

1999 No. 687 (L. 4)

SUPREME COURT OF ENGLAND AND WALES

The Supreme Court Fees Order 1999

<i>Made - - - -</i>	<i>8th March 1999</i>
<i>Laid before Parliament</i>	<i>11th March 1999</i>
<i>Coming into force</i>	<i>26th April 1999</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 130 of the Supreme Court Act 1981(a), sections 414 and 415 of the Insolvency Act 1986(b), and section 128 of the Finance Act 1990(c), 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, makes the following Order:

Citation and commencement

1. This Order may be cited as the Supreme Court Fees Order 1999 and shall come into force on 26th April 1999.

Interpretation

2. In this Order, unless the context otherwise requires—
- (a) a fee referred to by number means the fee so numbered in Schedule 1 to this Order;
 - (b) “the CPR” means the Civil Procedure Rules 1998(d); and
 - (c) expressions also used in the CPR have the same meaning as in those Rules.

Fees to be taken

3. The fees set out in column 2 of Schedule 1 to this Order shall be taken in the Supreme Court in respect of the items described in column 1 in accordance with and subject to the directions specified in column 1.

4. The provisions of this Order shall not apply to—
- (a) non-contentious probate business;
 - (b) proceedings in the Court of Protection, except in so far as any fee prescribed in section 1 of Schedule 1 is applicable;

(a) 1981 c. 54.
(b) 1986 c. 45.
(c) 1990 c. 29.
(d) S.I. 1998/3132.

- (c) the enrolment of documents;
- (d) criminal proceedings (except proceedings on the Crown side of the Queen's Bench Division to which the fees contained in Schedule 1 are applicable);
- (e) proceedings by sheriffs, under-sheriffs, deputy-sheriffs or other officers of the sheriff; and
- (f) family proceedings.

Exemptions, reductions and remissions

5.—(1) 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 any qualifying benefit, and
- (b) is not in receipt of representation under Part IV of the Legal Aid Act 1988(a) for the purposes of the proceedings.

(2) The following are qualifying benefits for the purposes of paragraph (1)(a) above—

- (a) income support;
- (b) family credit and disability working allowance under Part VII of the Social Security Contributions and Benefits Act 1992(b); and
- (c) income-based jobseeker's allowance under the Jobseekers Act 1995(c).

6. Where it appears to the Lord Chancellor that the payment of any fee prescribed by this Order would, owing to the exceptional circumstances of the particular case, involve undue financial hardship, he may reduce or remit the fee in that case.

7. 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.

Revocations

8. The Orders specified in Schedule 2 shall be revoked, except as to any fee or other sum due or payable under those Orders before the commencement of this Order.

Dated 5th March 1999

Irvine of Lairg, C.

We concur,

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

Dated 2nd March 1999

We concur,

*Clive J. C. Betts
 Bob Ainsworth*
 Two of the Lords Commissioners
 of Her Majesty's Treasury

Dated 8th March 1999

(a) 1988 c. 34.
 (b) 1992 c. 4.
 (c) 1995 c. 18.

Schedule 1
Fees to be taken

<i>Column 1</i> Number and description of fee	<i>Column 2</i> Amount of fee
Section 1. Fees payable in the High Court only	
1. Commencement of proceedings	
1.1 On the commencement of originating proceedings (including originating proceedings issued after leave to issue is granted) to recover a sum of money, where the sum claimed:	
(a) does not exceed £50,000	£300
(b) exceeds £50,000 or is not limited	£400
1.2 On the commencement of originating proceedings for any other remedy or relief (including originating proceedings issued after leave to issue is granted)	£120
<i>Fees 1.1 and 1.2 Recovery of land or goods</i>	
Where a claim for money is additional or alternative to a claim for recovery of land or goods, only fee 1.2 shall be payable.	
<i>Fees 1.1 and 1.2 Claims other than recovery of land or goods</i>	
Where a claim for money is additional to a non money claim (other than a claim for recovery of land or goods) then fee 1.1 shall be payable in addition to fee 1.2. Where a claim for money is alternative to a non money claim (other than a claim for recovery of land or goods), only fee 1.1 shall be payable.	
<i>Fees 1.1 and 1.2 Generally</i>	
Where more than one non money claim is made in the same proceedings, fee 1.2 shall be payable once only, in addition to any fee which may be payable under fee 1.1.	
Fees 1.1 and 1.2 shall not be payable where fee 1.5(b) or fee 6 apply.	
<i>Fees 1.1 and 1.2 Amendment of claim or counterclaim</i>	
Where the claim or counterclaim is amended, and the fee paid before amendment is less than that which would have been payable if the document, as amended, had been so drawn in the first instance, the party amending the document shall pay the difference.	
1.3 On the filing of proceedings against a party or parties not named in the originating proceedings	£30
Fee 1.3 shall be payable by a defendant who adds or substitutes a party or parties to the proceedings or by a claimant who adds or substitutes a defendant or defendants.	
1.4 On the filing of a counterclaim	The same fee as if the relief or remedy sought were the subject of separate proceedings
1.5 (a) On an application for leave to issue originating proceedings	£30
(b) On an application for an order under Part III of the Solicitors Act 1974 ^(a) for the assessment of costs payable to a solicitor by his client	£30

(a) 1974 c. 47.

<p style="text-align: center;"><i>Column 1</i> Number and description of fee</p>	<p style="text-align: center;"><i>Column 2</i> Amount of fee</p>
<p>2. General Fees</p> <p>2.1 On the claimant filing an allocation questionnaire; or</p> <ul style="list-style-type: none"> ● where the court dispenses with the need for an allocation questionnaire, within 14 days of the date of despatch of the notice of allocation to track; or ● where the CPR or a Practice Direction provide for automatic allocation or provide that the rules on allocation shall not apply, within 28 days of the filing of the defence (or the filing of the last defence if there is more than one defendant), or within 28 days of the expiry of the time permitted for filing all defences if sooner <p>Fee 2.1 shall be payable by the claimant except where the action is proceeding on the counterclaim alone, when it shall be payable by the defendant–</p> <ul style="list-style-type: none"> ● on the defendant filing an allocation questionnaire; or ● where the court dispenses with the need for an allocation questionnaire, within 14 days of the date of despatch of the notice of allocation to track; or ● where the CPR or a Practice Direction provide for automatic allocation or provide that the rules on allocation shall not apply, within 28 days of the filing of the defence to the counterclaim (or the filing of the last defence to the counterclaim if there is more than one party entitled to file a defence to a counterclaim), or within 28 days of the expiry of the time permitted for filing all defences to the counterclaim if sooner <p>2.2 On the claimant filing a listing questionnaire; or</p> <ul style="list-style-type: none"> ● where the court fixes the trial date or trial week without the need for a listing questionnaire, within 14 days of the date of despatch of the notice (or the date when oral notice is given if no written notice is given) of the trial week or the trial date if no trial week is fixed <p>Fee 2.2 shall be payable by the claimant except where the action is proceeding on the counterclaim alone, when it shall be payable by the defendant–</p> <ul style="list-style-type: none"> ● on the defendant filing a listing questionnaire; or ● where the court fixes the trial date or trial week without the need for a listing questionnaire, within 14 days of the date of despatch of the notice (or the date when oral notice is given if no written notice is given) of the trial week or the trial date if no trial week is fixed <p>Where the court receives notice in writing–</p> <ul style="list-style-type: none"> ● before the trial date has been fixed or, ● where a trial date has been fixed, at least 7 days before the trial date, <p>from the party who paid fee 2.2 that the case is settled or discontinued, fee 2.2 shall be refunded.</p> <p><i>Fees 2.1 and 2.2 Generally</i> Fees 2.1 and 2.2 shall be payable once only in the same proceedings.</p> <p>Fees 2.1 and 2.2 shall be payable as appropriate where the court allocates a case to a track for a trial of the assessment of damages.</p>	<p>£80</p> <p>£400</p>

<i>Column 1</i> Number and description of fee	<i>Column 2</i> Amount of fee
Fee 2.1 shall not be payable where the procedure in Part 8 of the CPR is used.	
2.3 Where no other fee is specified, on filing a notice of appeal (including an appeal against an allocation decision), or a case stated or a special case for the opinion of the High Court pursuant to statute, or a notice of cross appeal, or a respondent's notice of appeal	£100
2.4 On an application on notice where no other fee is specified	£50
2.5 On an application by consent or without notice for a judgment or order where no other fee is specified	£25
For the purpose of fee 2.5 a request for a judgment or order on admission or in default shall not constitute an application and no fee shall be payable.	
2.6 On an application for a summons or order for a witness to attend court to be examined on oath, other than an application for which fee 3.2 is payable	£30
2.7 On an application to vary a judgment or suspend enforcement (where more than one remedy is sought in the same application only one fee shall be payable)	£25
3. Enforcement	
3.1 On sealing a writ of execution/possession/delivery	£20
Where the recovery of a sum of money is sought in addition to a writ of possession and delivery, no further fee is payable.	
3.2 On an application to question a judgment debtor or other person on oath in connection with enforcement of a judgment	£40
3.3 On an application for a garnishee order nisi or a charging order nisi, or the appointment of a receiver by way of equitable execution	£50
Fee 3.3 shall be payable in respect of each party against whom the order is sought.	
3.4 On an application for a judgment summons	£80
3.5 On a request or application to register a judgment or order, or for leave to enforce an arbitration award, or for a certified copy of a judgment or order for use abroad	£30
4. Miscellaneous proceedings or matters	
<i>Bills of Sale</i>	
4.1 On filing any document under the Bills of Sale Acts 1878 and 1882(a)	£10
<i>Searches</i>	
4.2 For an official certificate of the result of a search for each name, in any register or index held by the court; or in the Court Funds Office, for an official certificate of the result of a search of unclaimed balances for a specified period of up to 50 years	£5

(a) 1878 c. 31; 1882 c. 43.

<i>Column 1</i> Number and description of fee	<i>Column 2</i> Amount of fee
4.3 On a search in person of the bankruptcy and companies records, including inspection, for each 15 minutes or part of 15 minutes	£5
<i>Judge sitting as arbitrator</i>	
4.4 On the appointment of–	£1,800
(a) a judge of the Commercial Court as an arbitrator or umpire under section 93 of the Arbitration Act 1996(a); or	
(b) a judge of the Technology and Construction Court as an arbitrator or umpire under section 93 of the Arbitration Act 1996	£1,400
4.5 For every day or part of a day (after the first day) of the hearing before–	
(a) a judge of the Commercial Court; or	£1,800
(b) a judge of the Technology and Construction Court, so appointed as arbitrator or umpire	£1,400
Where fee 4.5 has been paid on the appointment of a judge of the Commercial Court or a judge of the Technology and Construction Court as an arbitrator or umpire but the arbitration does not proceed to a hearing or an award, the fee shall be refunded.	
5. Fees payable in Admiralty Matters In the Admiralty Registrar and Marshal's Office–	
5.1 On the issue of a warrant for the arrest of a ship or goods	£100
5.2 On the sale of a ship or goods– subject to a minimum fee of £200,	
(a) for every £100 or fraction of £100 of the price up to £100,000	£1
(b) for every £100 or fraction of £100 of the price exceeding £100,000	50p
Where there is sufficient proceeds of sale in court, fee 5.2 shall be taken by transfer from the proceeds of sale in court.	
5.3 On entering a reference for hearing by the Registrar	£50
6. Companies Act 1985(b) and Insolvency Act 1986(c)	
6.1 On entering a bankruptcy petition:	
(a) if presented by a debtor or the personal representative of a deceased debtor	£120
(b) if presented by a creditor or other person	£150
6.2 On entering a petition for an administration order	£100
6.3 On entering any other petition	£150
One fee only is payable where more than one petition is presented in relation to a partnership.	
6.4 (a) On a request for a certificate of discharge from bankruptcy	£50
(b) and after the first certificate for each copy	£1

(a) 1996 c. 23.

(b) 1985 c. 6.

(c) 1986 c. 45.

<i>Column 1</i> Number and description of fee	<i>Column 2</i> Amount of fee
<i>Requests and applications with no fee</i>	
No fee is payable on a request or on an application to the Court by the Official Receiver when applying only in the capacity of Official Receiver to the case (and not as trustee or liquidator), or on an application to set aside a statutory demand.	
<u>Section 2. Fees payable in both the High Court and in the Court of Appeal</u>	
7. Copy Documents	
7.1 On a request for a copy of any document (including a faxed copy where requested) or for examining a plain copy and marking it as an office copy:	
(a) per page for the first five pages of each document	£1
(b) per page for subsequent pages	25p
Fee 7.1 is payable whether or not the copy is issued as an office copy.	
7.2 Where copies of any document are made available on a computer disk or in other electronic form, for each such copy	£3
8. Affidavits	
8.1 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 and for a declaration by a shorthand writer appointed in insolvency proceedings —for each person making any of the above	
	£5
8.2 For each exhibit referred to in an affidavit, affirmation, attestation or declaration for which fee 8.1 is payable	£2
<u>Section 3. Fees payable in the Court of Appeal only</u>	
9. Fees payable in appeals to the Court of Appeal	
9.1 On filing a notice of appeal	£200
9.2 On filing a respondent's notice	£100
9.3 On filing any application notice	£100
<u>Section 4. Fees payable on the determination of costs</u>	
10. Determination of costs	
Transitional Provision	
Where a bill of costs or a request for detailed assessment or a request for a detailed assessment hearing is filed pursuant to an order made by the court before the coming into operation of this Order, or an application is made to review a taxing officer's decision made before the coming into operation of this Order, the fees payable shall be those which applied immediately before this Order came into force.	
10.1 On the filing of a request for detailed assessment where the party filing the request is legally aided and no other party is ordered to pay the costs of the proceedings	£120

<i>Column 1</i> Number and description of fee	<i>Column 2</i> Amount of fee
10.2 On the filing of a request for a detailed assessment hearing in any case where fee 10.1 does not apply; or on the filing of a request for a hearing date for the assessment of costs payable to a solicitor by his client pursuant to an order under Part III of the Solicitors Act 1974(a)	£160
10.3 On an application for the issue of a default costs certificate	£40
10.4 On an appeal against a decision made in detailed assessment proceedings or on an application to set aside a default costs certificate	£50
10.5 On applying for the court's approval of a Legal Aid Assessment Certificate	£20
Fee 10.5 is payable at the time of applying for the court's approval and is recoverable only against the Legal Aid Fund.	

Schedule 2
Orders revoked

<i>Title</i>	<i>Reference</i>
The Supreme Court Fees Order 1980	S.I. 1980/821
The Supreme Court Fees (Amendment) Order 1980	S.I. 1980/1060
The Supreme Court Fees (Amendment) Order 1982	S.I. 1982/1707
The Supreme Court Fees (Amendment) Order 1983	S.I. 1983/1680
The Supreme Court Fees (Amendment) Order 1986	S.I. 1986/637
The Supreme Court Fees (Amendment No. 2) Order 1986	S.I. 1986/2144
The Supreme Court Fees (Amendment) Order 1988	S.I. 1988/510
The Supreme Court Fees (Amendment) Order 1990	S.I. 1990/1460
The Supreme Court Fees (Amendment) Order 1993	S.I. 1993/3191
The Supreme Court Fees (Amendment) Order 1995	S.I. 1995/2629
The Supreme Court Fees (Amendment) Order 1996	S.I. 1996/3191
The Supreme Court Fees (Amendment) Order 1997	S.I. 1997/2672

(a) 1974 c. 47.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes the Supreme Court Fees Order 1980 and replaces it by specifying new fees for proceedings in the Supreme Court following the introduction of the Civil Procedure Rules 1998 which come into force on the same date as this Order.

In particular, the fee structure specified in this Order specifies fees payable at the two new stages of allocation and listing introduced by the Civil Procedure Rules. Where there are procedures similar to previous procedures, the fees have in most cases been increased.

The table of comparison below shows the comparison between the old fees and the new fees. The table also shows where new fees have been introduced.

Table of Comparison

Number and summary of new fee (<i>for full description see Schedule 1</i>)	Amount of new fee (<i>for full details see Schedule 1</i>)	Amount of old fee	Number of old fee
Section 1. Fees payable in the High Court only			
1. Commencement of proceedings			
1.1 Money claim			
(a) not exceeding £50,000	£300	£120–500	1
(b) exceeds £50,000 or is not limited	£400	£120–500	1
1.2 Non money claim			
	£120	£50–120	1; 2
1.3 Filing proceedings against new party			
	£30	New fee	New fee
1.4 Filing counterclaim			
	same fee as originating proceedings	New fee	New fee
1.5 (a) Leave to issue originating proceedings			
	£30	New fee	New fee
(b) Application for assessment of costs under Solicitors Act			
	£30	£50	2(b)
2. General Fees			
2.1 On allocation			
	£80	New fee	New fee
2.2 On listing			
	£400	New fee	New fee
2.3 Appeal (other than in Court of Appeal)			
	£100	£50	9 and 11
2.4 Application on notice			
	£50	£30–50	5A; 5B
2.5 Application for order, no notice given			
	£25	£20–30	5AA; 5C
2.6 Witness summons			
	£30	£10	7
2.7 Application to suspend or vary judgment or order			
	£25	New fee	New fee
3. Enforcement			
3.1 Sealing a writ of execution/ possession/delivery			
	£20	£20	12
3.2 Oral examination			
	£40	£35	14
3.3 Garnishee order, charging order, appointment of receiver			
	£50	£60	13
3.4 Judgment summons			
	£80	£50	5B
3.5 Application to register a judgment or order			
	£30	£30	16(a)–(g); 17
4. Miscellaneous proceedings or matters			
<i>Bills of Sale</i>			
4.1 Filing any document under the Bills of Sale Acts			
	£10	£10	21(a); (b)
<i>Searches</i>			
4.2 For an official certificate of the result of a search			
	£5	£5	24(a); (28(a); (b)
4.3 Personal search in bankruptcy/ companies records (per 15 minutes)			
	£5	£5	24(b)
<i>Judge sitting as arbitrator</i>			
4.4 Appointment as arbitrator or umpire of–			
(a) judge of the Commercial Court	£1,800	£1,800	25(a)(i)
(b) judge of the Technology and Construction Court	£1,400	£1,400	25(a)(ii)

Number and summary of new fee (<i>for full description see Schedule 1</i>)	Amount of new fee (<i>for full details see Schedule 1</i>)	Amount of old fee	Number of old fee
4.5 for every day or part of a day (after the first day) of hearing			
(a) before a judge of the Commercial Court; or	£1,800	£1,800	25(b)(i)
(b) before a judge of the Technology and Construction Court	£1,400	£1,400	25(b)(ii)
5. Fees payable in Admiralty Matters			
5.1 On the issue of a warrant for the arrest of a ship or goods	£100	£100	26(a)
5.2 On the sale of a ship or goods (minimum fee £200);			
(a) for every £100 or fraction of £100 of the price up to £100,000	£1	£1	26(b)(i)
(b) for every £100 or fraction of £100 of the price over £100,000	50p	50p	26(b)(ii)
5.3 On entering a reference for hearing by the Registrar	£50	£50	26(c)
6. Companies Act 1985 and Insolvency Act 1986			
6.1 On entering a bankruptcy petition:			
(a) if presented by a debtor or the personal representative of a deceased debtor	£120	£50	30(b)(i)
(b) if presented by a creditor or other person	£150	£80	30(b)(ii)
6.2 Petition for an administration order	£100	£120	30(c)
6.3 Any other petition	£150	£80	30(a)
6.4(a) Request for a certificate of discharge from bankruptcy	£50	New fee	New fee
(b) after the first certificate, for each copy	£1	New fee	New fee
<u>Section 2. Fees payable in both the High Court and in the Court of Appeal</u>			
7. Copy Documents			
7.1 (a) Copy per page for the first five pages of each document	£1	£1	18(a)
7.1 (b) Copy per page for subsequent pages	25p	25p	18(b)
7.2 Electronic copy	£3	New fee	New fee
8. Affidavits			
8.1 Taking an affidavit/affirmation or attestation	£5	£5	23(a)
8.2 For each exhibit referred to in an affidavit	£2	£2	23(b)
<u>Section 3. Fees payable in the Court of Appeal only</u>			
9. Fees payable in appeals to the Court of Appeal			
9.1 On filing a notice of appeal	£200	£200	27(a)
9.2 On filing a respondent's notice	£100	£150	27(b)
9.3 On filing any application notice	£100	£100	27(c)
<u>Section 4. Fees payable on the determination of costs</u>			
10. Determination of costs			
Old fees apply where documents filed pursuant to a court order, or application made for review of taxing officer's decision, made before this Order came into force.			
10.1 Filing request for detailed assessment—legal aid only cases	£120	No specific fee	No specific fee
10.2 Filing request for detailed assessment hearing/request for hearing date for assessment under Part III Solicitors Act 1974	£160	scale fees (estimated average £720)	29(a); (b); (c); (d)
10.3 Issue of default costs certificate	£40	New fee	New fee
10.5 Applying for court's approval of a Legal Aid Assessment Certificate	£20	New fee	New fee

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SUPREME COURT OF ENGLAND AND WALES

The Supreme Court Fees Order 1999

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