

2003 No. 646 (L. 13)

SUPREME COURT OF ENGLAND AND WALES

The Supreme Court Fees (Amendment) Order 2003

Made - - - - - *7th March 2003*

Laid before Parliament *11th March 2003*

Coming into force - - *1st April 2003*

The Lord Chancellor, in exercise of the powers conferred upon him by section 130 of the Supreme Court Act 1981(a), section 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 section 414(1) and 415(1) of the Insolvency Act 1986, makes the following Order:

Citation, commencement and interpretation

1. This Order may be cited as the Supreme Court Fees (Amendment) Order 2003 and shall come into force on 1st April 2003.
2. In this Order a fee or column referred to by number means the fee or column so numbered in Schedule 1 to the Supreme Court Fees Order 1999(d).

Amendments to the Supreme Court Fees Order 1999

3. In column 2 of fee 1.1(a), for “£350”, substitute “£400”.
4. For columns 1 and 2 of fee 1.1(b), substitute—

<i>“Column 1 Number and description of fee</i>	<i>Column 2 Amount of fee</i>
(b) exceeds £50,000 but does not exceed £100,000	£600
(c) exceeds £100,000 but does not exceed £150,000	£700
(d) exceeds £150,000 or is not limited	£800”

5. In column 2 of fee 1.2, for “£120”, substitute “£180”.
6. After fee 1.4, in column 1, insert—
“Fee 1.4
 No fee is payable on a counterclaim which a defendant is required to make under the CPR because he contends that he has any claim or is entitled to any remedy relating to a grant of probate of a will, or letters of administration of an estate, of a deceased person.”
7. In column 2 of fee 1.6(b), for “£120”, substitute “£180”.

(a) 1981 c. 54.
 (b) 1986 c. 45.
 (c) 1990 c. 29.
 (d) S.I. 1999/687 amended by S.I. 1999/2569, S.I. 2000/641, S.I. 2000/937, S.I. 2000/1544, S.I. 2000/2382 and S.I. 2002/222.

8. In column 2 of fee 2.1, for “£80”, substitute “£120”.
9. In fee 2.2—
- (a) in column 1, for “7 days”, substitute “14 days”; and
- (b) in column 2, for “£400”, substitute “£600”.
10. For columns 1 and 2 of fees 2.3(a) and (b) and the notes thereto, substitute—

<i>“Column 1 Number and description of fee</i>	<i>Column 2 Amount of fee</i>
2.3 On filing— — an appellant’s notice, or — a respondent’s notice where the respondent is appealing or wishes to ask the appeal court to uphold the order of the lower court for reasons different from or additional to those given by the lower court Fee 2.3 Fee 2.3 does not apply on appeals against a decision made in detailed assessment proceedings.	£100”

11. In column 2 of fee 2.4, for “£50”, substitute “£60”.
12. In fee 2.5—
- (a) in column 1, before “*Fees 2.4 and 2.5*”, insert—
 “Fee 2.5 shall not be payable in relation to an application by consent for an adjournment of a hearing where the application is received by the court at least 14 days before the date set for that hearing.”; and
- (b) in column 2, for “£25”, substitute “£30”.
13. In column 2 of fee 2.7, for “£25”, substitute “£30”.
14. In column 2 of fee 3.1, for “£20”, substitute “£30”.
15. In column 2 of fee 3.4, for “£80”, substitute “£90”.
16. In column 2 of fee 6.1(a), for “£120”, substitute “£140”.
17. In column 2 of fee 6.1(b), for “£150”, substitute “£180”.
18. In column 2 of fee 6.2, for “£100”, substitute “£130”.
19. In column 2 of fee 6.3, for “£150”, substitute “£180”.
20. In column 2 of fee 6.4(a), for “£50”, substitute “£60”.
21. After fee 6.4, insert—

<i>“Column 1 Number and description of fee</i>	<i>Column 2 Amount of fee</i>
6.5 On an application under the Companies Act 1985(a) or the Insolvency Act 1986(b) other than one brought by petition and where no other fee is specified. <i>Fee 6.5</i> Fee 6.5 is not payable where the application is made in existing proceedings.	£130
6.6 On an application for the conversion of a voluntary arrangement into a winding up or bankruptcy under Article 37 of Council Regulation (EC) No 1346/2000.	£130

(a) 1985 c. 6.
 (b) 1986 c. 45.

<i>“Column 1 Number and description of fee</i>	<i>Column 2 Amount of fee</i>
6.7 On an application, for the purposes of Council Regulation (EC) No 1346/2000, for an order confirming creditors’ voluntary winding up (where the company has passed a resolution for voluntary winding-up, and no declaration under section 89 of the Insolvency Act 1986 has been made)	£30
6.8 On filing— — a notice of intention to appoint an administrator under paragraph 14 of Schedule B1 to the Insolvency Act 1986 or in accordance with paragraph 27 of that Schedule; or — a notice of appointment of an administrator in accordance with paragraphs 18 or 29 of that Schedule <i>Fee 6.8</i> Where a person pays fee 6.8 on filing a notice of intention to appoint an administrator, no fee shall be payable on that same person filing a notice of appointment of that administrator.	£30
6.9 On submitting a nominee’s report under section 2(2) of the Insolvency Act 1986 or	£30
6.10 On filing documents in accordance with paragraph 7(1) of Schedule A1 to the Insolvency Act 1986	£30”

22. In column 2 of fee 10.2, for “£180”, substitute “£250”.

23. For columns 1 and 2 of fee 10.4, substitute—

<i>“Column 1 Number and description of fee</i>	<i>Column 2 Amount of fee</i>
10.4 On an appeal against a decision made in detailed assessment proceedings	£100”

24. In column 2 of fee 10.5, for “£20”, substitute “£30”.

25. After fee 10.5, insert—

<i>“Column 1 Number and description of fee</i>	<i>Column 2 Amount of fee</i>
10.6 On a request or an application to set aside a default costs certificate	£60”

3rd March 2003

We concur

dated

We concur

7th March 2003

Irvine of Lairg, C.

*Lord Woolf of Barnes
Lord Phillips of Worth Matravers
Dame Elizabeth Butler-Sloss, DBE
Sir Andrew Morritt*

*Jim Fitzpatrick,
Nick Ainger,*
Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Supreme Court Fees Order 1999. The table below sets out where fees have been increased or new fees introduced.

In addition:

- Article 6 adds a note to fee 1.4 to provide that a fee is no longer payable on filing a counterclaim in contentious probate proceedings which he is required to file by virtue of the Civil Procedure Rules 1998(a);
- Article 9 amends the note to fee 2.2 to provide that where a case is settled or discontinued the party who paid fee 2.2 on filing a listing questionnaire will be entitled to a discount if he notifies the court of that fact at least 14 days before the trial date (instead of 7 days as at present);
- Article 10 amends fee 2.3 to provide that a single fee is now payable on leave or on appeal;
- Article 12 adds a note to fee 2.5 to provide that no fee is payable on a consent application for adjournment where this is made at least 14 days before the hearing;
- Article 23 substitutes a new fee 10.4, on an appeal against a decision made in detailed assessment proceedings only;
- Article 25 introduces a new fee 10.6, on a request or application to set aside a default costs certificate (this used to be covered by fee 10.4);
- Article 21 introduces new fees in insolvency proceedings to reflect new legislation;

<i>Brief Description of New Fee</i>	<i>Old Fee No.</i>	<i>Old Fee £</i>	<i>New Fee £</i>
1.1(a) Money claim up to £50,000	1.1(a)	350	400
1.1(b) Money claim over £50,000 not over £100,000	1.1(b)	500	600
1.1(c) Money claim over £100,000 not over £150,000	1.1(b)	500	700
1.1(d) Money claim over £150,000 or is not limited	1.1(b)	500	800
1.2 Non monetary claim	1.2	120	180
1.4 Counterclaim	1.4	As claim	As claim but no fee in probate
1.6(b) Judicial Review	1.6(b)	120	180
2.1 Allocation	2.1	80	120
2.2 Listing for trial (refund on notice 14 days before trial)	2.2	400	600
2.3 Leave to appeal/appeal	2.3(a)(b)	50–150	100
2.4 On notice application	2.4	50	60
2.5 Without notice application (fee not payable on consent application for adjournment at least 14 days before hearing)	2.5	25	30
2.7 Application to vary judgment/ suspend enforcement (one fee on combined application)	2.7	25	30

(a) S.I. 1998/3132. The relevant amending instrument is S.I. 2001/1388.

<i>Brief Description of New Fee</i>	<i>Old Fee No.</i>	<i>Old Fee £</i>	<i>New Fee £</i>
3.1 Sealing writ of execution/delivery/possession	3.1	20	30
3.4 Application for judgment summons	3.4	80	90
6.1(a) Bankruptcy petition (debtor's)	6.1(a)	120	140
6.1(b) Bankruptcy petition (creditor/other)	6.1(b)	150	180
6.2 Petition for administration order	6.2	100	130
6.3 Any other petition	6.3	150	180
6.4(a) Request for certificate of discharge	6.4(a)	50	60
6.5 Application under Companies Act 1985 or Insolvency Act 1986 where no other fee specified (not in existing proceedings)	1.2	120	130
6.6 Conversion of voluntary arrangement to winding-up or bankruptcy under Article 37 of Council Regulation (EC) No. 1346/2000	No fee	No fee	130
6.7 Application, for purposes of Council Regulation (EC) No. 1346/2000, for order confirming creditors' voluntary winding up	No fee	No fee	30
6.8 On filing — Notice of intention to appoint administrator under para. 14 of Sched. B1 to the Insolvency Act 1986 or in accordance with para. 27 of that Sched; or — Notice of appointment of administrator in accordance with paras 18 or 29 of that Sched.	No fee	No fee	30
6.9 On submitting nominee's report under section 2(2) of Insolvency Act 1986	No fee	No fee	30
6.10 Filing documents in accordance with paragraph 7(1) Schedule A1 to Insolvency Act 1986	No fee	No fee	30
10.2 Request for detailed assessment hearing	10.2	180	250
10.4 Appeal against detailed assessment	10.4	50	100
10.5 Court approval of certificate of costs	10.5	20	30
10.6 Application to set aside default costs certificate	10.4	50	60

A Regulatory Impact Assessment of the costs and benefits of this Order (and other Orders relating to court fees) was placed in the Libraries of both Houses of Parliament, and is available on the Court Service's website at www.courtservice.gov.uk/using_courts/fees.

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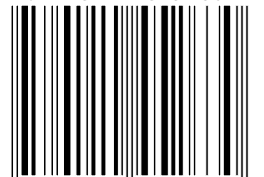
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