
STATUTORY INSTRUMENTS

2003 No. 719 (L. 19)

FAMILY PROCEEDINGS

SUPREME COURT OF ENGLAND AND WALES

COUNTY COURTS, ENGLAND AND WALES

The Family Proceedings Fees (Amendment No. 2) Order 2003

Made - - - - *12th March 2003*

Laid before Parliament *14th March 2003*

Coming into force in accordance with article 1

The Lord Chancellor, in exercise of the powers conferred upon him by section 41 of the Matrimonial and Family Proceedings Act 1984⁽¹⁾ and section 415 of the Insolvency Act 1986⁽²⁾ with the concurrence of the Treasury under section 41 of the Matrimonial and Family Proceedings Act 1984, and with the sanction of the Treasury under section 415(1) of the Insolvency Act 1986, makes the following Order:

Citation and commencement

1. This Order may be cited as the Family Proceedings Fees (Amendment No. 2) Order 2003 and shall come into force—

- (a) for the purposes of article 2(c) and (d) on the same day as section 1 of the State Pensions Credit Act 2002⁽³⁾ comes into force for all purposes; and
- (b) for all other purposes on 6th April 2003.

Amendment to the Family Proceedings Fees Order 1999

2. In article 4(2) of the Family Proceedings Fees Order 1999⁽⁴⁾—

- (a) for paragraph (b) substitute—
 - “(b) working tax credit, provided that—
 - (i) the party is also in receipt of child tax credit; or

(1) 1984 c. 42.

(2) 1986 c. 45.

(3) 2002 c. 16.

(4) S.I.1999/690, relevant amending instruments are S.I. 1999/2549 and S.I. 2000/640.

(ii) there is a disability element or severe disability element (or both) to the tax credit received by the party;

and that the gross annual income taken into account for the calculation of the working tax credit is £14,213 or less;”;

(b) omit paragraph (bb);

(c) in paragraph (c) for “1995” substitute “1995; and”; and

(d) after paragraph (c) insert—

“(d) guarantee credit under the State Pensions Credit Act 2002.”.

Transitional provision

3.—(1) A person who at any time on or after 6th April 2003 receives working families' tax credit or disabled person's tax credit shall be entitled to exemption from court fees payable on or after 6th April 2003 to the same extent as if this Order had not come into force.

(2) This Order has effect only in relation to fees payable on or after 6th April 2003, and in relation to fees payable before that date the Family Proceedings Fees Order 1999 shall have effect as if this Order had not been made.

Dated 10th March 2003

Irvine of Lairg, C

We concur,

Jim Fitzpatrick

John Heppell

Two of the Lords Commissioners of Her Majesty's Treasury

Dated 12th March 2003

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Family Proceedings Fees Order 1999 as a result of amendments made by the Tax Credits Act 2002 (c. 21) and the State Pensions Credit Act 2002 (c. 16).

The Tax Credits Act 2002 abolishes working families' tax credit and disabled person's tax credit from 6th April 2003 and introduces new tax credits called the working tax credit and child tax credit. Working tax credit will become a "qualifying benefit" under Article 5 of the County Court Fees Order 1999 so that no fee is payable under the Order by a party in receipt of working tax credit provided that the party is also in receipt of either child tax credit or there is a disability element to the working tax credit and that their gross income does not exceed £14,213 per year.

The State Pensions Credit Act 2002 comes into force on 6th October 2003 and replaces income support for pensioners with state pension credit. This comprises two elements, namely guarantee credit and savings credit. From 6th October 2003 guarantee credit will similarly become a "qualifying benefit" under Article 5.