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STATUTORY INSTRUMENTS

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**2000 No. 938 (L. 7)**

**FAMILY PROCEEDINGS,  
ENGLAND AND WALES  
SUPREME COURT OF ENGLAND AND WALES  
COUNTY COURTS, ENGLAND AND WALES**

The Family Proceedings Fees (Amendment No. 2) Order 2000

*Made* - - - - - *16th March 2000*

*Coming into force* - - - - - *25th April 2000*

The Lord Chancellor, in exercise of the powers conferred on him by section 41 of the Matrimonial and Family Proceedings Act 1984(1), with the concurrence of the Treasury under section 41 of the Matrimonial and Family Proceedings Act 1984, makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Family Proceedings Fees (Amendment No. 2) Order 2000 and shall come into force on 25th April 2000.

(2) In this Order—

- (a) “the 1999 Fees Order” means the Family Proceedings Fees Order 1999(2);
- (b) an article referred to by number alone is a reference to the article so numbered in the 1999 Fees Order; and
- (c) a fee or column referred to by number means the fee or column so numbered in Schedule 1 to the 1999 Fees Order.

**Transitional provisions**

2. The transitional provisions in the Schedule to this Order shall have effect.

**Amendments to the 1999 Fees Order**

3. After fee 4.3 in columns 1 and 2 there shall be added the following new fee 4.4—

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(1) 1984 c. 42.

(2) S.I.1999/690; as amended by S.I. 1999/2549 and S.I. 2000/640.

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<i>Column 1</i>	<i>Column 2</i>
Number and description of fee	Amount of fee
<b>4.4</b> On an application on notice for ancillary relief, or on filing a notice of intention to proceed with an application for ancillary relief other than an application for an order by consent	£80

**4.** For columns 1 and 2 in fee 7 there shall be substituted—

<i>Column 1</i>	<i>Column 2</i>
Number and description of fee	Amount of fee
<b>7.1</b> On a request for a copy of a document (other than where fee 7.2 applies):	£1
(a) for the first page (except the first page of a subsequent copy of the same document supplied at the same time)	
(b) (b) per page in any other case	20p

Fee 7.1 shall be payable for a faxed copy or for examining a plain copy and marking it as an examined copy.

Fee 7.1 shall be payable whether or not the copy is issued as an office copy.

**7.2** On a request for a copy of a document required in connection with proceedings and supplied by the party making the request at the time of copying, for each page

**7.3** On a request for a copy of a document on a computer disk or in other electronic form, for each such copy

**5.** For columns 1 and 2 in fees 8.1, 8.2 and 8.3 there shall be substituted—

<i>Column 1</i>	<i>Column 2</i>
Number and description of fee	Amount of fee
<b>8.1</b> On the filing of a request for detailed assessment where the party filing the request is legally aided or is funded by the LSC and no other party is ordered to pay the costs of the proceedings	£80
<b>8.2</b> On the filing of a request for a detailed assessment hearing in any case where fee 8.1 does not apply; or on the filing of a request for a hearing date for the assessment of costs payable	£130

<i>Column 1</i>	<i>Column 2</i>
Number and description of fee	Amount of fee
to a solicitor by his client pursuant to an order under Part III of the Solicitors Act 1974 <b>(3)</b>	
Where there is a combined party and party and legal aid, or a combined party and party and LSC, or a combined party and party, legal aid and LSC determination of costs, fee 8.2 shall be attributed proportionately to the party and party, legal aid, or LSC (as the case may be) portions of the bill on the basis of the amount allowed.	
<b>8.3</b> On a request for the issue of a default costs certificate	£40
<b>8.4</b> On an appeal against a decision made in detailed assessment proceedings or on a request or an application to set aside a default costs certificate	£50
<b>8.5</b> On applying for the court's approval of a certificate of costs payable from the Community Legal Service Fund	£20
Fee 8.5 is payable at the time of applying for approval and is recoverable only against the Community Legal Service Fund.	

Dated 14th March 2000

*Irvine of Lairg, C.*

We concur,

Dated 16th March 2000

*Greg Pope*  
*Clive Betts*  
Two of the Lords Commissioners of Her Majesty's Treasury

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## SCHEDULE

Article 2

If sections 1 to 11 of the Access of Justice Act 1999<sup>(4)</sup> come into force after 25th April 2000, until those sections come into force—

- (a) the reference in fee 8.5 to a certificate of costs payable from the Community Legal Service Fund shall be read as a reference to a Legal Aid Assessment Certificate; and
- (b) the reference in the note following the description of fee 8.5 to the Community Legal Service Fund shall be read as a reference to the Legal Aid Fund.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Family Proceedings Fees Order 1999 as follows:

- a new fee of £80 for applications for ancillary relief is introduced as fee 4.4 (previously a fee of £60 payable on applications on notice generally applied to applications for ancillary relief);
- fee 7 (copy documents) is reduced so that the fee is £1 for the first page (unless supplied at the time of copying) and 20p per page for other pages (the old fee was £1 per page for the first five pages and 25p for subsequent pages);
- the fee for a detailed assessment hearing is increased from £80 to £130 and is the new fee 8.2;
- a new fee of £40 for a request for the issue of a default costs certificate is introduced as the new fee 8.3; and
- a new fee of £50 is introduced for a request or application to set aside a default costs certificate as part of the new fee 8.4.

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(4) 1999 c. 22. Sections 1 to 11 come into force on such day as the Lord Chancellor may by order appoint.