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STATUTORY INSTRUMENTS

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**1996 No. 3191 (L. 15)**

**SUPREME COURT OF ENGLAND & WALES**

**The Supreme Court Fees (Amendment) Order 1996**

*Made* - - - - *16th December 1996*  
*Laid before Parliament* *18th December 1996*  
*Coming into force* - - *15th January 1997*

The Lord Chancellor, in exercise of the powers conferred on him by section 130 of the Supreme Court Act 1981<sup>(1)</sup>, sections 414 and 415 of the Insolvency Act 1986<sup>(2)</sup> and section 128 of the Finance Act 1990<sup>(3)</sup>, with the concurrence of the Lord Chief Justice, the Master of the Rolls, the President of the Family Division, the Vice-Chancellor and the Treasury under section 130(2) of the Supreme Court Act 1981, and with the sanction of the Treasury under sections 414(1) and 415(1) of the Insolvency Act 1986, hereby makes the following Order:

**Citation, commencement and interpretation**

1. This Order may be cited as the Supreme Court Fees (Amendment) Order 1996 and shall come into force on 15th January 1997.

2. In this Order:—

- (a) an article referred to by number means the article so numbered in the Supreme Court Fees Order 1980<sup>(4)</sup>, and
- (b) a fee or column referred to by number means the fee or column so numbered in the Schedule to that Order.

**Amendments to the Supreme Court Fees Order 1980**

3. Paragraphs (1) and (3) of article 5 shall be omitted.

4. The following shall be inserted after article 7:—

“(7A) Where a bill for taxation is lodged by a party to proceedings who, if the bill is allowed at the full amount thereof, will be required to pay it, the fee prescribed at Fee

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(1) 1981 c. 54.

(2) 1986 c. 45; sections 414 and 415 have been amended by the Insolvency Fees Amendment Order 1992, S. I. 1992/34.

(3) 1990 c. 29.

(4) S. I. 1980/821; the relevant amending instruments are S. I. 1982/1707, 1983/1680, 1986/637 and 2144, 1990/1460, 1993/3191 and 1995/2629.

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No. 29(b) shall be limited to £50, unless the taxing officer orders that the full amount of the fee shall be payable.”

5. The entries in Column 2 in respect of each of the fees numbered in the Table below shall be replaced as shown in that Table.

Fee No.	Existing entry in Column 2	New entry in Column 2
2(a)	15.00	50.00
2(b)	15.00	50.00
2(c)	15.00	50.00
2(d)	15.00	50.00
2(e)	30.00	50.00
3	15.00	50.00
4	20.00	50.00
5(A)	20.00	30.00
5(B)	20.00	50.00
5(C)	20.00	30.00
5(D)	20.00	50.00
5(F)	50.00	150.00
5(G)	100.00	500.00
5(H)	100.00	500.00
5(J)	50.00	100.00
6	15.00	30.00
8(a)	20.00	30.00
9	20.00	50.00
11(a)	20.00	50.00
11(b)	20.00	50.00
11(c)	20.00	50.00
11(d)	20.00	50.00
13	30.00	60.00
16(a) (both occurrences)	20.00	30.00
16(b) to (g) (all occurrences)	10.00	30.00
27(a)(i)	120.00	200.00
27(a)(ii)	120.00	200.00
27(b)	50.00	150.00
27(c)	60.00	100.00
29(e)	10.00	20.00
29(f)	35.00	50.00

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Fee No.	Existing entry in Column 2	New entry in Column 2
30(a)	55.00	80.00
30(b)(i)	25.00	50.00
30(b)(ii)	55.00	80.00
30(c)	55.00	80.00
30(e)	25.00	50.00
30(f)	25.00	50.00

**6.** In columns 1 and 2 in Fee No. 1:—

- (a) the figure of “120.00” in column 2, opposite paragraphs (a) to (d) in column 1, shall be omitted;
- (b) the following shall be added after the end of paragraph (d):—

“Column 1	Column 2
where the relief sought consists of the recovery of possession of any property (with or without any sum charged thereon) or does not include the payment of money	120.00
where the relief sought is or includes the payment of money (other than money charged on property possession of which is also claimed):	120.00
limited to £10,000 or less	
limited to a sum exceeding £10,000 but not exceeding £50,000	150.00
limited to a sum exceeding £50,000 but not exceeding £100,000	300.00
limited to a sum exceeding £100,000, or where no limit is specified	500.00”

**7.** After Fee No. 5A there shall be inserted the following new fee:

“Column 1	Column 2	Column 3
(5AA) On an application ex parte or by consent before a master, district judge or Admiralty registrar or before a bankruptcy registrar, where no appointment is taken.	20.00	The application”

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8. In column 1 in Fee No. 5C, the words “in Chambers in the Queen’s Bench Division” shall be omitted.

9. For columns 1 and 2 in Fee No. 18 there shall be substituted the following:—

“Column 1	Column 2
<b>18.</b> For a copy of any document, or examining a plain copy and marking it as an office copy:	1.00
(a) per page for the first five pages of each document	
(b) per page for subsequent pages	0.25”

10. For columns 1 and 2 in Fee No. 29(b), (c) and (d) there shall be substituted the following:—

“Column 1	Column 2
(b) On the lodging of a bill of costs for taxation, subject to the provisions of article 7A, for every £100 or part of £100 of the full amount of the bill as lodged	3.75
(c) On the taxation of a bill of costs, for every £100 or part of £100 of the amount allowed less any amount paid under Fee No. 29(b) in respect of the lodging of that bill	7.50
(d) On assessing costs in the Chancery Division, for every £100 or part of £100 of the sum assessed	7.50”

Dated 11th December 1996

*Mackay of Clashfern, C.*

We concur,

*Bingham of Cornhill, C.J.  
 Woolf, M.R.  
 Stephen Brown, P.  
 Richard Scott, V.-C.*

We concur,

Dated 16th December 1996

*Patrick McLoughlin*  
*Roger Knapman*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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## EXPLANATORY NOTE

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

This Order amends the Supreme Court Fees Order 1980—

(1) to set the fee charged upon taxation of a bill of costs at £7.50 per £100 of the bill as taxed (*article 10*);

(2) to provide an advance fee for the lodging of a bill for taxation, equal to half of the estimated final taxation fee as calculated on the assumption that the bill is upheld in full, in place of the existing power to charge on withdrawal of a bill (*article 10*);

(3) where the bill is lodged by the party who would have to pay the amount of the taxed bill, to limit the amount of the advance fee to £50 unless the taxing officer orders otherwise (*article 4*);

(4) to increase the following fees as indicated (*articles 5 and 6*):

Fee No.	Short description of fee (for full description see fees order)	Existing Fee £	New Fee £
1	Issue of writ, originating summons, motion or petition	120	120 to 500, depending on the nature and amount of the claim
2	Sealing an originating summons	15 or 30	50
3	Petition of course	15	50
4	Leave to apply for judicial review	20	50
5A	Master's appointment	20	30
5B, 5D	Summons or motion for hearing before judge	20	50
5C	Ex parte application	20	30
5F	Setting down for trial	50	150
5G, 5H	Setting down for trial, commercial or Admiralty matter	100	500
5J	Allocation to Official Referee	50	100
6	Setting down cause on motion for judgment	15	30
8(a)	Inquiry, reference for trial, assessment etc.	20	30

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Fee No.	Short description of fee (for full description see fees order)	Existing Fee £	New Fee £
9	Notice of appeal to judge	20	50
11	Notice of appeal to High Court	20	50
13	Application for a garnishee order, charging order or receiver	30	60
16	Registering foreign judgments etc.	10 or 20	30
27(a)(i)	Appeal to Court of Appeal from county court	120	200
27(a)(ii)	Appeal to Court of Appeal, other	120	200
27(c)	Application to Court of Appeal	60	100
29(e)	Taxing officer's review	10	20
29(f)	Application to judge to review a taxing officer's decision	35	50
30(a)	Issue of companies winding up petition	55	80
30(b)(i)	Issue of bankruptcy petition—debtor	25	50
30(b)(ii)	Issue of bankruptcy petition—creditor	55	80
30(c)	(5) Issue of any other petition under the Companies Act 1985 or Insolvency Act 1986	55	80
30(e)	Appeal in bankruptcy	25	50
30(f)	Cross appeal or respondent's notice under the Companies Act 1985 or the Insolvency Act 1986	25	50

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(5) 1985 c. 6.

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(5) to provide that the same fee is payable in all cases of ex parte applications before a judge (*article 8*);

(6) to reduce the fee for copies of documents to 25p per page after the first five pages of each document (*article 9*);

(7) to abolish the exemptions and remissions for persons on income support and in cases of financial hardship (*article 3*);

(8) to introduce a fee of £20 for ex parte applications and consent applications to a master or registrar not involving any attendance (*article 7*).