

2005 No. 3444 (L.30)

MAGISTRATES' COURTS, ENGLAND AND WALES

The Magistrates' Courts Fees Order 2005

Made - - - - 20th December 2005

Laid before Parliament 20th December 2005

Coming into force - - 10th January 2006

The Lord Chancellor, with the consent of the Treasury, makes the following Order in exercise of the powers conferred by sections 92 and 108(6) of the Courts Act 2003(a).

In accordance with section 92(5) and (6) of that Act the Lord Chancellor has consulted the Lord Chief Justice, the Master of the Rolls, the President of the Queen's Bench Division, the President of the Family Division, the Chancellor of the High Court, the Head of Civil Justice and the Deputy Head of Civil Justice and the Civil Justice Council.

Citation and commencement

1. This Order may be cited as the Magistrates' Courts Fees Order 2005 and shall come into force on 10th January 2006.

Fees to be taken

2. The fees set out in column 2 of the Schedule to this Order shall be taken in magistrates' courts in respect of the items described in column 1 in accordance with and subject to the directions specified in column 1.

3.—(1) No fees shall be taken in respect of—

- (a) criminal matters (except for the supply of a document prepared for use in connection with a criminal matter but which is for use in connection with a matter which is not a criminal matter);
- (b) any summons, warrant, notice or order issued, given or made under sections 83(1) or (2), 88, 89 or 136 of the Magistrates' Courts Act 1980(b), or under any rule made for the purpose of those provisions; or
- (c) binding over proceedings.

(2) In this article, "binding over proceedings" means any proceedings instituted (whether by way of complaint under section 115 of the Magistrates' Courts Act 1980 or otherwise) with a view

(a) 2003 c.39; section 92 is amended by sections 15(1) and 59(5) of, paragraphs 308 and 345 of Part 1 of Schedule 4 and paragraph 4(1) and (3) of Schedule 11 to, the Constitutional Reform Act 2005 (c.4), from a date to be appointed. Section 108(6) is amended by section 15(1) of, and paragraphs 308 and 348 of Part 1 of Schedule 4 to, that Act, from a date to be appointed.

(b) 1980 c.43.

to obtaining from a magistrates' court an order requiring a person to enter into a recognizance to keep the peace or to be of good behaviour.

Exemptions and remissions

4. 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) representation under Part IV of the Legal Aid Act 1988 for the purposes of the proceedings;
- (b) is receiving services funded by the Legal Services Commission(b) as part of the Community Legal Service; or
- (c) is in receipt of—
 - (i) income support under the Social Security Contributions and Benefits Act 1992(c);
 - (ii) income-based jobseeker's allowance under the Jobseekers Act 1995(d);
 - (iii) guarantee credit under the State Pension Credit Act 2002(e);
 - (iv) any element of child tax credit, under the Tax Credits Act 2002(f), other than the family element; or
 - (v) working tax credit under the Tax Credits Act 2002.

5. The Lord Chancellor may on the ground of financial hardship or for other reasonable cause remit in whole or in part any fee prescribed by this Order.

Consequential amendment

6. In regulation 7(1)(b) of the Register of Fines Regulations 2003(g) for "Part 1 of Schedule 6 to the Magistrates' Courts Act 1980" substitute "an Order made under section 92 of the Courts Act 2003(h) (fees)".

16th December 2005

Falconer of Thoroton, C

We consent,

*Vernon Coaker
David Watts*

20th December 2005

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

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- (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) Established under section 1 of the Access to Justice Act 1999(c.22).
 - (c) 1992 c.4.
 - (d) 1995 c.18.
 - (e) 2002 c.16.
 - (f) 2002 c.21.
 - (g) S.I. 2003/3184, to which there are amendments not relevant to this Order.
 - (h) 2003 c.39; section 92 is amended by sections 15(1) and 59(5) of, paragraphs 308 and 345 of Part 1 of Schedule 4 and paragraph 4(1) and (3) of Schedule 11 to, the Constitutional Reform Act 2005 (c.4).

SCHEDULE

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>
1. Attendance	
1.1 On a justice of the peace, to view deserted premises in order to affix notice or to give possession thereof, or to view a highway, bridge or nuisance	£44
2. Case for the opinion of High Court	
2.1 On an application to state a case for the opinion of the High Court under section 111 Magistrates' Courts Act 1980(a): drawing of case, copies, taking recognizance as required by section 114 of that Act and enlargement and renewal of such recognizance	£382
2.2 On a request for a certificate of refusal to state a case	£8
3. Certificate	
3.1 On a request for a certificate not otherwise charged	£25
4. Register of Fines	
4.1 On a request for a certificate of satisfaction	£15
5. Council tax and rates	
5.1 On an application for a liability order (each defendant)	£3
5.2 On a complaint (or application) and the issue of a summons	£25
5.3 On the issue of a warrant of arrest	£25
5.4 On the making of a commitment order	£40
6. Copy Documents	
6.1 On a request for a copy of any document	
(a) for the first page (except the first page of a subsequent copy of the same document supplied at the same time)	£1.10
(b) per page in any other case	55p
Where a fee has been paid for a summons, order or warrant no fee shall be charged for a copy of that document.	
(c) each additional copy	10p
7. Duplicate	
7.1 For the duplicate of any document	£5
8. Proceedings under the Domestic Proceedings and Magistrates' Courts Act 1978(b)	
8.1 On an application for an order for financial provision (excluding an application to vary or revoke such an order or in respect of an application for an order made to the benefit of, or against, a person residing outside the United Kingdom)	£175
9. Proceedings under the Family Law Act 1986(c)	
9.1 On an application for a declaration of parentage	£130
10. Proceedings under the Children Act 1989(d)	
10.1 On an application or request for permission under the following provisions of the Children Act 1989—	
(a) section 4(1)(c) or (3) or 4A(1)(b) or (3)(e) (parental responsibility)	£175

(a) 1980 c.43.

(b) 1978 c.22.

(c) 1986 c. 55.

(d) 1989 c.41.

(e) Section 4 was amended by section 111 and section 4A was inserted by section 112 of the Adoption and Children Act 2002 (c.38).

(b) section 5(1)(a) or 6(7) (guardians)	£175
(c) section 10(1) or (2) (section 8 orders)	£175
(d) section 13(1) (change of child's surname or removal from jurisdiction while residence order in force)	£175
(e) section 14A(3) or (6)(a), 14C(3) or 14D(1)(b) (special guardianship orders)	£140
(f) section 31 (care or supervision order)	£150
For the purposes of fee 10.1(f) a care order does not include an interim care order, and a supervision order does not include an interim supervision order.	
(g) section 33(7) (change of child's surname or removal from jurisdiction while care order in force)	£150
(h) section 34 (contact with a child in care)	£150
(i) section 36 (education supervision order)	£150
(j) section 43 (child assessment order)	£150
(k) Part XA (affecting the registration of a child minder or day carer including appeals against cancellation or varying the conditions of the registration)(c)	£150
(l) paragraph 1(1), 2(1), 6(5) or 14(1) of Schedule 1 (financial provision)	£175
(m) paragraph 8(1) of Schedule 8 (appeals concerning foster parenting)	£150
10.2 On an application to vary, extend or discharge an order relating to provisions to which the following fees apply—	
(a) fees 10.1(a) to (d) and (l)	£175
(b) fees 10.1(f) to (j)	£150
Where an application requires the permission of the court, the relevant fee applies where permission is sought but no further fee may be charged if permission is granted and the application is made.	
11. Proceedings under the Human Fertilisation and Embryology Act 1990(d)	
11.1 On an application under section 30 (parental order)	£175
12. Proceedings under the Child Support Act 1991(e)	
12.1 On an application for a liability order	£40
12.2 On commencing an appeal under section 20(f)	£130
12.3 On commencing an appeal against deduction from earnings order	£80
12.4 On a complaint (or application), the issue of a summons or a warrant of arrest, and the making of a commitment order (combined fee)	£90
13. Proceedings under the Adoption and Children Act 2002(g)	
13.1 On an application or request for permission under Part 1 of the Adoption and Children Act 2002	£140
Where an application requires the permission of the court, the relevant fee applies where permission is sought but no further fee may be charged if permission is granted and the application is made.	
14. Proceedings under Schedule 6 to the Civil Partnership Act 2004(h)	
14.1 On an application for an order for financial provision (excluding an application to vary or revoke such an order or in respect of an application for	£175

(a) Section 5 was amended by section 115 of the Adoption and Children Act 2002 (c.38).

(b) Sections 14A to 14G were inserted by section 115 of the Adoption and Children Act 2002 (c.38).

(c) Part XA was inserted by section 79(1) of the Care Standards Act 2000 (c.14).

(d) 1990 c.37.

(e) 1991 c.48.

(f) Section 20 is substituted by section 10 of the Child Support, Pensions and Social Security Act 2000 (c.19) from a date to be appointed. By virtue of the Child Support Appeals (Jurisdiction of Courts) Order 1993 (S.I. 1993/961) appeals under section 20 relating to issues of parentage are to be made to the court instead of the Child Support Appeals Tribunal. This Order is revoked and replaced by the Child Support Appeals (Jurisdiction of Courts) Order 2002 (S.I. 2002/1915), which also provides that appeals relating to issues of parentage are to be made to the court instead of the Appeals Tribunal. This Order will come into force on the date on which section 10 of the Child Support, Pensions and Social Security Act 2000 comes into force.

(g) 2002 c.38.

(h) 2004 c.33.

an order made to the benefit of, or against, a person residing outside the United Kingdom)

15. Licences

15.1 For every licence, consent or authority not otherwise provided for, to include registration when necessary £8

15.2 On an application for the revocation of a licence not otherwise provided for £30

16. Oaths

16.1 On the attestation of constable £8

16.2 For every oath, affirmation or solemn declaration not otherwise charged (no fee is payable for the swearing in of witnesses in civil proceedings or in any case where an Act directs that no fee shall be taken) £8

17. Other civil proceedings

17.1 On a complaint (or application) £25

17.2 On the issue of a summons and copy £25

17.3 On the issue of a warrant and copy £25

17.4 On the making of an order and copy £25

18. Warrant of Entry

18.1 On the application for a warrant of entry £3

Note: Only one fee is payable where more than one document is issued in relation to a partnership.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order replaces sections 137 and 138 of, and Schedule 6 to, the Magistrates' Courts Act 1980 (c.43) and specifies the fees payable in magistrates' courts. Some of the fees have increased and some new fees have been introduced.

The table below sets out the fees.

<i>Number and summary of new fee (for full description see Schedule)</i>	<i>Amount of new fee</i>	<i>Amount of old fee</i>
1. Attendance		
1.1 On a justice of the peace, to view deserted premises, a highway, bridge or nuisance	£44	£44
2. Case for the opinion of the High Court		
2.1 Application to state a case for the opinion of the High Court	£382	£382
2.2 Request for certificate of refusal to state a case	£8	£8
3. Certificate		
3.1 Request for certificate where no other fee specified	£25	£8
4. Register of fines		
4.1 Request for certificate of satisfaction	£15	-
5. Council tax and rates		
5.1 Application for a liability order	£3	70p
5.2 Complaint (or application) and summons	£25	£10
5.3 Warrant of arrest	£25	£10
5.4 Commitment order	£40	£40
6. Copy documents		
6.1(a) Copy of first page of a document	£1.10	£1.10
6.1(b) Copy per page for subsequent pages	55p	55p
6.1(c) Each additional copy	10p	10p
7. Duplicate		
7.1 For the duplicate of any document	£5	£5
8. Proceedings under the Domestic Proceedings and Magistrates' Courts Act 1978		
8.1 Application for an order for financial provision	£175	£30
9. Proceedings under the Family Law Act 1986		
9.1 Application for a declaration of parentage	£130	£30 (application previously made under section 27 of the Child Support Act 1991)
10. Proceedings under the Children Act 1989		
10.1 On an application or request for permission—		
(a) section 4(1)(c) or (3) or 4A(1)(b) or (3)	£175	£30 (in respect of applications under section 4(1)(c) or (3))
(b) section 5(1) or 6(7)	£175	£30

(c) section 10(1) or (2)	£175	£30
(d) section 13(1)	£175	£30
(e) section 14A(3) or (6)(a), 14C(3) or 14D(1)	£140	-
(f) section 31	£150	£50
(g) section 33(7)	£150	£20
(h) section 34	£150	£20
(i) section 36	£150	£50
(j) section 43	£150	£50
(k) Part XA	£150	£50
(l) paragraph 1(1), 2(1), 6(5) or 14(1) of Schedule 1	£175	£30
(m) paragraph 8(1) of Schedule 8	£150	£50
10.2 Application to vary, extend or discharge an order where the order subject to the application relates to—		
(a) fees 10.1(a) to (d) and (l)	£175	£20
(b) fees 10.1(f) to (j)	£150	£20
11. Proceedings under the Human Fertilisation and Embryology Act 1990		
11.1 Application under section 30	£175	£30
12. Proceedings under the Child Support Act 1991		
12.1 Application for a liability order	£40	70p
12.2 Appeal under section 20	£130	£30
12.3 Appeal against deduction from earnings order	£80	£10
12.4 Complaint (or application), summons, warrant and commitment order	£90	Complaint and summons £10; Warrant £10; Commitment Order £40
13. Proceedings under the Adoption and Children Act 2002		
13.1 On an application or request for permission under Part 1 of the Act	£140	£30 for equivalent application under Adoption Act 1976 save for applications under section 23 of that Act for which the fee was £20;
14. Proceedings under Schedule 6 to the Civil Partnership Act 2004		
14.1 Application for an order for financial provision	£175	-
15. Licences		
15.1 Every licence, consent or authority not otherwise provided for	£8	£8
15.2 Application for the revocation of a licence not otherwise provided for	£30	£30
16. Oaths		
16.1 Attestation of constable	£8	£8
16.2 Every oath, affirmation or solemn declaration not otherwise charged	£8	£8
17. Other civil proceedings		
17.1 Complaint (or application)	£25	£3.50
17.2 Summons	£25	£3.50

17.3 Warrant	£25	£6.50
17.4 Order	£25	£16.50
18. Warrant of Entry		
18.1 Application for a warrant of entry	£3	£2.25

Regulation 7(1)(b) of the Register of Fines Regulations 2003 (S.I. 2003/3184) is amended so as to refer to this Order rather than Schedule 6 to the Magistrates' Courts Act 1980 (article 6).

An Initial Regulatory Impact Assessment of the costs and benefits of this Order was placed in the Libraries of both Houses of Parliament, and is available on the Department for Constitutional Affairs's website at www.dca.gov.uk/consult/civilfam/civilfam.htm.

£3.00

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