

Draft Order laid before Parliament under section 180(7) of the Anti-social Behaviour, Crime and Policing Act 2014, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2016 No. X (L.X)

SENIOR COURTS OF ENGLAND AND WALES

COUNTY COURT, ENGLAND AND WALES

FAMILY PROCEEDINGS, ENGLAND AND WALES

TRIBUNALS AND INQUIRIES, ENGLAND AND WALES

The Civil Proceedings, Family Proceedings and Upper Tribunal
Fees (Amendment) Order 2016

Made - - - -

Coming into force in accordance with article 1

The Lord Chancellor, with the consent of the Treasury, makes the following Order in exercise of the powers conferred by sections 92(1) and (2) and 108(6) of the Courts Act 2003 (“the 2003 Act”)(a), sections 42(1)(b) and (2) and 49(3) of the Tribunals, Courts and Enforcement Act 2007 (“the 2007 Act”)(b) and section 180(1) of the Anti-social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”)(c).

The Lord Chancellor has had regard to the matters referred to in section 92(3) of the 2003 Act and in section 180(3) of the 2014 Act.

The Lord Chancellor has consulted in accordance with section 92(5) and (6) of the 2003 Act and section 42(5) of the 2007 Act.

A draft of this Order has been laid before Parliament and approved by resolution of each House of Parliament in accordance with section 180(7) of the 2014 Act.

(a) 2003 c. 39. Section 92 was amended by the Constitutional Reform Act 2005 (c. 4) Schedule 4, paragraph 345, and Schedule 11, paragraph 4, and the Crime and Courts Act 2013 (c. 22), Schedule 9, paragraph 40(a), and Schedule 10, paragraph 95.
(b) 2007 c. 15.
(c) 2014 c. 12.

Citation and commencement

1. This Order may be cited as the Civil Proceedings, Family Proceedings and Upper Tribunal Fees (Amendment) Order 2016 and comes into force on the next Monday after the day on which the Order is made.

Amendments to the Civil Proceedings Fees Order 2008

2. In the table in Schedule 1 to the Civil Proceedings Fees Order 2008(a)—
- (a) in column 2 (amount of fee), for the entry corresponding to fee 1.4(b) (starting proceedings for the recovery of land in the County Court) for “£280” substitute “£355”;
 - (b) in column 2, for the entry corresponding to fee 1.4(c) (starting proceedings for the recovery of land using the Possession Claims Online website), for “£250” substitute “£325”;
 - (c) for fees 2.4 and 2.5, for the entries in both columns, substitute—

“2.4(a) On an application on notice where no other fee is specified, except for applications referred to in fee 2.4(b).	£255
2.4(b) On an application on notice where no other fee is specified made— (i) under section 3 of the Protection from Harassment Act 1997(b); or (ii) for a payment out of funds deposited in court.	£155
2.5(a) On an application by consent or without notice where no other fee is specified, except for applications referred to in fee 2.5(b).	£100
2.5(b) On an application made by consent or without notice where no other fee is specified made— (i) under section 3 of the Protection from Harassment Act 1997; or (ii) for a payment out of funds deposited in court.	£50”

- (d) in column 1 (number and description of fee) for the direction beginning “Fees 2.4 and 2.5 are not payable” substitute “Fees 2.4(a) and 2.5(b) are not payable in proceedings to which fees 3.11 and 3.12 apply.”

Amendment to the Family Proceedings Fees Order 2008

3. In the table in Schedule 1 to the Family Proceedings Fees Order 2008(c) in column 2 (amount of fee) for the entry corresponding to fee 1.2 (application for divorce etc) for “£410” substitute “£550”.

(a) S.I. 2008/1053; relevant amending instruments are S.I. 2014/874 and 2015/576.
(b) 1997 c. 40. Section 3 was amended by the Serious Organised Crime and Police Act 2005 (c. 15), section 125(4), and the Crime and Courts Act 2013 (c. 22), Schedule 9, paragraph 39.
(c) S.I. 2008/1054. Schedule 1 was substituted by S.I. 2014/877 and fee 1.2 (application for divorce, etc) was amended by S.I. 2015/576.

Amendments to the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011

4. In the table in Schedule 1 to the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011(a) in column 2 (amount of fee)—

- (a) for the entry corresponding to fee 2.1 (application on notice where no other fee is specified) for “£80” substitute “£255”;
- (b) for the entry corresponding to fee 2.2 (application by consent or without notice where no other fee is specified) for “£45” substitute “£100”;
- (c) for the entry corresponding to fee 2.3 (application for a summons or order for a witness to attend the Tribunal) for “£40” substitute “£50”;
- (d) for the entry corresponding to fee 3.1(a) (request for a copy of a document of 10 pages or less) for “£5” substitute “£10”.
- (e) for the entry corresponding to fee 3.2 (request for a copy of a document in electronic form) for “£5” substitute “£10”.

Parliamentary Under Secretary of State
Ministry of Justice

We consent,

Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Civil Proceedings Fees Order 2008 (S.I. 2008/1053) (“the Civil Proceedings Fees Order”), the Family Proceedings Fees Order 2008 (S.I. 2008/1054) (“the Family Proceedings Fees Order”) and the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011 (“the Upper Tribunal Fees Order”) (S.I. 2011/2344)

The fee for starting proceedings for the recovery of land in the County Court (fee 1.4(b) of the Civil Proceedings Fees Order) is increased from £280 to £355. The fee for starting proceedings for the recovery of land in the County Court by using the Possession Claims Online website (fee 1.4(c) of the Civil Proceedings Fees Order) is increased from £250 to £325.

The fee for certain general applications made on notice to the other side, which applies where no other fee in the Fees Order applies (fee 2.4 of the Civil Proceedings Fees Order), is increased from £155 to £255. The increase does not apply in relation to applications in proceedings under section 3 of the Protection from Harassment Act 1997 (c. 40) or for a payment to be made out of funds deposited in court, for which the general application fee remains unaltered at £155.

The fee for certain general applications made either by consent or without notice to the other parties, which applies where no other fee in the Fees Order applies (fee 2.5 of the Civil Proceedings Fees Order), is increased to £100. The increase does not apply in relation to

(a) S.I. 2011/2344; to which there are amendments but none is relevant to this Order.

applications in proceedings under section 3 of the Protection from Harassment Act 1997 or for a payment out of funds deposited in court, for which the fee remains unaltered at £50.

The fee for applying for a decree of divorce or nullity under the Matrimonial Causes Act 1973 or to dissolve, or for nullity of, a civil partnership (fee 1.2 of the Family Proceedings Fees Order) is increased from £410 to £550.

The fee for general applications made on notice to the other side where no other fee in the Upper Tribunal Fees Order is specified is increased from £80 to £255 (fee 2.1 in the Order). The fee for general applications made either by consent or without notice to the other parties where no other fee in the Upper Tribunal Fees Order applies is increased from £45 to £100. Fees for copy documents are also increased from £5 to £10.

A full impact assessment accompanies this instrument (copies are also available on the Ministry of Justice's website at https://consult.justice.gov.uk/digital-communications/further-fees-proposal-consultation/supporting_documents/governmentresponseimpactassessment.pdf)

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