STATUTORY INSTRUMENTS

1975 No. 1343 (L. 15)

SUPREME COURT OF JUDICATURE, ENGLAND
FEES AND STAMPS
The Supreme Court Fees Order 1975

Made - - - - 29*th July* 1975

Coming into Operation 1*st October* 1975

The Lord Chancellor, the Judges of the Supreme Court and the Treasury, in exercise of the powers and authorities vested in them respectively by section 213 of the Supreme Court of Judicature (Consolidation) Act 1925**(a)**, section 365(3) of the Companies Act 1948**(b)** and sections 2 and 3 of the Public Offices Fees Act 1879**(c)**, do hereby, according as the provisions of the said enactments respectively authorise and require them, make, advise, concur in, sanction and consent to the following Order:—

1.—(1) This Order may be cited as the Supreme Court Fees Order 1975 and shall come into operation on 1st October 1975.

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

2. In this Order, unless the context otherwise requires—

(*a*) an Order or rule referred to by number means the Order or rule so numbered in the Rules of the Supreme Court 1965**(e)**, as amended **(f)**, and expressions defined in those rules shall have the same meaning in this Order;

(*b*) a fee referred to by number means the fee so numbered in the Schedule to this Order;

(*c*) a section referred to by number in section 9 of the Schedule means the section so numbered in the Companies Act 1948.

3. The fees set out in column 2 of the Schedule to this Order shall be taken in the Supreme Court in respect of the items set out opposite thereto in column 1.

4. The provisions of this Order shall not apply to—

(i) non-contentious probate business;

(ii) proceedings in bankruptcy;

(iii) proceedings in the Court of Protection, except insofar as any fee prescribed in section 1 of the Schedule is applicable;

(iv) the enrolment of documents;

(v) criminal proceedings (except proceedings on the Crown side of the Queen's Bench Division to which the scale contained in the Schedule is applicable);

(vi) proceedings by sheriffs, under-sheriffs, deputy-sheriffs or other officers of the sheriff.

(a) 1925 c. 49.
(b) 1948 c. 38.
(c) 1879 c. 58.
(d) 1889 c. 63.
(e) S.I. 1965/1776 (1965 III, p. 4995).
(f) There are no relevant amendments.

5.—(1) Where it appears to the Lord Chancellor that the payment of any fee specified in the Schedule 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.

(2) Where Fee No. 60 has been paid on the appointment of a judge of the Commercial Court as an arbitrator or umpire but the arbitration does not proceed to a hearing or an award, the fee shall be refunded.

6. Where by any convention entered into by Her Majesty with any foreign power it is provided that no fee shall be required to be paid in respect of any proceedings, the fees specified in this Order shall not be taken in respect of those proceedings.

7.—(1) The fees prescribed by this Order shall, subject to the provisions of paragraph (2) of this Article, be taken in cash and the document indicated in column 3 of the Schedule shall be marked by the officer of the court receiving the fee, showing the amount of the fee and the date of its receipt.

(2) Fees Nos. 34 and 42 shall be taken by transfer from money in court.

8.—(1) In the case of Fees Nos. 15, 16, 17 and 18 (being fees payable in the Chancery Division) payment shall be made at such time as the Court may direct and, if an account or inquiry is not completed, the party having conduct of the proceedings shall pay such fee as the Court may direct.

(2) In any case to which the foregoing sub-paragraph applies, the Court may direct the party having conduct of the proceedings to make a deposit of money on account of the fees which may become payable.

(3) Where any fee is paid or deposit made under the provisions of this Article, the receipt thereof shall be marked on the praecipe or such other document as the Court may direct.

9. The Supreme Court Fees Order 1970**(a)**, the Supreme Court Fees (Amendment) Order 1971**(b)**, the Supreme Court Fees (Amendment) Order 1972**(c)** and the Supreme Court Fees (Amendment) Order 1974**(d)** are hereby revoked, save as to any fee or percentage due or payable before the commencement of this Order.

Dated 24th July 1975.

Elwyn-Jones, C.

Dated 21st July 1975.

Widgery, C. J.

Denning, M. R.

George Baker, P.

Dated 29th July 1975.

M. Cocks,

Donald R. Coleman,

Two of the Lords Commissioners of Her Majesty's Treasury.

(a) S.I. 1970/1870 (1970 III, p. 6135).
(b) S.I. 1971/1245 (1971 II, p. 3615).
(c) S.I. 1972/1190 (1972 II, p. 3528).
(d) S.I. 1974/1384 (1974 II, p. 5326).

SCHEDULE

Section 1 Fees payable in every division of the High Court.
Section 2 Fees payable in the Chancery Division.
Section 3 Fees payable in the Queen's Bench Division.
Section 4 Fees payable in Admiralty Matters.
Section 5 Fees payable in the Court of Appeal.
Section 6 Fees payable for copies of documents.
Section 7 Fees payable in the Supreme Court Pay Office.
Section 8 Fees payable on the taxation of costs.
Section 9 Fees payable on proceedings under the Companies Act 1948.
Section 10 Miscellaneous fees.

SECTION 1

FEES PAYABLE IN EVERY DIVISION OF THE HIGH COURT

Column 1	*Column* 2	*Column* 3
Item	Fee £	Document to be marked
Commencement of a cause or matter		
1.—(i) On sealing—		
(*a*) a writ of summons,		The filed copy.
(*b*) an originating summons, where no other fee is specially provided,		The filed copy.
(*c*) an originating notice of motion, except a notice of appeal to the High Court, or		The notice of motion.
(*d*) on presenting an originating petition except where a fee under section 9 of this Schedule is payable:		
in each case	15·00	The petition.
(ii) On sealing an originating summons for approval of an infant settlement.	5·00	The filed copy.
2. On an originating *ex parte* application where no other fee is specifically prescribed: Provided that, where the applicant is directed to issue an originating summons, credit for the fee paid on the *ex parte* application is to be given against the fee payable on the summons.	2·00	The affidavit filed in support of the application.
3. On bespeaking a request for the service of process or notice thereof out of the jurisdiction.	5·00	The request.
4. On sealing a commission or letter of request for the examination of witnesses abroad.	5·00	The request.
5. On the examination of a witness, including a judgment debtor, before an officer of the court.	5·00	The praecipe.
Entry or setting down for trial in court		
6. On setting down a cause on motion for judgment.	7·50	The praecipe or notice of motion.
7. On entering or setting down a cause or matter in the Short Cause List or entering a Probate action as a short cause.	7·50	The filed copy of pleadings.

Column 1	*Column* 2	*Column* 3
Item	Fee £	Document to be marked
8. On filing— (*a*) a notice of appeal to the High Court, or (*b*) a case stated or a special case for the opinion of the High Court pursuant to statute and setting the appeal or case down for hearing.	10·00	The notice or case.
9. On entering or setting down any other cause or matter, including a reference to an Official Referee, for trial, hearing or further consideration in court, except where— (*a*) it is otherwise provided in this Schedule, or (*b*) Fee No. 1(*c*), 51, 52 or 53 has been paid, or (*c*) in the case of a reference to an Official Referee, this fee has already been paid in respect of the same cause or matter.	15·00	The praecipe or the filed copy of the pleadings.
Writs 10. On sealing a writ of subpoena *ad testificandum* or *duces tecum*, for each witness.	1·00	The praecipe.
11. On sealing a writ of execution.	3·00	The praecipe.

SECTION 2

FEES PAYABLE IN THE CHANCERY DIVISION

Column 1	*Column* 2	*Column* 3
Item	Fee £	Document to be marked
12. On presenting a petition of course.	2·00	The petition.
13. On an originating summons for the payment out of court of a sum not exceeding £500.	2·00	The filed copy.
14. On adjourning from chambers into court— (*a*) an originating summons, (*b*) any other summons or a notice under Order 25, rule 7(3).	7·50	The summons, notice or sealed copy thereof.
15. On the sale, mortgage or purchase of— (*a*) any land or hereditaments, or (*b*) any business (including the goodwill thereof), or (*c*) any chattels confirmed or approved by order or certificate or where the court makes an order for sale by auction, for every £100 or fraction of £100 of the price, mortgage money or purchase money up to £1 million (subject to a minimum fee of £5):	0·20	The certificate or, if there is no certificate, the summons or other document by which the order was sought or the certificate of the auctioneer as to the result of a sale by auction.

Column 1	*Column* 2	*Column* 3
Item	Fee £	Document to be marked
Provided that— (1) in the case of a sale for the purpose of calculating the amount of this fee any sum payable out of the price to a mortgagee or other person entitled to a charge, estate or interest on or in the property sold, who though consenting to or concurring in the sale is not a party to or bound by the proceedings, is to be deducted from the price; (2) if for any reason after payment of this fee on a sale, the sale is not completed and the property is subsequently sold to another purchaser, credit is to be given for the fee already paid on the abortive sale against the fee payable on the completed sale; but in no case is any part of the fee paid on the abortive sale to be repaid; (3) if Fee No. 16(*b*), 17(*b*) or 18 has been paid or is payable in respect of the property ordered to be sold or any part thereof, then such property or such part thereof (as the case may be) shall be exempt from the payment of this fee; (4) where leave is given to sell at a minimum price, this fee is payable as if the order giving leave were an order for sale at that price.		
16. On taking an account of moneys— (*a*) received by a person liable to account therefor, or (*b*) due to any person, for every £100 or fraction of £100 of the amount received or found due, up to £1 million (subject to a minimum fee of £5):	0·20	The certificate.
Provided that— (1) in the taking of an account of moneys received as in (*a*) above, this fee is not payable on moneys being proceeds of sale on which Fee No. 15 has been paid, or estate, property or assets on which Fee No. 18 has been paid; (2) in a debenture holders' action no fee is payable for taking an account of what is due to the debenture holders.		
17. On an inquiry— (*a*) as to damages, or (*b*) to ascertain the person or persons interested in any property, for every £100 or fraction of £100 of the amount certified or of the value of the property up to £1 million (subject to a minimum fee of £5):	0·20	The certificate.
Provided that, if Fee No. 15 or 16(*a*) has been paid or is payable in respect of the property or any part thereof, such property or part thereof shall be exempt from payment under paragraph (*b*) of this fee.		
18. On ascertaining pursuant to an order— (*a*) the estate, or outstanding estate, of any person, or (*b*) any property subject to a trust, mortgage or charge, or		

Column 1	*Column 2*	*Column 3*
Item	Fee £	Document to be marked
(*c*) any partnership assets, for every £100 or fraction of £100 of the amount or value thereof up to £1 million (subject to a minimum fee of £5): Provided that the amount on which this fee is payable shall not include any outstanding bad or irrecoverable debts or any sum on which Fee No. 15, 16(*a*) or 17(*b*) has been paid or is payable, but shall include all sums paid after the commencement of the proceedings to creditors or to persons beneficially interested.	0·20	The certificate.
19. On an order for payment or transfer out of court of any funds standing to the credit of an account which has not been dealt with (otherwise than by continuous investment or placing on deposit of dividends) for a period of at least five years, or, in the case of an account of an infant, for at least five years after the infant has attained 18, for every £100 or fraction of £100 of the actual value ordered to be paid or transferred out: Provided that— (1) in calculating this fee, if the funds have been the subject of an inquiry the certificate of which was dated after the commencement of the period, credit is to be given for the amount paid under Fee No. 17 or for the portion thereof attributable to the funds ordered to be paid or transferred out of court; (2) the document shall be marked to show the payment of this fee after the order has been made but before it is perfected.	0·25	The summons or other document by which the order was sought.
20. On settling— (*a*) an arrangement approved by the court under section 1 of the Variation of Trusts Act 1958, (i) where the trust fund does not exceed £50,000 (ii) where the trust fund exceeds £50,000 but does not exceed £100,000 (iii) where the trust fund exceeds £100,000 but does not exceed £1 million (iv) where the trust fund exceeds £1 million (*b*) a scheme— (i) for the management of a charity, or where the amount involved does not exceed £1,000 (ii) in any other case: Provided that, if there is no certificate, the document shall be marked to show the payment of this fee after the order has been made but before it is perfected.	10·00 20·00 100·00 200·00 4·00 10·00	The certificate or, if there is no certificate, the summons or other document by which the order was sought.
21. On a certificate of a Master or District Registrar except where Fees Nos. 15 to 19 inclusive are payable.	5·00	The certificate.

Column 1	*Column* 2	*Column* 3
Item	Fee £	Document to be marked
22. On the appointment of a receiver or administrator *pendente lite* except where he is absolved from passing his accounts.	5·00	The summons or other document by which the order was sought.
23.—(*a*) On referring a bill of costs to a Taxing Master from chambers without an order,	1·00	The reference.
(*b*) on assessing costs for every £1 or fraction of £1 of the sum assessed.	0·05	The bill.
24. On settling— (*a*) a deed or other instrument, or (*b*) particulars and conditions of sale, whether together or separately; per draft page.	2·00	The draft.

SECTION 3

FEES PAYABLE IN THE QUEEN'S BENCH DIVISION

Column 1	*Column* 2	*Column* 3
Item	Fee £	Document to be marked
25. On an inquiry, trial or assessment of damages before a Master or District Registrar, or on any summons, adjourned for the examination of witnesses.	5·00	The order, summons, judgment or certificate.
26. On sealing a summons for bail.	1·00	The summons.
27. On sealing a notice of appeal from a Master or District Registrar to a Judge in Chambers.	5·00	The notice.
28. On taking a receiver's account.	2·00	The account or certificate.

SECTION 4

FEES PAYABLE IN ADMIRALTY MATTERS

Column 1	*Column* 2	*Column* 3
Item	Fee £	Document to be marked
In the Admiralty Registry 29. On filing—		
(*a*) a praecipe under Order 75, rules 6(1), 8(3) or 14(1),	2·00	The praecipe or notice.
(*b*) a request for the attendance of Trinity Masters or other assessors.	2·00	The praecipe.
30. On entering a reference for hearing by the Registrar.	15·00	The praecipe.

Column 1	*Column* 2	*Column* 3
Item	Fee £	Document to be marked
31. On sealing a notice of appeal from a Registrar or a District Registrar to a Judge in Chambers.	5·00	The notice.
32. On a certificate by the Registrar as to a judgment or order.	2·00	The certificate.
In the Marshal's Office		
33. On lodging with the Marshal—		
(*a*) an instrument—		
(i) under Order 75, rule 5(1),	15·00	
(ii) under Order 75, rule 13(1),	5·00	The instrument.
(*b*) a commission for the appraisement and sale of any property.	15·00	The commission.
34. On the sale of a ship or goods,		
(*a*) for every £100 or fraction of £100 of the price up to £100,000,	1·00	
(*b*) for every £100 or fraction of £100 of the price exceeding £100,000.	0·50	This fee is paid by transfer from the proceeds in court to the account of fees on proceedings.

SECTION 5

FEES PAYABLE IN THE COURT OF APPEAL

Column 1	*Column* 2	*Column* 3
Item	Fee £	Document to be marked
35. On filing a notice of appeal—		
(*a*) from a county court—		
(i) if the appeal is entered in an interlocutory list,	6·00	
(ii) if the appeal is entered in any other list,	10·00	
(*b*) in any other case—		
(i) if the appeal is entered in an interlocutory list,	7·50	
(ii) if the appeal is entered in any other list.	15·00	The notice of appeal.
36. On filing a notice of cross-appeal or a respondent's notice under Order 59, rule 6(1).	5·00	The notice.
37. On filing a notice of motion.	5·00	The notice.

SECTION 6

FEES PAYABLE FOR COPIES OF DOCUMENTS

Column 1	*Column* 2	*Column* 3
Item	Fee £	Document to be marked
38. For a photographic copy of or part of any document, whether or not issued as an office copy, for each photographic sheet.	0·25	The copy or fee sheet.
39. For a typewritten copy of any document, per page— and for each page of any additional carbon copy bespoken, half of the fee above.	0·50	The fee sheet.
40. For examining a plain copy and marking the same as an office copy—for each sheet.	0·25	The office copy.
41. For a copy in a foreign language and for a copy of a plan, map, section, drawing, photograph or diagram— the reasonable cost thereof as certified by the officer of the court.		The praecipe or copy.

SECTION 7

FEES PAYABLE IN THE SUPREME COURT PAY OFFICE

Column 1	*Column* 2	*Column* 3
Item	Fee £	Document to be marked
42. For keeping an account of funds in court which have not been dealt with (otherwise than by the continuous investment or placing on deposit of interest) for at least 15 years, and have been carried over to the account of unclaimed balances, per £100 of the value of the funds when carried over: Provided that— (1) this fee is payable out of the funds at the end of the said period; (2) in the case of an account of an infant, this fee is not payable till after such further period, if any, in addition to the 15 years, as will extend to five years after the infant has attained 18: or, if the date of the birth of the infant is unknown, till after a further period, in addition to the 15 years, of 10 years.	1·00	This fee is paid by transfer from the funds in court to the account of fees on unclaimed balances.
43. On a request for— (*a*) a certificate of— (i) the amount and description of any fund, (ii) lodgment in court of any fund, (iii) non-lodgment in court of any fund, (iv) any transaction for which no other fee is prescribed, (*b*) the redating of a certificate of the amount and description of any fund, (*c*) a transcript of an account, for each opening:	 0·25 0·25 0·50 0·25 0·13 0·25	 The request. The certificate. The transcript.

Column 1	*Column* 2	*Column* 3
Item	Fee £	Document to be marked
Provided that the fees prescribed in paragraphs (*a*)(i), (*b*) and (*c*) shall not be payable in respect of any matter in the Court of Protection.		
44.—(*a*) On paying, lodging, transferring or depositing funds in court without an order, or in addition to an amount directed by an order to be paid in, or (*b*) on paying out of court any money without an order.	0·25	The request.
45. On a request for information in writing— (*a*) relating to— (i) an account which has been closed for upwards of 15 years, or, (ii) a fund which has not been dealt with for upwards of 15 years, where the account or fund is identified in the request by reference to the relevant cause or matter,	0·25	
(*b*) where no account or fund is specified in the request.	0·50	The request.
46. On a lodgment in court on an affidavit under the Trustee Act 1925.	0·50	The office copy of the schedule to the affidavit.
47. On preparing a power of attorney.	0·50	The power of attorney.

SECTION 8

FEES PAYABLE ON THE TAXATION OF COSTS

Column 1	*Column* 2	*Column* 3
Item	Fee £	Document to be marked
48. On taking a cash account between solicitor and own client under the Solicitors Act 1974 or otherwise— for every £100 or fraction of £100 of the amounts found to have been received and paid.	0·10	The fee sheet.
49. On the taxation of a bill of costs— for every £1 or fraction of £1 of the amount allowed:	0·05	The bill.
Provided that the taxing officer may in any case require the bill of costs to be stamped before taxation with the whole or part of the amount of fees which would be payable if the bill were allowed by him at the full amount thereof (including, in cases under the Solicitors Act 1974, the fee payable in respect of the cash account).		
50. 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. 49 if the bill had been allowed in full) as may be reasonable having regard to the amount of work done in the court office.		The bill.

SECTION 9

FEES PAYABLE ON PROCEEDINGS UNDER THE COMPANIES ACT 1948

Column 1	*Column* 2	*Column* 3
Item	Fee £	Document to be marked
51. On presenting a petition under one or more of the following— (*a*) section 56, to confirm the reduction of a share premium account, (*b*) section 57, to sanction the issue of shares at a discount, (*c*) section 67, to confirm a reduction of a capital redemption reserve fund, (*d*) section 67, to confirm a reduction of capital, or (*e*) section 206, to sanction a compromise or scheme of arrangement.	25·00	The petition.
52. On presenting a petition under one or more of the following— (*a*) section 5, to cancel an alteration of objects, (*b*) section 23, to cancel an alteration in conditions in a memorandum of association, (*c*) section 72, to cancel any variation of the rights attached to any class of shares, (*d*) section 353, to restore a name to the register of companies, (*e*) section 395, to cancel an alteration in the form of the constitution of a company, or (*f*) section 448, for relief by a company.	12·00	The petition.
53. On presenting a petition for the winding-up of a company by or under the supervision of the court, or for an order under section 210.	12·00	The petition.

SECTION 10

MISCELLANEOUS FEES

Column 1	*Column* 2	*Column* 3
Item	Fee £	Document to be marked
Registration of judgments 54. Under the Judgments Extension Act 1868—		
(*a*) on a certificate of a judgment for registration in Scotland or Northern Ireland,	2·00	The praecipe.
(*b*) on registration of a certificate issued by a Scottish or Northern Irish court.	2·00	The certificate.
55. Under Part II of the Administration of Justice Act 1920, the Foreign Judgments (Reciprocal Enforcement) Act 1933, the Maintenance Orders Act 1950, the Maintenance		

Column 1	*Column* 2	*Column* 3
Item	Fee £	Document to be marked
Orders Act 1958 or the Maintenance Orders (Reciprocal Enforcement) Act 1972—		
(*a*) on an *ex parte* application to register a judgment or order,	2·00	The affidavit in support of the application.
(*b*) on a certified copy of a judgment or order.	2·00	The copy.
Bills of sale		
56. On filing—		
(*a*) any document under the Bills of Sale Act other than a fiat of satisfaction,	2·00	The document filed.
(*b*) a fiat of satisfaction.	1·00	The fiat.
57.—(*a*) For an official certificate of the result of a search in one name in any register or index under the custody of the Registrar of bills of sale,	1·00	
for every additional name, if included in the same certificate,	0·50	
(*b*) for a continuation search, if made within one calendar month of date of official certificate (the result to be endorsed on each certificate).	0·50	The requisition for search.
Production of documents, etc.		
58. Upon an application for the production of records or documents to be given in evidence—		
(*a*) where the records or documents are sent by post—		
for the first document,	1·00	The application.
for each additional document,	0·25	The application.
(*b*) where an officer is required to produce the records or documents in court and, in addition,	2·00	
(i) for every half-day or part thereof that he is necessarily absent from his office,	5·00	
and (ii) his reasonable expenses of attendance:		The application or fee sheet.
Provided that the court may require—		
(1) a deposit of money on account of any further fees and a deposit of money on account of any further expenses which may probably become payable beyond the amount paid for fees and expenses on the application, receipt of which shall be marked on the application;		
(2) an undertaking in writing to pay any further fees and expenses which may become payable beyond the amounts so paid and deposited.		
59. On taking an affidavit or an affirmation or attestation upon honour in lieu of an affidavit or a declaration except for the purpose of receipt of dividends from the Accountant-General,		
for each person making the same,	1·00	
and, in addition thereto, for each exhibit therein referred to and required to be marked.	0·40	The affidavit, affirmation or declaration.

Column 1	*Column* 2	*Column* 3
Item	Fee £	Document to be marked
Judge sitting as arbitrator 60. On the appointment of a judge of the Commercial Court as an arbitrator or umpire under section 4 of the Administration of Justice Act 1970.	250·00	The arbitration agreement or other document produced to the judge as constituting the submission to arbitration.
61. For every two days or part thereof (after the first two days) of the hearing of the reference before a judge so appointed as arbitrator or umpire.	250·00	The arbitration agreement or other document produced to the judge as constituting the submission to arbitration.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order replaces the Supreme Court Fees Order 1970. The number of fees is considerably reduced. The major changes are:—

(*a*) the conversion of Fee No. 1 into a composite fee for the commencement of proceedings. This Fee replaces Fees Nos. 1 to 7, 9 to 13 and 61 to 64 in the previous Order so that no fee will be payable for any amendment of originating process, for filing any document or for the majority of interlocutory applications;

(*b*) an increase in fees on setting down a cause for trial, the taxation of costs, copies of documents and other matters;

(*c*) the abolition of a number of small fees which were rarely applicable;

(*d*) the abolition of the fees payable under section 4 of the Schedule to the previous Order;

(*e*) the introduction of a new fee in the Chancery Division for the appointment of a receiver or administrator *pendente lite* except where he is absolved from passing accounts.

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