

2007 No. 2619 (L.25)

MAGISTRATES' COURTS, ENGLAND AND WALES

The Magistrates' Courts Fees (Amendment) Order 2007

<i>Made</i>	- - - -	<i>7th September 2007</i>
<i>Laid before Parliament</i>		<i>7th September 2007</i>
<i>Coming into force</i>	- -	<i>1st October 2007</i>

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) and section 128 of the Finance Act 1990(b).

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, 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 (Amendment) Order 2007 and shall come into force on 1st October 2007.

Amendments to the Magistrates' Courts Fees Order 2005

2. The Magistrates' Courts Fees Order 2005(c) is amended in accordance with the following articles.

3. For article 4 substitute—

“Remissions and part remissions

4. Schedule 2 applies for the purpose of ascertaining whether a party is entitled to a remission or part remission of a fee prescribed by this Order.”.

4. For the Schedule substitute Schedule 1 and Schedule 2 as set out in the Schedule to this Order.

2nd September 2007

Jack Straw
Lord Chancellor

(a) 2003 c.39. section 92 is amended by section 15(1) of and paragraphs 308 and 345 of Part I of Schedule 4 to the Constitutional Reform Act 2005 (c.4) from 1 October 2005 and by section 59(5) of and paragraph 4(1) and (3) of Schedule 11 to that Act from a date to be appointed.
(b) 1990 c.29.
(c) S.I. 2005/3444; as amended by S.I. 2006/715.

We consent,

Dave Watts
Steve McCabe

Two of the Lords Commissioners of Her Majesty's Treasury

7th September 2007

SCHEDULE

Article 4

“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>
1 Attendance	
1.1 On making an application for 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	£50
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	£400
2.2 On a request for a certificate of refusal to state a case	£100
3 Certificate	
3.1 On a request for a certificate not otherwise charged	£40
4 Register of Judgments, Orders and 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
<i>Commitment</i>	
5.2 On a request for the issue of a complaint (or application) and the issue of a summons or a warrant of arrest without issuing a summons	£25
5.3 On a request for the issue of a warrant of arrest if the summons is not obeyed	£25
5.4 On a request for the making of a commitment order	£40
6 Copy Documents	
6.1 On a request for a copy of a document (other than where fee 6.2 applies):	
(a) for ten pages or less	£5
(b) for each subsequent page Where a fee has been paid for a summons, order or warrant no fee shall be charged for a copy of that document.	50p
6.2 On a request for a copy of a document on a computer disk or in other electronic form, for each such copy	£5
7 Duplicate	
7.1 On a request for the duplicate of a document	£15

(a) 1980 c.43.

Fee 7.1 includes a copy or part copy (extract) of a document that is held or supplied by the court that is not otherwise charged (including the transcription of the notes of the Justices' Clerk)	
8 Proceedings under the Domestic Proceedings and Magistrates' Courts Act 1978(a)	
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(b)	
9.1 On an application for a declaration of parentage (each child)	£130
10 Proceedings under the Children Act 1989(c)	
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)(d) (parental responsibility)	£175
(b) section 5(1) 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)(e) (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)(f)	£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.	

(a) 1978 c.22.

(b) 1986 c. 55.

(c) 1989 c.41.

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

(e) Sections 14A to 14G were inserted by section 115 of the Adoption and Children Act 2002 (c.38). Section 14A was amended by section 75 of the Civil Partnership Act 2004 (c.33).

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

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(a)	
11.1 On an application under section 30 (parental order)	£175
12 Proceedings under the Child Support Act 1991(b)	
12.1 On an application for a liability order	£40
12.2 On commencing an appeal under section 20(c)	£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
13 Proceedings under the Adoption and Children Act 2002(d)	
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	£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(e)	
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
15 Proceedings to vary, extend or revoke an order made in family proceedings	
15.1 On an application to vary, extend or revoke an order not otherwise charged	£20
16 Licences	
16.1 On a request for a licence, consent or authority not otherwise provided for, to include registration when necessary	£20
16.2 On an application for the revocation of a licence not otherwise provided for	£30
17 Oaths	
17.1 On taking the attestation of a constable – for each person	£10
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)	£25
18 Other civil proceedings	
18.1 On filing a complaint (or application) (other than referred to in 18.5)	£75
18.2 On a request to issue a summons and copy	£75
18.3 On a request to issue a warrant and copy	£50
18.4 On a request to make an order and copy	£50

(a) 1990 c.37.

(b) 1991 c.48.

(c) 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.

(d) 2002 c.38.

(e) 2004 c.33.

18.5 On an appeal under paragraph 1, 2(2), 3(2)(a), 4(2), 7(2), 8(2)(b), 8A(2)(b), 10, 11(2), 12(2), 13(2)(b), 14, 16(2), 17(1) and (4) or 18(2)(a) of Schedule 5 to the Licensing Act 2003(a)	£400
19 Warrant of Entry	
19.1 On the application for a warrant of entry	£10
Note: Only one fee is payable where more than one document is issued in relation to a partnership.	

SCHEDULE 2

Article 4

Remission and part remission of fees

Interpretation

1.—(1) In this Schedule—

“child care costs” and “the Independent Living Funds” have the meaning given to them in the Criminal Defence Service (Financial Eligibility) Regulations 2006(b);

“child” means a child of the party, living in his household, under the age of 18;

“couple” has the meaning given in section 3(5A) of the Tax Credits Act 2002(c);

“disposable monthly income” has the meaning given in paragraph 5;

“excluded benefits” means —

(a) any of the following benefits payable under the Social Security Contributions and Benefits Act 1992(d)—

(i) attendance allowance paid under section 64;

(ii) severe disablement allowance;

(iii) carer’s allowance;

(iv) disability living allowance;

(v) constant attendance allowance paid under section 104 or paragraph 4 or 7(2) of Schedule 8 as an increase to a disablement pension;

(vi) council tax benefit;

(vii) any payment made out of the social fund;

(viii) housing benefit;

(b) any direct payments made under the Community Care, Services for Carers and Children’s Services (Direct Payments) (England) Regulations 2003(e) or the Community Care, Services for Carers and Children’s Services (Direct Payments) (Wales) Regulations 2004(f);

(c) a back to work bonus payable under section 626 of the Jobseekers Act 1995(g);

(d) any exceptionally severe disablement allowance paid under the Personal Injuries (Civilians) Scheme 1983(h);

(a) 2003 c.17. Schedule 5 is amended by S.I. 2005/886 and by section 22(2) of the Violent Crime Reduction Act 2006 which inserts paragraph 8A from 1st October 2007.

(b) S.I. 2006/2492; there are no relevant amendments.

(c) 2002 c.21. Section 5A was inserted by paragraph 144 of Schedule 24 to the Civil Partnership Act 2004 (c.33).

(d) 1992 c.4.

(e) S.I. 2003/762.

(f) S.I. 2004/1748.

(g) 1995 c.18.

(h) S.I. 1983/686.

- (e) any pensions paid under the Naval, Military and Air Forces etc (Disablement and Death) Service Pension Order 2006(a);
- (f) any payments made from the Independent Living Funds; and
- (g) any financial support paid under an agreement for the care of a foster child;

“gross annual income” means total annual income, for the 12 months preceding the application for remission or part remission, from all sources other than receipt of any of the excluded benefits;

“gross monthly income” means total monthly income, for the month in which the application for remission or part remission is made, from all sources other than receipt of any of the excluded benefits;

“partner” means a person with whom the party lives as a couple and includes a person with whom the party is not currently living but from whom he is not living separate and apart;

“party” means the party who would, but for this Schedule, be liable to pay the fee required under this Order; and

“restraint order” means—

- (a) an order under section 42(1A) of the Supreme Court Act 1981(b); or
- (b) a civil restraint order under rule 3.11 of the Civil Procedure Rules 1998(c) or a practice direction made under that rule.

(2) Paragraphs 2, 3 and 4 are subject to the provisions of paragraph 8 (vexatious litigants).

Full remission of fees – qualifying benefits

2.—(1) No fee shall be payable under this Order by a party who, at the time when a fee would otherwise be payable—

- (a) is in receipt of a qualifying benefit;
- (b) is in receipt of—
 - (i) legal advice and assistance under Part II or Part III of the Legal Aid Act 1988(d) 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; or
- (c) is in receiving services funded by the Legal Services Commission as part of the Community Legal Service.

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

- (a) income support under the Social Security Contributions and Benefits Act 1992;
- (b) working tax credit, provided that no child tax credit is being paid to the party;
- (c) income-based jobseeker’s allowance under the Jobseekers Act 1995; and
- (d) guarantee credit under the State Pension Credit Act 2002(e).

Full remission of fees – gross annual income

3.—(1) No fee shall be payable under this Order by a party if, at the time when the fee would otherwise be payable, he has the number of children specified in column 1 of the table below and —

(a) S.I. 2006/606.

(b) 1981 c.54. Section 42(1A) was inserted by section 24 of the Prosecution of Offences Act 1985 c.23.

(c) S.I. 1988/ 3132. Relevant amendment is S.I.2004/2072.

(d) 1988 c.34.

(e) 2002 c.16.

- (a) if he is single, his gross annual income does not exceed the amount set out in the appropriate row of column 2; or
- (b) if he is one of a couple, the gross annual income of the couple does not exceed the amount set out in the appropriate row of column 3.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Number of children of party paying fee</i>	<i>Single</i>	<i>Couple</i>
no children	£12,000	£16,000
1 child	£14,470	£18,470
2 children	£16,940	£20,940
3 children	£19,410	£23,410
4 children	£21,880	£25,880

(2) If the party paying the fee has more than 4 children then the relevant amount of gross annual income shall be the amount specified in the table for 4 children plus the sum of £2,470 for each additional child.

Full and part remission of fees – disposable monthly income

4.—(1) No fee shall be payable under this Order by a party if, at the time when the fee would otherwise be payable, his disposable monthly income is £50 or less.

(2) The maximum amount of fee payable by a party is—

- (a) if his disposable monthly income is more than £50 but does not exceed £210, an amount equal to one-quarter of every £10 of his disposable monthly income up to a maximum of £50; and
- (b) if his disposable monthly income is more than £210, an amount equal to £50 plus one-half of every £10 over £200 of his disposable monthly income.

(3) Where the fee that would otherwise be payable under this Order is greater than the maximum fee which a party is required to pay as calculated in sub-paragraph (2), the fee shall be remitted to the amount payable under that sub-paragraph.

Disposable monthly income

5.—(1) A party's disposable monthly income is his gross monthly income for the month in which the fee becomes payable ("the period") less the deductions referred to in sub-paragraphs (2) and (3).

(2) There are to be deducted from the gross monthly income —

- (a) income tax paid or payable in respect of the period;
- (b) any contributions estimated to have been paid under Part I of the Social Security Contributions and Benefits Act 1992 in respect of the period;
- (c) either—
 - (i) monthly rent or monthly payment in respect of a mortgage debt or hereditament security, payable by him in respect of his only or main dwelling, less any housing benefit paid under the Social Security Contributions and Benefits Act 1992; or
 - (ii) the monthly cost of his living accommodation.
- (d) any child care costs paid or payable in respect of the period;
- (e) if the party is making bona fide payments for the maintenance of a child who is not a member of his household, the amount of such payments paid or payable in respect of the period;
- (f) any amount paid or payable by the party, in respect of the period, in pursuance of a court order.

(3) There shall be deducted from the gross monthly income an amount representing the cost of living expenses in respect of the period being—

- (a) £279; plus
- (b) £198 for each child of the party; plus
- (c) £142, if the party has a partner.

Resources of partners

6.—(1) For the purpose of determining whether a party is entitled to the remission or part remission of a fee in accordance with this Schedule, the income of his partner, if any, is to be included as income of the party.

(2) The receipt by a partner of a qualifying benefit does not entitle a party to remission of a fee.

Application for remission or part remission of fees

7.—(1) An application for remission or part remission of a fee shall be made to the court officer at the time when the fee would otherwise be payable.

(2) If the applicant is claiming a full remission of fees he must provide documentary evidence of, as the case may be—

- (a) his entitlement to a qualifying benefit; or
- (b) his gross annual income and, if applicable, the children included for the purposes of paragraph 3.

(3) If the applicant is claiming a full or part remission of fees under paragraph 4, he must provide documentary evidence of—

- (a) such of his gross monthly income as he derives from—
 - (i) employment;
 - (ii) rental or other income received from persons living with him by reason of their residence in his home;
 - (iii) a pension; or
 - (iv) a state benefit, not being an excluded benefit;
- (b) any expenditure being deducted from his gross monthly income in accordance with paragraph 5(2).

Vexatious Litigants

8.—(1) This paragraph applies where—

- (a) a restraint order is in force against a party;
- (b) the party makes an application for permission to—
 - (i) issue proceedings or take a step in proceedings as required by the restraint order;
 - (ii) apply for amendment or discharge of the order; or
 - (iii) appeal the order.

(2) The fee prescribed for the application by Schedule 1 to this Order shall be payable in full.

(3) If the court grants the permission requested there shall be refunded to the applicant the difference between—

- (a) the fee paid; and
- (b) the fee that would have been payable if this Schedule had been applied without reference to this paragraph.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Magistrates' Courts Fees Order 2005 (S.I. 2005/3444). Certain fees are increased. Fee 6.1 has been recast and fee 6.1(c) (additional copy of documents) removed. There is a new fee for certain appeals under Schedule 5 to the Licensing Act 2003 (fee 18.5). Some minor changes have been made to the wording of some fees for the purposes of clarification. Schedule 2 is inserted and sets out when a party is entitled to a remission or part remission of a fee. The table below sets out the new fees.

<i>Brief description of fee</i>	<i>Amount of new fee</i>	<i>Amount of old fee</i>
Attendance		
1.1 Application to justice of the peace to view deserted premises etc.	£50	£44
Case for the opinion of the High Court		
2.1 Application to state a case	£400	£382
2.2 Request for certificate of refusal to state a case	£100	£8
Certificate		
3.1 Request for certificate where no other fee specified	£40	£25
Copy documents		
6.1(a) request for copy a document – ten pages or less	£5	£1.10 (for the first page)
6.1(b) each subsequent page	50p	55p
6.2 Request for the copy of a document in electronic form	£5	n/a
Duplicate		
7.1 For the duplicate of a document	£15	£5
Oaths		
17.1 Attestation of constable	£10	£8
17.2 Every oath affirmation or solemn declaration not otherwise charged	£25	£8
Other civil proceedings		
18.1 Complaint or application	£75	£25
18.2 Summons	£75	£25
18.3 Warrant	£50	£25
18.4 Order	£50	£25
18.5 Appeal under paragraph 1, 2(2), 3(2)(a), 4(2), 7(2), 8(2)(b), 8A(2)(b), 10, 11(2), 12(2), 13(2)(b), 14, 16(2), 17(1) and (4) or 18(2)(a) of Schedule 5 to the Licensing Act 2003	£400	n/a
Warrant of entry		
19.1 Application for a warrant of entry	£10	£3

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MAGISTRATES' COURTS, ENGLAND AND WALES

The Magistrates' Courts Fees (Amendment) Order 2007

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