Maximum fee, £10.
Notes.	
(*1*) *Garnishee proceedings under County Court Order 27 may not be taken in the Divorce Registry.*	
(*2*) *The fee is to be calculated on the amount sought to be attached, or, if the amount sought to be attached is not stated, on the unpaid balance of the judgment debt and costs.*	
(iv) By an application for an order charging the land or securities of a judgment debtor	£5
(v) By the issue of a judgment summons ..	For every £2 or part thereof for which the summons issues, 20p. Maximum fee, £5.
(vi) By an application for an attachment of earnings order to secure maintenance payments	£2

	Fee
3. *Sale*	
(i) For removing or taking steps to remove goods to a place of deposit	The reasonable expenses thereof.
Note.	
This fee includes the reasonable expenses of feeding and caring for any animals.	
(ii) For advertising a sale by public auction pursuant to section 132 of the County Courts Act 1959	The reasonable expenses thereof.
(iii) For the appraisement of goods	5p in the £1 of the appraised value.
(iv) For the sale of goods (including advertisements, catalogues, sale and commission and delivery of goods)	15p in the £1 on the amount realised by the sale or such other sum as the registrar may consider to be justified in the circumstances.
(v) Where no sale takes place by reason of an execution being withdrawn, satisfied or stopped	(*a*) 10p in the £1 on the value of the goods seized, the value to be the appraised value where the goods have been appraised or such other sum as the registrar may consider to be justified in the circumstances, and in addition; (*b*) any sum payable under Fee 3(i), (ii) or (iii).

SCHEDULE 3

FEES TO BE TAKEN IN MATRIMONIAL PROCEEDINGS PENDING IN THE HIGH COURT

	Fee
1. *Examination*	
On the examination of a witness before trial	£5
2. *Enforcement*	
(i) On sealing a writ of execution	£5
(ii) On an application to examine a judgment debtor before an officer of the court	£5
(iii) On the issue of a judgment summons	For every £2 or part thereof for which the summons issues 20p. Maximum fee, £5.
(iv) On an application for an attachment of earnings order	£2
(v) On an application for a garnishee order *nisi*, a charging order *nisi* or for the appointment of a receiver by way of equitable execution	£5
(vi) On issuing a certified copy of a judgment or order for the purposes of Part II of the Administration of Justice Act 1920 or the Foreign Judgments (Reciprocal Enforcement) Act 1933	£10
3. *Registration of Maintenance Orders*	
On an application to transmit a maintenance order abroad under the Maintenance Orders (Facilities for Enforcement) Act 1920	£10

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes the Matrimonial Causes Fees Order 1975 and divides the new fees into three Schedules (1) those to be taken in all matrimonial proceedings (2) those to be taken in proceedings in the divorce county court and (3) those to be taken in proceedings in the High Court. The sums payable in respect of the new fees are, in many cases, higher than those which they replace.

The table of correspondence below shows, in Part I, the relationship, if any, between the new fees and the old, and, in Part II the old fees that have not been included in the present Order.

PART I

TABLE OF CORRESPONDENCE

New Fee		Old Fee	
Schedule 1	1(i)	Schedule 1	1
	1(ii)		2 and 3
	2		4
	3		5
	4	Schedule 2	Included in 1 and 4
	5		None
	6	Schedule 2	Included in 1 and 4
	7	Schedule 2	Included in 3
Schedule 2	1	Schedule 2	Included in 1
	2(i) and (ii)		Included in 1
	2(iii)		2
	2(iv)		Included in 1
	2(v)		Included in 3
	2(vi)		Included in 1
	3		Included in 1
Schedule 3	1	Schedule 2	Included in 4
	2(i) and (ii)		Included in 4
	2(iii)		Included in 3
	2(iv)		None
	2(v)		None
	2(vi)		Included in 3
	3		Included in 3

PART II

Fees contained in the 1975 Order which are not included in this Order:

Schedule 1, Fee No. 3 (where a second petition is presented with leave)
Fee Nos. 6 and 7

Schedule 2, County Court Fee No. 7,
Supreme Court Fee Nos. 35, 36, 41, 42 and 58.