
STATUTORY INSTRUMENTS

1995 No. 2628 (L. 12)

**FAMILY LAWSUPREME COURT OF
ENGLAND AND WALES COUNTY COURTS**

The Family Proceedings Fees (Amendment) Order 1995

Made - - - - 9th October 1995

Coming into force - - 30th October 1995

The Lord Chancellor, in exercise of the powers conferred on him by section 41 of the Matrimonial and Family Proceedings Act 1984(1), and of all other powers enabling him in that behalf, with the concurrence of the Treasury, hereby makes the following Order:—

Citation, commencement and interpretation

1. This Order may be cited as the Family Proceedings Fees (Amendment) Order 1995 and shall come into force on 30th October 1995.

2. In this Order an article referred to by number means the article so numbered in the Family Proceedings Fees Order 1991(2) and “the Schedule” means the Schedule to that Order.

Amendments to the Family Proceedings Fees Order 1991

3. For article 3 there shall be substituted the following:—

“3. No fee shall be payable under this Order by a party who, at the time when a fee would otherwise become payable,

- (a) is in receipt of legal advice and assistance under Part III of the Legal Aid Act 1988(3) in connection with the matter to which the proceedings relate, or
- (b) is in receipt of income support or family credit under Part VII of the Social Security Contributions and Benefits Act 1992(4) and is not in receipt of representation under Part IV of the Legal Aid Act 1988 for the purposes of the proceedings, or
- (c) is not a beneficiary of a trust fund in court of a value of more than £50,000 and is—
 - (i) under the age of eighteen, or

(1) 1984 c. 42.
(2) S.I. 1991/2114.
(3) 1988 c. 34.
(4) 1992 c. 4.

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(ii) a person for whose financial relief an order under paragraph 2 of Schedule 1 to the Children Act 1989(5) is in force or is being applied for.”.

4. The amounts of the fees shown in the Schedule listed in the Table below shall be varied as shown in that Table.

TABLE

<i>Fee No.</i>	<i>Existing fee</i>	<i>New fee</i>
1(a)	£15	£20
1(b)	£40	£80
4	£20	£30
5	£15	£20
6	£15	£20
7(a)	£5	£20
7(b)	£5	£20
10(a)	£5	£10
11	£5	£10
12(b)	£12	£30
12(c)	£12	£25
12(d)	£12	£25
12(e)	£12	£25
14	£5	£10
16(a)	£6	£20
16(b)	£12	£35
16(c)	£12	£25
16(d)	£12	£30
16(e)	£10	£20

5. For Fee No. 8 in the Schedule there shall be substituted the following:—

<i>“Action for which or stage at which fee taken</i>	<i>Fee</i>
<i>Copies of documents</i>	£1”
<p>8. For a copy of any document, or for examining a plain copy and marking it as an office copy, per page</p>	

6. For Fee No. 12(a) in the Schedule there shall be substituted the following—

<i>“Action for which or stage at which fee taken</i>	<i>Fee</i>
(a) by the issue of a warrant of execution against goods, other than a warrant to enforce payment of a court fee or to enforce an order for payment of a fine	£30”

Dated 4th October 1995

Mackay of Clashfern, C.

We concur,

Dated 9th October 1995

David Willets
Derek Conway
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 Family Proceeding Fees Order 1991 to—

- (1) modify the rules on exemption from payment of court fees (*article 3*);
- (2) increase the following fees (*article 4*):

<i>Fee No</i>	<i>Short Description of fee, for full description see fees order</i>	<i>Existing fee £</i>	<i>New fee £</i>
<i>(fees to be taken in the High Court and county courts)</i>			
1(a)	Originating application/summons.	15	20
1(b)	Petition.	40	80
4	Ancillary relief application.	20	30
5	General application fee.	15	20
6	Appeal from a district judge.	15	20
7(a)	Decree absolute search at Principal Registry.	5	20
7(b)	Parental responsibility search at Principal Registry.	5	20
10(a)	To register a maintenance order.	5	0
<i>(fees to be taken in county courts only)</i>			
11	Service by bailiff.	5	10
12(b)	Examination of Debtor as to means.	12	30
12(c)	Entering garnishee proceedings.	12	25
12(d)	Application for a Charging Order.	12	25

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<i>Fee No</i>	<i>Short Description of fee, for full description see fees order</i>	<i>Existing fee £</i>	<i>New fee £</i>
12(e)	Issue of a judgment summons.	12	25
<i>(fees to be taken in the High Court only)</i>			
14	Examination of witness before trial.	5	10
16(a)	Sealing writ of execution.	6	20
16(b)	Examination of judgment debtor	12	35
16(c)	Issue of a judgment summons.	12	25
16(d)	Application for a garnishee order, charging order or receiver.	12	30
16(e)	Certified copy of judgment	10	20

(3) introduce a single fee of £1 for copies of documents, to bring the fee into line with the new fee charged in the Supreme Court and county courts (*article 5*);

(4) replace the scale of fees (15p per £) payable on the issue of a warrant of execution with a flat fee of £30 (*article 6*).