

**2006 No. 715 (L. 3)**

**MAGISTRATES' COURTS, ENGLAND AND WALES**

**The Magistrates' Courts Fees (Amendment) Order 2006**

*Made* - - - - *9th March 2006*

*Laid before Parliament* *16th March 2006*

*Coming into force* - - *6th April 2006*

The Lord Chancellor, with the consent of the Treasury, makes the following Order in exercise of the powers conferred by section 92 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.

1. This Order may be cited as the Magistrates' Courts Fees (Amendment) Order 2006 and shall come into force on 6th April 2006.

2. For the Schedule to the Magistrates' Courts Fees Order 2005(b) substitute the Schedule in the Schedule to this Order.

Date 9th March 2006

*Falconer of Thoroton, C*

We consent,

*Joan Ryan  
Gillian Merron*

Date 8th March 2006

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

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(a) 2003 c.39; section 92 is amended by paragraphs 308 and 345 of Part 1 of Schedule 4 the Constitutional Reform Act 2005 (c.4) from 1 October 2005 and by paragraph 4(1) and (3) of Schedule 11 to that Act from a date to be appointed.  
(b) S.I. 2005/3444.

## SCHEDULE

Article 2

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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>
<b>1. Attendance</b>	
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
<b>2. Case for the opinion of High Court</b>	
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
<b>3. Certificate</b>	
3.1 On a request for a certificate not otherwise charged	£25
<b>4. Register of Judgments, Orders and Fines</b>	
4.1 On a request for a certificate of satisfaction	£15
<b>5. Council tax and rates</b>	
5.1 On an application for a liability order (each defendant)	£3
<i>Commitment</i>	
5.2 On a complaint (or application) and the issue of a summons or a warrant of arrest without issuing a summons	£25
5.3 On the issue of a warrant of arrest if the summons is not obeyed	£25
5.4 On the making of a commitment order	£40
<b>6. Copy Documents</b>	
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
<b>7. Duplicate</b>	
7.1 For the duplicate of any document	£5
<b>8. Proceedings under the Domestic Proceedings and Magistrates’ Courts Act 1978(b)</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
<b>9. Proceedings under the Family Law Act 1986(c)</b>	
9.1 On an application for a declaration of parentage (each child)	£130

(a) 1980 c.43.  
 (b) 1978 c.22.  
 (c) 1986 c. 55.

## **10. Proceedings under the Children Act 1989(a)**

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)(b) (parental responsibility)	£175
(b) section 5(1)(c) 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)(d) (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)(e)	£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.

Where an application is made or filed or permission is sought under or relating to provisions of the Children Act 1989 which are listed in two or more different numbered fees, only the highest fee shall be payable.

Where an application is made or filed or permission is sought 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 permission is sought in respect of two or more children at the same time, only one fee shall be payable in respect of each numbered fee.

## **11. Proceedings under the Human Fertilisation and Embryology Act 1990(f)**

11.1 On an application under section 30 (parental order)	£175
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## **12. Proceedings under the Child Support Act 1991(g)**

12.1 On an application for a liability order	£40
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(a) 1989 c.41.

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

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

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

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

(f) 1990 c.37.

(g) 1991 c.48.

12.2 On commencing an appeal under section 20(a)	£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 and/or a warrant of arrest, and the making of a commitment order (combined fee)	£90
<b>13. Proceedings under the Adoption and Children Act 2002(b)</b>	
13.1 On an application or request for permission under Part 1 of the Adoption and Children Act 2002 including applications to vary or revoke an order 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.	£140
<b>14. Proceedings under Schedule 6 to the Civil Partnership Act 2004(c)</b>	
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 an order made to the benefit of, or against, a person residing outside the United Kingdom)	£175
<b>15. Proceedings to vary, extend or revoke an order made in family proceedings</b>	
15.1 On an application to vary, extend or revoke an order not otherwise charged	£20
<b>16. Licences</b>	
16.1 For every licence, consent or authority not otherwise provided for, to include registration when necessary	£8
16.2 On an application for the revocation of a licence not otherwise provided for	£30
<b>17. Oaths</b>	
17.1 On the attestation of constable	£8
17.2 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
<b>18. Other civil proceedings</b>	
18.1 On a complaint (or application)	£25
18.2 On the issue of a summons and copy	£25
18.3 On the issue of a warrant and copy	£25
18.4 On the making of an order and copy	£25
<b>19. Warrant of Entry</b>	
19.1 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.	

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(a) 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.

(b) 2002 c.38.

(c) 2004 c.33.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Schedule to the Magistrates' Courts Fees Order 2005 (S.I. 2005/3444). A new fee of £20 is inserted as fee 15 which applies on an application to vary, extend or revoke an order made in family proceedings which is not otherwise charged under any other numbered fee.

The following amendments are also made—

- (a) Fee 4 is amended to refer to the Register of Judgments, Orders and Fines. This register is required to be kept by the Register of Judgments, Orders and Fines Regulations 2005 (S.I. 2005/3595) and replaces the Register of Fines. The fee remains the same.
- (b) Fee 5 is amended to insert a sub-heading before fees 5.2 to 5.4. Fee 5.2 is amended so that it applies to a complaint (or application) and the issue of a warrant without issuing a summons and fee 5.3 is amended so that it applies on the issue of a warrant if a summons is not obeyed.
- (c) Fee 10 is amended so that only one fee is chargeable if—
  - (i) an application is made (or permission sought) under or relating to provisions of the Children Act which are listed in two or more different numbered fees;
  - (ii) an application is made (or permission sought) under or relating to two or more provisions of the Children Act which are listed in the same numbered fee;
  - (iii) an application is made (or permission sought) in respect of two or more children.
- (d) Fees 9.1 is amended to clarify that a separate fee is payable for each child in respect of which an application is made.
- (e) Fee 13.1 is amended to clarify that the fee is payable in relation to applications to vary or revoke an order made under the Adoption and Children Act 2002.

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**The Magistrates' Courts Fees (Amendment) Order 2006**

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