

“(b) is not in receipt of either–

- (i) representation under Part IV of the Legal Aid Act 1988(a) for the purposes of the proceedings; or
- (ii) funding provided by the LSC for the purposes of the proceedings and for which a certificate has been issued under the Funding Code certifying a decision to fund services for that party.”.

5. After article 6 there shall be inserted the following new article–

“6A.—(1) Subject to paragraph (2), where a fee has been paid at a time–

- (a) when, under article 5, it was not payable, the fee shall be refunded;
- (b) where the Lord Chancellor, if he had been aware of all the circumstances, would have reduced the fee under article 6, the amount by which the fee would have been reduced shall be refunded; and
- (c) where the Lord Chancellor, if he had been aware of all the circumstances, would have remitted the fee under article 6, the fee shall be refunded.

(2) No refund shall be made under paragraph (1) unless the party who paid the fee applies within 6 months of paying the fee.

(3) The Lord Chancellor may extend the period of 6 months referred to in paragraph (2) if he considers that there is good reason for an application being made after the end of the period of 6 months.”.

6. In column 1 in fee 1, in the notes under the heading “*Fees 1.1 and 1.2 Generally*”, for the note “Fees 1.1 and 1.2 shall not be payable where fee 1.5(b) or fee 6 apply.” there shall be substituted the following note–

“Fees 1.1 and 1.2 shall not be payable where fee 1.5(b), fee 4.1 or fee 6 apply.”.

7. In column 1 in fee 4.1, after the figure “1882(a)” there shall be added the words “or on an application under section 15 of the Bills of Sale Act 1878 for an order that a memorandum of satisfaction be written on a registered copy of the bill”.

8. Fee 10 shall be amended as follows–

- (a) in column 1 in fee 10.1 after the words “is legally aided” there shall be added the words “or is funded by the LSC”;
- (b) in column 1 in fee 10.2 after the words “under Part III of the Solicitors Act 1974(a)” there shall be added the following note–

“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 10.2 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.”;
- (c) in column 1 in fee 10.3 for the words “an application” there shall be substituted the words “a request”;
- (d) in column 1 in fee 10.4 after the words “assessment proceedings or on” there shall be added the words “a request or”;
- (e) in column 1 in fee 10.5 for the words “Legal Aid Assessment Certificate” there shall be substituted the words “certificate of costs payable from the Community Legal Service Fund”;
- (f) in column 1 in the note following the description of fee 10.5 for the words “Legal Aid Fund” there shall be substituted the words “Community Legal Service Fund”.

Dated 6th March 2000

Irvine of Lairg, C.

We concur,

*Bingham of Cornhill, C.J.
Harry Woolf, M.R.
Elizabeth Butler-Sloss, P.
Richard Scott, V.-C.*

Dated 2nd March 2000

We concur,

*Greg Pope
Bob Ainsworth*

Dated 7th March 2000

Two of the Lords Commissioners of Her Majesty’s Treasury

(a) 1988 c. 34. Part IV is repealed by Schedule 15 to the Access to Justice Act 1999 (c. 22). The part of Schedule 15 that repeals Part IV comes into force on such day as the Lord Chancellor may by order appoint.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Supreme Court Fees Order 1999 as follows:

- refunds are permitted in certain cases (*article 5*);
- references to legal aid are amended to take account of the establishment of the Legal Services Commission under section 1 of the Access to Justice Act 1999 (*articles 3, 4, 8(a), (b), (e) and (f)*); and
- the description of some fees is clarified (*articles 6, 7, 8(c) and (d)*).

2000 No. 641 (L.4)

SUPREME COURT OF ENGLAND AND WALES

The Supreme Court Fees (Amendment) Order 2000

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