

2010 No. 731 (L. 4)

MAGISTRATES' COURTS, ENGLAND AND WALES

The Magistrates' Courts Fees (Amendment) Order 2010

Made - - - - *8th March 2010*

Laid before Parliament *12th March 2010*

Coming into force - - *6th April 2010*

The Lord Chancellor, with the consent of the Treasury, makes the following Order in exercise of the power conferred by section 92 of the Courts Act 2003(a).

In accordance with sections 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 2010 and shall come into force on 6th April 2010.

Amendment of the Magistrates' Courts Fees Order 2008

2. The Magistrates' Courts Fees Order 2008(b) is amended as follows.

3. In paragraph 3(1)(a) for "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)" substitute "proceedings (except for documents that were used in, or result from, criminal proceedings that are subsequently required for civil or family proceedings)".

4. In Schedule 1, fee 4.1 after "Council Tax (Administration and Enforcement) Regulations 1992(c)" insert "or the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989(d)".

5. In Schedule 1, substitute fee 9 with:—

"9 Proceedings under the Human Fertilisation and Embryology Act 2008(e)

9.1 On an application under section 54 £175"
(parental order).

(a) 2003 c. 39. Section 92 was amended by paragraphs 308 and 345 of Schedule 4 of the Constitutional Reform Act 2005 (c.4).
(b) S.I. 2008/1052 amended by S.I. 2008/2855 and S.I. 2009/1496.
(c) S.I. 1992/613; relevant amending instruments are S.I. 1998/3008 and S.I. 2004/785.
(d) S.I. 1989/1058.
(e) 2008 c.22.

6. In Schedule 1, fee 17.1 after “Council Tax (Administration and Enforcement) Regulations 1992” insert “or the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989”.

Signed by authority of the Lord Chancellor

4th March 2010

We consent,

8th March 2010

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

Tony Cunningham
Dave Watts
Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Magistrates' Courts Fees Order 2008 (S.I. 2008/1052) as follows.

Paragraph 3(1)(a) is amended to clarify that, in civil or family proceedings, a fee may be charged to access documents that were used in, or result from, criminal proceedings.

In Schedule 1, fees 4 and 17 are amended so to include fees for obtaining a liability order or warrant for commitment in respect of non domestic rates under the Local Government Finance Act 1988.

Fee 9 is amended to replace the reference to the Human Fertilisation and Embryology Act 1990 with the Human Fertilisation and Embryology Act 2008.

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STATUTORY INSTRUMENTS

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£4.00