

2004 No. 3114 (L. 21)

FAMILY PROCEEDINGS, ENGLAND AND WALES

SUPREME COURT OF ENGLAND AND WALES

COUNTY COURTS, ENGLAND AND WALES

The Family Proceedings Fees Order 2004

<i>Made</i> - - - -	<i>25th November 2004</i>
<i>Laid before Parliament</i>	<i>2nd December 2004</i>
<i>Coming into force</i> - -	<i>4th January 2005</i>

The Lord Chancellor, in exercise of the powers conferred upon him by sections 92 and 108(6) of the Courts Act 2003(a), and section 128 of the Finance Act 1990(b), with the consent of the Treasury under section 92(1) of the Courts Act 2003, and after consulting with the Lord Chief Justice, the Master of the Rolls, the President of the Family Division, the Vice Chancellor, the Head of Civil Justice and the Deputy Head of Civil Justice and the Civil Justice Council under section 92(5) and (6) of that Act, makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Family Proceedings Fees Order 2004 and shall come into force on 4th January 2005.

(2) In this Order—

- (a) a fee referred to by number means the fee so numbered in Schedule 1 to this Order;
- (b) a rule referred to by number alone means the rule so numbered in the Family Proceedings Rules 1991(c);
- (c) expressions also used in the Family Proceedings Rules 1991 have the same meaning as in those Rules;
- (d) “LSC” means the Legal Services Commission established under section 1 of the Access to Justice Act 1999(d);
- (e) “Funding Code” means the code approved under section 9 of the Access to Justice Act 1999.

(a) 2003 c.39.

(b) 1990 c.29.

(c) S.I. 1991/1247.

(d) 1999 c.22. Sections 1 and 9 were amended by article 9 of, and paragraph 11(1)(a) of Schedule 2 to, the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887).

Fees to be taken

2. 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, remissions and refunds

3.—(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—
 - (i) legal advice and assistance under Part II or Part III of the Legal Aid Act 1988(a) in connection with the matter to which the proceedings relate; or
 - (ii) Legal Help as defined in, and provided in accordance with, the Funding Code in connection with the matter to which the proceedings relate;
- (b) is in receipt of any qualifying benefit and is not in receipt of either—
 - (i) representation under Part IV of the Legal Aid Act 1988 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; 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(b) is in force or is being applied for.

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

- (a) income support under the Social Security Contributions and Benefits Act 1992(c);
- (b) working tax credit, provided that—
 - (i) child tax credit is being paid to the party, or otherwise following a claim for child tax credit made jointly by the members of a married couple or an unmarried couple (as defined respectively in section 3(5) and (6) of the Tax Credits Act 2002(d)) which includes the party; or
 - (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 £14,600 or less;
- (c) income-based jobseeker's allowance under the Jobseekers Act 1995(e); and
- (d) guarantee credit under the State Pension Credit Act 2002(f).

4. 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.

5.—(1) Subject to paragraph (2), where a fee has been paid at a time—

(a) 1988 c.34. Parts II, III and IV were repealed by Part I of Schedule 15 to the Access to Justice Act 1999 (c.22) from 1 April 2000 subject to the transitional and savings provisions in article 5 of the Access to Justice Act 1999 (Commencement No. 3, Transitional Provisions and Savings) Order 2000 (S.I. 2000/774), in respect of an application for legal aid signed before 1 April 2000 and received by the Legal Aid Board by 2 May 2000.

(b) 1989 c.41. Sub-paragraph (6)(b) was repealed by section 58(14) of the Child Support Act 1991 (c.48).

(c) 1992 c.4.

(d) 2002 c.21.

(e) 1995 c.18.

(f) 2002 c.16.

- (a) when, under article 3, 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 4, 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 4, 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. 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, in so far as they were made under sections 414 and 415 of the Insolvency Act 1986 and section 128 of the Finance Act 1990, shall be revoked.

Dated 22nd November 2004

Falconer of Thoroton, C

We consent,

John Heppell
Nick Ainger

Dated 25th November 2004

Two of the Lords Commissioner's of Her Majesty's Treasury

SCHEDULE 1

Article 2

Fees to be taken

<i>Column 1</i> <i>Number and description of fee</i>	<i>Column 2</i> <i>Amount of fee</i>
<i>Section 1. Fees to be taken in the High Court and in the county courts</i>	
1 Commencement of proceedings	
1.1 On filing originating proceedings where no other fee is specified	£130
1.2 On presenting any petition, other than a second petition with leave granted under rule 2.6(4)	£210
1.3 On applying for a non-molestation order or an occupation order (or both) under Part IV of the Family Law Act 1996(a)	£60
1.4 On amending a petition or presenting a second or subsequent petition with leave granted under rule 2.6(4)	£50
1.5 On filing an answer to a petition or a cross-petition	£150
1.6 On an application for an order under Part III of the Solicitors Act 1974(b) for the assessment of costs payable to a solicitor by his client; or on the commencement of costs-only proceedings	£30
2 Proceedings under the Children Act 1989(c)	
On filing an application or requesting leave under the following provisions of the Children Act 1989—	
<i>Parental responsibility, guardians, section 8 orders etc</i>	
2.1(a) section 4(1)(c) or (3)(d), 5(1)(e), 10(1) or (2)	£120
2.1(b) section 6(7) or 13(1)	£120
<i>Financial provision for children</i>	
2.2(a) paragraph 1(1), 2(1), 6(5) or 14(1) of Schedule 1	£120
2.2(b) paragraph 1(4), 2(5), 5(6), 6(7), 6(8), 8(2), 10(2) or 11 of Schedule 1(f)	£120
<i>Secure accommodation</i>	
2.3 section 25	£150
<i>Care, supervision, etc</i>	
2.4(a) section 31(g)	£150
For the purposes of fee 2.4(a) a care order does not include an interim care order, and a supervision order does not include an interim supervision order.	
2.4(b) section 33(7), 38(8)(b), 39(1), (2), (3) or (4) or paragraph 6 of Schedule 3	£150
2.4(c) paragraph 11(3) of Schedule 14, to discharge an order relating to provisions to which the following fees apply—	
(i) fees 2.1(a) or (b) or 2.2(a) or (b)	£120
(ii) fees 2.3, 2.4(a), (b), (c)(i) or (c)(ii), 2.5, 2.6, 2.7(a) or (b), 2.8, 2.9(a) or (b), 2.10	£150

(a) 1996 c.27.

(b) 1974 c.47.

(c) 1989 c.41.

(d) Amended by section 111 of the Adoption and Children Act 2002 (c.38).

(e) Amended by section 115 of the Adoption and Children Act 2002 (c.38) from a date to be appointed.

(f) Paragraphs 1(1), 6(8), 8(2) and 14(1) are amended by paragraph 54 and 71 of Schedule 3 to the Adoption and Children Act 2002 (c.38) from a date to be appointed.

(g) Amended by section 121 Adoption and Children Act 2002 (c.38) from a date to be appointed. There are other amendments not relevant to this Order.

Contact with child in care	
2.5 section 34(2), (3), (4) or (9)	£150
Placement abroad	
2.6 paragraph 19(1) of Schedule 2	£150
Education supervision	
2.7(a) section 36(1)	£150
2.7(b) paragraph 15(2) or 17(1) of Schedule 3	£150
Child assessment order	
2.8 section 43(1)	£150
Emergency protection	
2.9(a) section 43(12)	£150
2.9(b) section 44, 45(a), 46 or 48	£150
Recovery of children	
2.10 section 50	£150
Miscellaneous	
2.11 section 102	£150
Appeals	
2.12(a) on commencing an appeal under section 94 of the Children 1989(b) relating to provisions to which the following fees apply—	
(i) fees 2.1(a) or (b) or 2.2(a) or (b)	£120
(ii) fees 2.3, 2.4(a), (b), (c)(i) or (c)(ii), 2.5, 2.6, 2.7(a) or (b), 2.8, 2.9(a) or (b), 2.10	£150
2.12(b) on commencing an appeal under paragraph 23(11) of Schedule 2 to the Children Act 1989	£150
Interim care/supervision orders	
2.13 on an application for an interim care order or an interim supervision order to be made under section 38(1) of the Children Act 1989 where an application for a care order or an application for a supervision order has already been made, and at least one interim care order or at least one interim supervision order has been made in the proceedings	£30
Fee 2	
In the notes below to fee 2 “numbered fee” means each of the following fees: 2.1(a); 2.1(b); 2.2(a); 2.2(b); 2.3; 2.4(a); 2.4(b); 2.4(c)(i); 2.4(c)(ii); 2.5; 2.6; 2.7(a); 2.7(b); 2.8; 2.9(a); 2.9(b); 2.10; 2.11; 2.12(a)(i); 2.12(a)(ii); 2.12(b) and 2.13.	
Where an application is made or filed, or (as the case may be) leave is sought or an appeal commenced, under or relating to provisions of the Children Act 1989 which are listed in two or more different numbered fees, only one fee shall be payable, and if those fees are different, only the highest fee shall be payable.	
Where an application is made or filed, or (as the case may be) leave is sought or an appeal commenced under or relating to two or more provisions of the Children Act 1989 which are listed in the same numbered fee, that fee shall be payable only once.	
Where the same application is made or filed, or (as the case may be) leave is sought or an appeal commenced, in respect of two or more children at the same time, only one fee shall be payable in respect of each numbered fee.	
3 Adoption and wardship applications	
3.1 On commencing proceedings under the Adoption Act 1976(a) other than under section 21 of that Act	£140

(a) Amended by paragraph 19 of Schedule 16 to the Courts and Legal Services Act 1990 (c.41).
(b) Amended by paragraph 23 of Schedule 16 to the Courts and Legal Services Act 1990 (c.41).

3.2 On commencing proceedings under section 21 of the Adoption Act 1976	£140
3.3 On applying for the exercise by the High Court of its inherent jurisdiction with respect to children	£140
4 Applications in proceedings	
4.1 On an application for an order without notice or by consent (including an application to make a decree nisi absolute) except where separately listed in this schedule	£30
4.2 On a request for directions for trial (other than in uncontested divorce proceedings, in which no fee is chargeable) except where separately listed in this schedule	£30
4.3 On an application on notice except where separately listed in this schedule	£80
4.4 On an application on notice for ancillary relief, or on filing a notice of intention to proceed with an application for ancillary relief other than an application for an order by consent	£210
5 Appeal from a district judge	
5.1 On filing a notice of appeal from a district judge to a judge	£80
6 Searches	
6.1 On making a search in the central index of decrees absolute kept at the Principal Registry of the Family Division for any specified period of ten calendar years or, if no such period is specified, for the ten most recent years, and, if appropriate, providing a certificate of decree absolute	£20
6.2 On making a search in the central index of parental responsibility agreements kept at the Principal Registry of the Family Division in accordance with regulations made under section 4(2) of the Children Act 1989 and, if appropriate, providing a copy of the agreement	£20
6.3 On making a search in the index of decrees absolute kept at any divorce county court or district registry for any specified period of ten calendar years or, if no period is specified, for the ten most recent years, and if appropriate, providing a certificate of decree absolute	£5
7 Copy documents	
7.1 On a request for a copy of a document (other than where fee 7.2 applies):	
(a) for the first page (except the first page of a subsequent copy of the same document supplied at the same time)	£1
(b) per page in any other case	20p
Fee 7.1 shall be payable for a faxed copy or for examining a plain copy and marking it as an examined copy and shall be payable whether or not the copy is issued as an office copy.	
7.2 On a request for a copy of a document required in connection with proceedings and supplied by the party making the request at the time of copying, for each page	20p
7.3 On a request for a copy of a document on a computer disk or in other electronic form, for each such copy	£3
8 Determination of costs	
Transitional provision	
Where a bill of costs (or a request for detailed assessment or a request for a detailed assessment hearing as the case may be) is filed pursuant to an order made by the court before the coming into operation of this Order the fees payable shall be those which applied immediately before the coming into force of this Order.	
8.1 On the filing of a request for detailed assessment where the party	£100

(a) 1976 c.36. To be repealed by the Adoption and Children Act 2002 (c. 38) from a date to be appointed.

filing the request is legally aided or is funded by the LSC and no other party is ordered to pay the costs of the proceedings	
8.2 On the filing of a request for a detailed assessment hearing in any case where fee 8.1 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	£250
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 8.2 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.	
8.3 On a request for the issue of a default costs certificate	£40
8.4 On an appeal against a decision made in detailed assessment proceedings	£100
8.5 On applying for the court's approval of a certificate of costs payable from the Community Legal Service Fund(a)	£30
Fee 8.5 is payable at the time of applying for approval and is recoverable only against the Community Legal Service Fund.	
8.6 On an application to set aside a default costs certificate	£60
9 Registration of maintenance orders	
On an application for a maintenance order to be—	
9.1 registered under the Maintenance Orders Act 1950(b) or the Maintenance Orders Act 1958(c)	£30
9.2 sent abroad for enforcement under the Maintenance Orders (Reciprocal Enforcement) Act 1972(d)	£30
<i>Section 2. Fees to be taken in the county courts only</i>	
10 Service	
10.1 On a request for service by bailiff, of any document except:	£30
(a) an order for a debtor to attend the adjourned hearing of a judgment summons;	
(b) an interpleader summons under an execution;	
(c) an order made under section 23 of the Attachment of Earnings Act 1971(e) (enforcement provisions); or	
(d) an order for a debtor to attend an adjourned oral examination of his means	
11 Enforcement in the county courts	
11.1 On an application for or in relation to enforcement of a judgment or order of a county court or through a county court, by the issue of a warrant of execution against goods except a warrant to enforce payment of a fine	(a) where the amount for which the warrant issues does not exceed £125.....£30 (b) where the amount for which the warrant issues exceeds £125.....£50
11.2 On a request for a further attempt at execution of a warrant at a new address following a notice of the reason for non-execution (except a	£20

(a) Established under section 5 of the Access to Justice Act 1999 (c.22).

(b) 1950 c.37.

(c) 1958 c.39.

(d) 1972 c.18.

(e) 1971 c.32 amended by paragraph 6 of Part III of Schedule 2 to the Contempt of Court Act 1981 (c. 49); sections 37 and 38 of the Criminal Justice Act 1982 (c. 48); section 53(2) of the Administration of Justice Act 1982 (c. 53); paragraph 41 of Schedule 2 to the County Courts Act 1984 (c. 28); paragraph 6 of Schedule 17 to the Courts and Legal Services Act 1990 (c. 41); and Part 1 of Schedule 4 and paragraph 6 of Schedule 12 to the Criminal Justice Act 1991 (c. 53).

<p>further attempt following suspension)</p> <p>11.3 On an application to question a judgment debtor or other person on oath in connection with enforcement of a judgment</p> <p>11.4 On an application for a garnishee order nisi or a charging order nisi, or the appointment of a receiver by way of equitable execution</p> <p>Fee 11.4 shall be payable in respect of each party against whom the fee order is sought.</p> <p>11.5 On an application for a judgment summons</p> <p>11.6 On the issue of a warrant of possession or a warrant of delivery</p> <p>Where the recovery of a sum of money is sought in addition, no further fee is payable</p> <p>11.7 On an application for an attachment of earnings order (other than a consolidated attachment of earnings order) to secure money due under an order made in family proceedings</p> <p>Fee 11.7 is payable for each defendant against whom an order is sought. Fee 11.7 is not payable where the attachment of earnings order is made on the hearing of a judgment summons.</p> <p>12 Sale</p> <p>12.1 For removing or taking steps to remove goods to a place of deposit</p> <p>Fee 12.1 is to include the reasonable expenses of feeding and caring for animals.</p> <p>12.2 For advertising a sale by public auction pursuant to section 97 of the County Courts Act 1984(a)</p> <p>12.3 For the appraisalment of goods</p> <p>12.4 For the sale of goods (including advertisements, catalogues, sale and commission and delivery of goods)</p> <p>12.5 Where no sale takes place by reason of an execution being withdrawn, satisfied or stopped</p>	<p>£40</p> <p>£50</p> <p>£90</p> <p>£90</p> <p>£60</p> <p>The reasonable expenses incurred</p> <p>The reasonable expenses incurred</p> <p>5p in the £1 or part of a £1 of the appraised value</p> <p>15p in the £1 or part of a £1 on the amount realised by the sale or such other sum as the district judge may consider to be justified in the circumstances</p> <p>(a) 10p in the £1 or part of a £1 on the value of the goods seized, the value to be the appraised value where the goods have been appraised or such other sum as the district judge may consider to be justified in the circumstances; and in addition (b) any sum payable under fee 12.1, 12.2 or 12.3</p>
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Section 3. Fees to be taken in the High Court only

13 Enforcement in the High Court

(a) 1984 c.28.

13.1 On sealing a writ of execution/possession/delivery Where the recovery of a sum of money is sought in addition to a writ of possession and delivery, no further fee is payable.	£30
13.2 On an application to question a judgment debtor or other person on oath in connection with enforcement of a judgment	£40
13.3 On an application for a garnishee order nisi or a charging order nisi, or the appointment of a receiver by way of equitable execution Fee 13.3 shall be payable in respect of each party against whom the order is sought.	£50
13.4 On an application for a judgment summons	£90
13.5 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
14 Affidavits	
14.1 On taking an affidavit or an affirmation or attestation upon honour in lieu of an affidavit or a declaration; and	£5
14.2 For each exhibit referred to and required to be marked	£2

SCHEDULE 2

Article 7

Orders revoked

<i>Title</i>	<i>Reference</i>
The Family Proceedings Fees Order 1999	S.I. 1999/690
The Family Proceedings Fees (Amendment) Order 1999	S.I. 1999/2549
The Family Proceedings Fees (Amendment) Order 2000	S.I. 2000/640
The Family Proceedings Fees (Amendment) Order 2003	S.I. 2003/645
The Family Proceedings Fees (Amendment No 3) Order 2003	S.I. 2003/719

EXPLANATORY NOTE

(This note is not part of the Order)

This Order replaces the Family Proceedings Fees Order 1999 (S.I. 1999/690) and specifies the fees payable for family proceedings in the High Court and in county courts. Some of the fees have increased.

The table below sets out the fee changes and indicates where the fee number has changed.

<i>Number and summary of new fee (for full description see Schedule 1)</i>	<i>Amount of new fee</i>	<i>Amount of old fee</i>	<i>Number of old fee</i>
<i>Section 1. Fees to be taken in the High Court and in the county courts</i>			
1 Commencement			
1.1 Filing originating proceedings	£130	£130	No change
1.2 Presenting any petition	£210	£180	No change
1.3 Applying for a non-molestation/occupation order	£60	£60	No change
1.4 Amending a petition	£50	£50	No change
1.5 Filing an answer to a petition or a cross-petition	£150	£100	No change
1.6 Application for an order under Part III of the Solicitors Act 1974	£30	£30	No change
2 Proceedings under the Children Act 1989			
On filing an application or requesting leave—			
2.1 Parental responsibility, guardians, section 8 orders etc			
(a) section 4(1)(c) or (3), 5(1), 10(1) or (2)	£120	£90	No change
(b) section 6(7) or 13(1)	£120	£90	No change
2.2 Financial provision for children			
(a) paragraph 1(1), 2(1), 6(5) or 14(1) of Schedule 1	£120	£90	No change
(b) paragraph 1(4), 2(5), 5(6), 6(7), 6(8), 8(2), 10(2) or 11 of Schedule 1	£120	£90	No change
2.3 Secure accommodation			
(a) section 25	£150	£90	No change
2.4 Care, supervision etc			
(a) section 31	£150	£90	No change
(b) section 33(7), 38(8)(b), 39(1), (2), (3), or (4) or paragraph (6) of Schedule 3	£150	£90	No change
(c) paragraph 11(3) of Schedule 14 where the order subject to the application relates to—			2.4(b)
(i) fees 2.1 or 2.2	£120	£90	
(ii) fees 2.3 to 2.10	£150	£90	
2.5 Contact with child in care			
(a) section 34(2), (3), (4) or (9)	£150	£90	No change
2.6 Placement abroad			
(a) paragraph 19(1) of Schedule 2	£150	£90	No change
2.7 Education supervision			
(a) section 36(1)	£150	£90	No change
(b) paragraph 15(2) or 17(1) of Schedule 3	£150	£90	No change
2.8 Child assessment order			
(a) section 43(1)	£150	£90	No change

2.9 Emergency protection			
(a) section 43(12)	£150	£90	No change
(b) section 44, 45, 46 or 48	£150	£90	No change
2.10 Recovery of children			
(a) section 50	£150	£90	No change
2.11 Miscellaneous			
(a) section 102	£150	£90	No change
2.12 Appeals			
(a) on commencing an appeal under section 94 of the Children Act 1989 relating to provisions to which the following fees apply—			2.12
(i) fees 2.1 or 2.2	£120	£90	
(ii) fees 2.3 to 2.10	£150	£90	
(b) on commencing an appeal under paragraph 23(11) of Schedule 2 to the Children Act 1989	£150	£90	2.12
2.13 Interim care/supervision orders			
(a) applying for interim care/supervision orders	£30	£30	No change
3 Adoption and wardship applications			
3.1 Commencing proceedings under the Adoption Act 1976	£140	£120	No change
3.2 Commencing proceedings under section 21 of the Adoption Act 1976	£140	£120	No change
3.3 Applying for the exercise of High Court jurisdiction to children	£140	£120	No change
4 Applications in proceedings			
4.1 Application for an order without notice or with consent	£30	£30	No change
4.2 Request for directions for trial	£30	£30	No change
4.3 Application on notice	£80	£60	No change
4.4 Application for ancillary relief	£210	£120	No change
5 Appeal from a district judge			
5.1 Appeal from a district judge to a judge	£80	£80	No change
6 Searches			
6.1 Search in the central index of decrees absolute at Principal Registry	£20	£20	No change
6.2 Search in the central index of parental responsibility agreements at Principal Registry	£20	£20	No change
6.3 Search in the index of decrees absolute at any divorce county court	£5	£5	No change
7 Copy documents			
7.1 (a) Copy of first page of a document	£1	£1	No change
7.1 (b) Copy per page for subsequent pages	20p	20p	No change
7.2 Copy per page of a document supplied by the party requesting the copy	20p	20p	No change
7.3 Copy document in electronic form	£3	£3	No change
8 Determination of costs			
8.1 Request for detailed assessment where party is legally aided or otherwise funded	£100	£100	No change
8.2 Request for detailed assessment hearing where fee 8.1 does not apply or request for hearing date assessment under Part III Solicitors Act 1974	£250	£160	No change
8.3 Request for default costs certificate to be issued	£40	£40	No change
8.4 Appeal against decision made in detailed	£100	£100	No change

assessment proceedings			
8.5 Application for court approval of certificate of costs	£30	£30	No change
8.6 Application to set aside a default costs certificate	£60	£60	No change
9 Registration of maintenance orders			
9.1 Application to register maintenance order	£30	£30	No change
9.2 Application to send maintenance order abroad for reciprocal enforcement	£30	£30	No change
<i>Section 2. Fees to be taken in the county courts only</i>			
10 Service			
10.1 Request for service by bailiff	£30	£20	11.1
11 Enforcement in the county courts			
11.1(a) Enforcement by issue of warrant of execution up to £125	£30	£30	12.1(a)
11.1(b) Enforcement by issue of warrant of execution over £125	£50	£50	12.1(b)
11.2 Further attempt at execution of warrant	£20	£20	12.2
11.3 Application for oral examination	£40	£40	12.3
11.4 Application for garnishee order or charging order or appointment of receiver	£50	£50	12.4
11.5 Application for a judgment summons	£90	£90	12.5
11.6 Issue of warrant of possession or delivery	£90	£90	12.6
11.7 Application for attachment of earnings order	£60	£60	12.7
12 Sale			
12.1 Removing or taking steps to remove goods	Reasonable expenses	Reasonable expenses	13.1
12.2 Advertising a sale by public auction	Reasonable expenses	Reasonable expenses	13.2
12.3 Appraisal of goods	5p in the £1 or part of a £1 of the appraised value	5p in the £1 or part of a £1 of the appraised value	13.3
12.4 For the sale of goods	15p in the £1 or part of a £1 on the amount realised by the sale or such sum as the district judge considers justified	15p in the £1 or part of a £1 on the amount realised by the sale or such sum as the district judge considers justified	13.4
12.5 Stop sale fee	10p in the £1 or part of a £1 on appraised value or such other sum as the district judge considers	10p in the £1 or part of a £1 on appraised value or such other sum as the district judge	13.5

	justified plus any sum payable under fee 12.1, 12.2 or 12.3	considers justified plus any sum payable under fee 13.1, 13.2 or 13.3	
<i>Section 3. Fees to be taken in the High Court only</i>			
13 Enforcement in the High Court			
13.1 Sealing a writ of execution/possession/delivery	£30	£30	14.1
13.2 Application for oral examination	£40	£40	14.2
13.3 Application for garnishee order or charging order or appointment of a receiver	£50	£50	14.3
13.4 Application for a judgment summons	£90	£90	14.4
13.5 Application to register judgment or order, or for leave to enforce an arbitration award, or for certified copy of a judgment or order	£30	£30	14.5
14 Affidavits			
14.1 On taking an affidavit or affirmation/attestation	£5	£5	15.1
14.2 For each exhibit referred to in an affidavit	£2	£2	15.2

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/cms/usingthecourts.htm.

STATUTORY INSTRUMENTS

2004 No. 3114 (L. 21)

FAMILY PROCEEDINGS, ENGLAND AND WALES

SUPREME COURT OF ENGLAND AND WALES

COUNTY COURTS, ENGLAND AND WALES

The Family Proceedings Fees Order 2004

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