

2009 No. 513 (L. 3)

MENTAL CAPACITY, ENGLAND AND WALES

The Court of Protection Fees (Amendment) Order 2009

<i>Made</i> - - - -	<i>4th March 2009</i>
<i>Laid before Parliament</i>	<i>11th March 2009</i>
<i>Coming into force</i> - -	<i>1st April 2009</i>

The Lord Chancellor makes this Order in exercise of the powers conferred by sections 54(1) and (2) and 65(1) of the Mental Capacity Act 2005(a), with the consent of the Treasury and after consulting in accordance with section 54(3) of that Act.

Citation and commencement

1. This Order may be cited as the Court of Protection Fees (Amendment) Order 2009 and comes into force on 1st April 2009.

Amendment of the Court of Protection Fees Order 2007

2. The Court of Protection Fees Order 2007(b) is amended as follows.
3. In article 7 (fee for request for copy of court document)—
 - (a) omit paragraph (2); and
 - (b) in paragraph (3), for “fees prescribed by paragraphs (1) and (2)” substitute “fee prescribed by paragraph (1)”.
4. In article 8(3) (exemptions)—
 - (a) in sub-paragraph (e), omit “and” in the second place where it occurs; and
 - (b) at the end of sub-paragraph (f), insert—

“; and

 - (g) income-related employment and support allowance under Part 1 of the Welfare Reform Act 2007(c).”.
5. In the Schedule (fees to be taken), omit the entry for a certified copy of a document fee.

(a) 2005 c. 9.
(b) S.I. 2007/1745
(c) 2007 c. 5.

Signed by authority of the Lord Chancellor

3rd March 2009

We consent,

4th March 2009

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

Frank Roy
Tony Cunningham
Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Court of Protection Fees Order 2007 by:

- omitting the fee prescribed for a certified copy of a court document (articles 3 and 5); and
- making provision for an additional qualifying benefit under article 8 of the Court of Protection Fees Order 2007, so that if the relevant person is in receipt of income-related employment and support allowance no fee will be payable under that Order (article 4).

© Crown copyright 2009

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.00