
STATUTORY INSTRUMENTS

1999 No. 690

The Family Proceedings Fees Order 1999

Citation and commencement

1. This Order may be cited as the Family Proceedings 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) a rule or form referred to by number alone means the rule or form so numbered in the Family Proceedings Rules 1991⁽¹⁾; and
 - (c) expressions also used in the Family Proceedings Rules 1991 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 family proceedings in the High Court or in a county court in respect of the items described in column 1 in accordance with and subject to the directions specified in column 1.

Exemptions, reductions and remissions

4.—(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 legal advice and assistance under Part III of the Legal Aid Act 1988⁽²⁾ in connection with the matter to which the proceedings relate, or
- (b) is in receipt of any qualifying benefit 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
 - (ii) a person for whose financial relief an order under paragraph 2 of Schedule 1 to the Children Act 1989⁽³⁾ is in force or is being applied for.

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

- (a) income support;

(1) S.I. 1991/1247 amended by S.I. 1991/2113; S.I. 1992/456 and 2067; S.I. 1993/295; S.I. 1994/808, 2165, 2890; and 3155; S.I. 1996/816 and 1674; S.I. 1997/637, 1056 and 1893.

(2) 1988 c. 34.

(3) 1989 c. 41. Paragraph 2(6)(b) of Schedule 1 to the Children Act 1989 was repealed by section 58(14) of the Child Support Act 1991 (c. 48).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) family credit and disability working allowance under Part VII of the Social Security Contributions and Benefits Act 1992⁽⁴⁾; and
- (c) income-based jobseeker's allowance under the Jobseekers Act 1995⁽⁵⁾.

5. 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 hardship, he may reduce or remit the fee in that case.

6. 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

7. 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,

*Clive J.C. Betts
Bob Ainsworth*

Two of the Lords Commissioners of Her Majesty's Treasury

Dated 8th March 1999

(4) 1992 c. 4.
(5) 1995 c. 18.