

2014 No. 590 (L. 6)

BETTING, GAMING AND LOTTERIES

COUNTY COURTS, ENGLAND AND WALES

FAMILY PROCEEDINGS, ENGLAND AND WALES

GENDER RECOGNITION

MAGISTRATES' COURTS, ENGLAND AND WALES

MENTAL CAPACITY, ENGLAND AND WALES

SENIOR COURTS OF ENGLAND AND WALES

SUPREME COURT OF THE UNITED KINGDOM

TRIBUNALS AND INQUIRIES

**The Courts and Tribunals Fees (Miscellaneous Amendments)
Order 2014**

<i>Made</i> - - - -	<i>11th March 2014</i>
<i>Laid before Parliament</i>	<i>13th March 2014</i>
<i>Coming into force</i> - -	<i>6th April 2014</i>

The Lord Chancellor and Secretary of State makes this Order in exercise of the powers conferred on the Lord Chancellor by section 92 of the Courts Act 2003^(a), sections 414 and 415 of the Insolvency Act 1986^(b), sections 42 and 49(3) of the Tribunals, Courts and Enforcement Act 2007^(c), section 52 of the Constitutional Reform Act 2005^(d) and section 54 of the Mental

(a) 2003 c. 39; section 92 is amended by paragraph 345 of Schedule 4 to the Constitutional Reform Act 2005 (c. 4) and by paragraph 4(1) and (3) of Schedule 11 to that Act.
(b) 1986 c. 45.
(c) 2007 c. 15.
(d) 2005 c. 4.

Capacity Act 2005(a) and on the Secretary of State by section 7(2) of the Gender Recognition Act 2004(b).

The Lord Chancellor has consulted in accordance with section 92(5) and (6) of the Courts Act 2003, section 42(5) of the Tribunals, Courts and Enforcement Act 2007, section 52(4) to (6) of the Constitutional Reform Act 2005 and section 54(3) of the Mental Capacity Act 2005.

In accordance with section 92(1) of the Courts Act 2003, sections 414(1) and 415(1) of the Insolvency Act 1986, section 42(6) of the Tribunals, Courts and Enforcement Act 2007 and section 54(1) of the Mental Capacity Act 2005, the Lord Chancellor has obtained the agreement, consent and sanction of the Treasury.

Citation and commencement

1. This Order may be cited as the Courts and Tribunals Fees (Miscellaneous Amendments) Order 2014 and shall come into force on 6th April 2014.

Amendments to the Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013

2.—(1) The Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013(c) is amended as follows

(2) In article 12 (fee group – failure to pay fee) for “struck out” substitute “dismissed”.

(3) For Table 2 (type A claims) in Schedule 2 (employment tribunals - issue and hearing fee) substitute the table in the Schedule to this Order.

(4) In paragraph 1(1) of Schedule 3 (remissions and part remissions) for the definition of “excluded benefits” substitute—

““excluded benefits” means any of the following—

(a) any of the following benefits payable under the Social Security Contributions and Benefits Act 1992(d) or the corresponding provisions of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(e)—

(i) attendance allowance under section 64;

(ii) severe disablement allowance;

(iii) carer’s allowance;

(iv) disability living allowance;

(v) constant attendance allowance under section 104 as an increase to a disablement pension;

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

(vii) housing benefit;

(viii) widowed parents allowance;

(b) any of the following benefit payable under the Tax Credits Act 2002(f)—

(i) any disabled child element or severely disabled child element of the child tax credit;

(ii) any childcare element of the working tax credit;

(a) 2005 c. 9.

(b) 2004 c. 7.

(c) S.I. 2013/1893, amended by S.I. 2013/2302.

(d) 1992 c.4.

(e) 1992 c. 7 (N.I.).

(f) 2002 c.21; section 3(5A) was inserted by paragraph 144 of Schedule 24 to the Civil Partnership Act 2004 (c.33).

- (c) any direct payment made under the Community Care, Services for Carers and Children’s Services (Direct Payments) (England) Regulations 2009(a), the Community Care, Services for Carers and Children’s Services (Direct Payments) (Wales) Regulations 2011(b), the Carers and Direct Payments Act (Northern Ireland) 2002(c), or section 12B(1) of the Social Work (Scotland) Act 1968(d);
- (d) a back to work bonus payable under section 26 of the Jobseekers Act 1995(e), or article 28 of the Jobseekers (Northern Ireland) Order 1995(f);
- (e) any exceptionally severe disablement allowance paid under the Personal Injuries (Civilians) Scheme 1983(g);
- (f) any payments from the Industrial Injuries Disablement Benefit;
- (g) any pension paid under the Naval, Military and Air Forces etc. (Disablement and Death) Service Pension Order 2006(h);
- (h) any payment made from the Independent Living Funds;
- (i) any payment made from the Bereavement Allowance;
- (j) any financial support paid under an agreement for the care of a foster child;
- (k) any housing credit element of pension credit;
- (l) any armed forces independence payment;
- (m) any personal independence payment payable under the Welfare Reform Act 2012(i);
- (n) any payment on account of benefit as defined in the Social Security (Payments on Account of Benefit) Regulations 2013(j);
- (o) any of the following amounts, as defined by the Universal Credit Regulations 2013(k), that make up an award of universal credit—
 - (i) an additional amount to the child element in respect of a disabled child;
 - (ii) a housing costs element;
 - (iii) a childcare costs element;
 - (iv) a carer element;
 - (v) a limited capability for work or limited capacity for work and work -related activity element.”.

Amendments to the Court of Protection Fees Order 2007

3.—(1) The Court of Protection Fees Order 2007(l) is amended as follows.

(2) In paragraph 1(1) of Schedule 2 (remissions and part remissions) for the definition of “excluded benefits” substitute—

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- (a) S.I. 2009/1887.
 - (b) S.I. 2011/831.
 - (c) 2002 c. 6 (N.I.).
 - (d) 1968 c. 49; section 12B was inserted by section 4 of the Community Care (Direct Payments) Act 1996 (c. 30). Subsection (1) was amended by section 7 of the Community Care and Health (Scotland) Act 2002 (asp 5) and section 70 of the Regulation of Care (Scotland) Act 2001 (asp 8).
 - (e) 1995 c.18; section 26 has been amended but none of those amendments are relevant to this Order.
 - (f) S.I. 1995/2705 (N.I. 15).
 - (g) S.I. 1983/686, amended by S.I. 1983/1164, 1983/1540, 1984/1289, 1984/1675, 1985/1313, 1986/628, 1987/191, 1988/367, 1988/2260, section 123 of, and paragraph 3 of Schedule 8 to, the Criminal Justice Act 1988 (c.33), S.I. 1989/415, 1990/1300, 1991/708, 1992/702, 1992/3226, 1993/480, 1994/715, 1994/2021, 1995/445, 1997/812, 1999/262, 2001/420, 2002/672, 2004/717, 2005/655, 2005/3031, 2006/765, 2007/646, 2008/592, 2008/2683, 2009/438, 2010/283, 2010/1172, 2011/811, 2011/1740, 2012/670 and modified by S.I. 2005/3137.
 - (h) S.I. 2006/606, amended by S.I. 2006/1455, 2007/909, 2008/679, 2008/2683, 2009/706, 2010/240, 2011/235, 2011/1740 and 2012/359.
 - (i) 2012 c. 5.
 - (j) S.I. 2013/383.
 - (k) S.I. 2013/376.
 - (l) S.I. 2007/1745, amended by S.I. 2009/513 and 2013/2302.

““excluded benefits” means any of the following—

- (a) any of the following benefits payable under the Social Security Contributions and Benefits Act 1992 or the corresponding provisions of the Social Security Contributions and Benefits (Northern Ireland) Act 1992—
 - (i) attendance allowance under section 64;
 - (ii) severe disablement allowance;
 - (iii) carer’s allowance;
 - (iv) disability living allowance;
 - (v) constant attendance allowance under section 104 as an increase to a disablement pension;
 - (vi) any payment made out of the social fund;
 - (vii) housing benefit;
 - (viii) widowed parents allowance;
- (b) any of the following benefit payable under the Tax Credits Act 2002—
 - (i) any disabled child element or severely disabled child element of the child tax credit;
 - (ii) any childcare element of the working tax credit;
- (c) any direct payment made under the Community Care, Services for Carers and Children’s Services (Direct Payments) (England) Regulations 2009, the Community Care, Services for Carers and Children’s Services (Direct Payments) (Wales) Regulations 2011, the Carers and Direct Payments Act (Northern Ireland) 2002, or section 12B(1) of the Social Work (Scotland) Act 1968;
- (d) a back to work bonus payable under section 26 of the Jobseekers Act 1995, or article 28 of the Jobseekers (Northern Ireland) Order 1995;
- (e) any exceptionally severe disablement allowance paid under the Personal Injuries (Civilians) Scheme 1983;
- (f) any payments from the Industrial Injuries Disablement Benefit;
- (g) any pension paid under the Naval, Military and Air Forces etc. (Disablement and Death) Service Pension Order 2006;
- (h) any payment made from the Independent Living Funds;
- (i) any payment made from the Bereavement Allowance;
- (j) any financial support paid under an agreement for the care of a foster child;
- (k) any housing credit element of pension credit;
- (l) any armed forces independence payment;
- (m) any personal independence payment payable under the Welfare Reform Act 2012;
- (n) any payment on account of benefit as defined in the Social Security (Payments on Account of Benefit) Regulations 2013;
- (o) any of the following amounts, as defined by the Universal Credit Regulations 2013, that make up an award of universal credit—
 - (i) an additional amount to the child element in respect of a disabled child;
 - (ii) a housing costs element;
 - (iii) a childcare costs element;
 - (iv) a carer element;
 - (v) a limited capability for work or limited capacity for work and work -related activity element.”.

(3) In paragraph 17(3) of Schedule 2 (remissions and part remissions) for “on which the fee was paid” substitute “of the order of the court which finally disposed of the proceedings”.

Amendments to the Civil Proceedings Fees Order 2008

4.—(1) The Civil Proceedings Fees Order 2008(a) is amended as follows.

(2) In Schedule 1 (fees to be taken) in the entries 7.1, 8.1 and 8.10 for “execution” substitute “control”;

(3) In Schedule 2 (remissions and part remissions) for the definition of “excluded benefits” substitute—

““excluded benefits” means any of the following—

- (a) any of the following benefits payable under the Social Security Contributions and Benefits Act 1992 or the corresponding provisions of the Social Security Contributions and Benefits (Northern Ireland) Act 1992—
 - (i) attendance allowance under section 64;
 - (ii) severe disablement allowance;
 - (iii) carer’s allowance;
 - (iv) disability living allowance;
 - (v) constant attendance allowance under section 104 as an increase to a disablement pension;
 - (vi) any payment made out of the social fund;
 - (vii) housing benefit;
 - (viii) widowed parents allowance;
- (b) any of the following benefit payable under the Tax Credits Act 2002—
 - (i) any disabled child element or severely disabled child element of the child tax credit;
 - (ii) any childcare element of the working tax credit;
- (c) any direct payment made under the Community Care, Services for Carers and Children’s Services (Direct Payments) (England) Regulations 2009, the Community Care, Services for Carers and Children’s Services (Direct Payments) (Wales) Regulations 2011, the Carers and Direct Payments Act (Northern Ireland) 2002, or section 12B(1) of the Social Work (Scotland) Act 1968;
- (d) a back to work bonus payable under section 26 of the Jobseekers Act 1995, or article 28 of the Jobseekers (Northern Ireland) Order 1995;
- (e) any exceptionally severe disablement allowance paid under the Personal Injuries (Civilians) Scheme 1983;
- (f) any payments from the Industrial Injuries Disablement Benefit;
- (g) any pension paid under the Naval, Military and Air Forces etc. (Disablement and Death) Service Pension Order 2006;
- (h) any payment made from the Independent Living Funds;
- (i) any payment made from the Bereavement Allowance;
- (j) any financial support paid under an agreement for the care of a foster child;
- (k) any housing credit element of pension credit;
- (l) any armed forces independence payment;
- (m) any personal independence payment payable under the Welfare Reform Act 2012;
- (n) any payment on account of benefit as defined in the Social Security (Payments on Account of Benefit) Regulations 2013;

(a) S.I. 2008/1053, amended by section 59(5) of, and paragraph 1(2) of Part 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c.4), S.I. 2008/2853, 2009/1498, 2013/388, 2013/1410 and 2013/2302.

- (o) any of the following amounts, as defined by the Universal Credit Regulations 2013, that make up an award of universal credit—
 - (i) an additional amount to the child element in respect of a disabled child;
 - (ii) a housing costs element;
 - (iii) a childcare costs element;
 - (iv) a carer element;
 - (v) a limited capability for work or limited capacity for work and work -related activity element.”.

Amendments to the Family Proceedings Fees Order 2008

5.—(1) The Family Proceedings Fees Order 2008(a) is amended as follows.

(2) In Schedule 1 (fees to be taken)—

- (a) in the entry 11.1(b) for “an interpleader summons under an execution” substitute “a claim to controlled, executed or exempt goods”;
- (b) in the entries 12.1 and 14.1 for “execution” substitute “control”.

(3) In Schedule 2 (remissions and part remissions) for the definition of “excluded benefits” substitute—

““excluded benefits” means any of the following—

- (a) any of the following benefits payable under the Social Security Contributions and Benefits Act 1992 or the corresponding provisions of the Social Security Contributions and Benefits (Northern Ireland) Act 1992—
 - (i) attendance allowance under section 64;
 - (ii) severe disablement allowance;
 - (iii) carer’s allowance;
 - (iv) disability living allowance;
 - (v) constant attendance allowance under section 104 as an increase to a disablement pension;
 - (vi) any payment made out of the social fund;
 - (vii) housing benefit;
 - (viii) widowed parents allowance;
- (b) any of the following benefit payable under the Tax Credits Act 2002—
 - (i) any disabled child element or severely disabled child element of the child tax credit;
 - (ii) any childcare element of the working tax credit;
- (c) any direct payment made under the Community Care, Services for Carers and Children’s Services (Direct Payments) (England) Regulations 2009, the Community Care, Services for Carers and Children’s Services (Direct Payments) (Wales) Regulations 2011, the Carers and Direct Payments Act (Northern Ireland) 2002, or section 12B(1) of the Social Work (Scotland) Act 1968;
- (d) a back to work bonus payable under section 26 of the Jobseekers Act 1995, or article 28 of the Jobseekers (Northern Ireland) Order 1995;
- (e) any exceptionally severe disablement allowance paid under the Personal Injuries (Civilians) Scheme 1983;
- (f) any payments from the Industrial Injuries Disablement Benefit;

(a) S.I. 2008/1054, amended by section 59(5) of, and paragraph 1(2) of Part 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c.4) and relevant amending instruments are S.I. 2008/2856, 2009/1499, 2011/1045, 2013/388 and 2013/2302.

- (g) any pension paid under the Naval, Military and Air Forces etc. (Disablement and Death) Service Pension Order 2006;
- (h) any payment made from the Independent Living Funds;
- (i) any payment made from the Bereavement Allowance;
- (j) any financial support paid under an agreement for the care of a foster child;
- (k) any housing credit element of pension credit;
- (l) any armed forces independence payment;
- (m) any personal independence payment payable under the Welfare Reform Act 2012;
- (n) any payment on account of benefit as defined in the Social Security (Payments on Account of Benefit) Regulations 2013;
- (o) any of the following amounts, as defined by the Universal Credit Regulations 2013, that make up an award of universal credit—
 - (i) an additional amount to the child element in respect of a disabled child;
 - (ii) a housing costs element;
 - (iii) a childcare costs element;
 - (iv) a carer element;
 - (v) a limited capability for work or limited capacity for work and work -related activity element.”.

Amendments to fee remissions

6.—(1) Schedule 1A (remissions and part remissions) to the Non-Contentious Probate Fees Order 2004(**a**), the Schedule (remissions and part remissions) to the Gender Recognition (Application Fees) Order 2006(**b**) and Schedule 2 (remissions and part remissions) of—

- (a) the Magistrates’ Courts Fees Order 2008(**c**),
- (b) the Supreme Court Fees Order 2009(**d**),
- (c) the Upper Tribunal (Lands Chamber) Fees Order 2009(**e**)
- (d) the First-tier Tribunal (Gambling) Fees Order 2010(**f**),
- (e) the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011(**g**), and
- (f) the First-tier Tribunal (Property Chamber) Fees Order 2013(**h**),

are amended as follows.

(2) In paragraph 1(1) for the definition of “excluded benefits” substitute—

““excluded benefits” means any of the following—

- (a) any of the following benefits payable under the Social Security Contributions and Benefits Act 1992 or the corresponding provisions of the Social Security Contributions and Benefits (Northern Ireland) Act 1992—
 - (i) attendance allowance under section 64;
 - (ii) severe disablement allowance;

(a) S.I. 2004/3120, relevant amending instruments are S.I. 2007/2174, 2009/1497, 2013/388 and 2013/2302.
 (b) S.I. 2006/758, amended by S.R. 2008/412, S.I. 2008/1879, 2012/920 and 2013/2302.
 (c) S.I. 2008/1052, amended by section 59(5) of, and paragraph 1(2) of Part 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c.4) and relevant amending instruments are S.I. 2008/2855, 2009/1496, 2013/388 and 2013/2302.
 (d) S.I. 2009/2131, amended by S.I. 2010/2582, 2013/388 and 2013/2302.
 (e) S.I. 2009/1114, amended by S.I. 2010/2601, 2013/1199 and 2013/2302.
 (f) S.I. 2010/42, amended by S.I. 2010/633 and 2013/2302.
 (g) S.I. 2011/2344 amended by S.I. 2013/2069 and 2013/2302.
 (h) S.I. 2013/1179 amended by S.I. 2013/2302.

- (iii) carer's allowance;
- (iv) disability living allowance;
- (v) constant attendance allowance under section 104 as an increase to a disablement pension;
- (vi) any payment made out of the social fund;
- (vii) housing benefit;
- (viii) widowed parents allowance;
- (b) any of the following benefit payable under the Tax Credits Act 2002—
 - (i) any disabled child element or severely disabled child element of the child tax credit;
 - (ii) any childcare element of the working tax credit;
- (c) any direct payment made under the Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009, the Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2011, the Carers and Direct Payments Act (Northern Ireland) 2002, or section 12B(1) of the Social Work (Scotland) Act 1968;
- (d) a back to work bonus payable under section 26 of the Jobseekers Act 1995, or article 28 of the Jobseekers (Northern Ireland) Order 1995;
- (e) any exceptionally severe disablement allowance paid under the Personal Injuries (Civilians) Scheme 1983;
- (f) any payments from the Industrial Injuries Disablement Benefit;
- (g) any pension paid under the Naval, Military and Air Forces etc. (Disablement and Death) Service Pension Order 2006;
- (h) any payment made from the Independent Living Funds;
- (i) any payment made from the Bereavement Allowance;
- (j) any financial support paid under an agreement for the care of a foster child;
- (k) any housing credit element of pension credit;
- (l) any armed forces independence payment;
- (m) any personal independence payment payable under the Welfare Reform Act 2012;
- (n) any payment on account of benefit as defined in the Social Security (Payments on Account of Benefit) Regulations 2013;
- (o) any of the following amounts, as defined by the Universal Credit Regulations 2013, that make up an award of universal credit—
 - (i) an additional amount to the child element in respect of a disabled child;
 - (ii) a housing costs element;
 - (iii) a childcare costs element;
 - (iv) a carer element;
 - (v) a limited capability for work or limited capacity for work and work -related activity element.”.

Transitional provision

7. The amendments made by this Order to Table 2 in Schedule 2 (employment tribunals - issue and hearing fee) to the Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013, have no effect in relation to the issue fee or the hearing fee payable in any claim where the claim form was presented before the 6th April 2014.

Signed by the authority of the Lord Chancellor and Secretary of State

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

11th March 2014

We agree and consent

Mark Lancaster
Stephen Crabb
Two of the Lords Commissioners of Her Majesty's Treasury

11th March 2014

SCHEDULE 1

Article 2

“Table 2 - Type A claims

<i>Col 1 Row</i>	<i>Column 2 Description of claim</i>	<i>Column 3 Provision identifying the rights of the claimant</i>	<i>Column 4 Provision conferring jurisdiction on tribunal</i>
1.	Application by the Secretary of State to prohibit a person from running an Employment Agency	Section 3A EAA(a)	Section 3A EAA
2.	Application by a person subject to a prohibition order to vary or set it aside	Section 3C EAA	Section 3C EAA
3.	Appeal against improvement or prohibition notice	Section 24 HSWA(b)	Section 24 HSWA
4.	Appeal against assessment of training levy	Section 12 ITA(c)	Section 12 ITA
5.	Complaint of deduction of unauthorised subscriptions	Section 68 TULR(C)A(d)	Section 68A TULR(C)A(e)
6.	Complaint relating to failure to deduct or refuse to deduct an amount to a political fund	Section 86 TULR(C)A	Section 87 TULR(C)A(f)

- (a) 1973 c.35; sections 3A and 3C were inserted by section 35 of, and paragraph 1(3) of Schedule 10 to, the Deregulation and Contracting Out Act 1994 (c.40) which was amended by section 1(2) of the Employment Rights (Dispute Resolution) Act 1998 (c. 8).
- (b) 1974 c.37; section 24 amended by section 1(2) of the Employment Rights (Dispute Resolution) Act 1998 (c. 8).
- (c) 1982 c.10; section 12 was amended by section 22(4) of, and paragraph 11 of Schedule 4 to, the Employment Act 1989 (c.8) and sections 25(6) and 29 of, and paragraphs 1 and 4 of Schedule 1 to, the Further Education and Training Act 2007 (c.25) and section 1(2) of the Employment Rights (Dispute Resolution) Act 1998 (c. 8).
- (d) 1992 c.52; section 68 was substituted first by section 15 of the Trade Union Reform and Employment Rights Act 1993 (c.19) which was then substituted by article 2(1) of S.I. 1998/1529.
- (e) Section 68A was inserted by section 15 of the Trade Union Reform and Employment Rights Act 1993 (c.19) and amended by section 1(2) of the Employment Rights (Dispute Resolution) Act 1998 (c. 8), S.I.1998/1529 and section 240 of, and paragraph 56(1) and (4) of Schedule 1 to, the Employment Rights Act 1996 (c.18).
- (f) Section 87 was substituted by section 6 of the Employment Rights (Dispute Resolution) Act 1998 (c. 8).

7.	Complaint that an employer has failed to permit time off for carrying out trade union duties	Section 168 TULR(C)A(a)	Section 168 TULR(C)A
8.	Complaint that an employer has failed to permit time off for union learning representatives	Section 168A TULR(C)A(b)	Section 168A TULR(C)A
9.	Complaint that an employer has failed to pay for time off for union learning representatives	Section 169 TULR(C)A(c)	Section 169 TULR(C)A
10.	Complaint that an employer has failed to permit time off for trade union activities	Section 170 TULR(C)A(d)	Section 170 TULR(C)A
11.	Complaint that employer has failed, wholly or in part, to pay remuneration under a protective award	Section 190 TULR(C)A(e)	Section 192 TULR(C)A(f)
12.	Complaint that the Secretary of State has not paid, or has paid less than, the amount of relevant contributions which should have been paid into a pension scheme	Section 124 PSA(g)	Section 126 PSA
13.	Breach of contract, except where the employer's contract claim is made by way of application as part of the employer's response to the employee's contract claim (as to which, see instead article 4 and Schedule 1 to this Order)		Section 3 ETA(h); Articles 3 and 4 of each of the EJOs
14.	Reference to determine what particulars ought to be included in a statement of employment particulars or changes to particulars	Sections 1 and 4 ERA	Section 11 ERA(i)
15.	Reference to determine what particulars ought to be included in an itemised pay statement	Section 8 ERA	Section 11 ERA
16.	Complaint of unauthorised deductions from wages	Section 13 ERA	Section 23 ERA(j)
17.	Complaint that employer has	Section 15 ERA	Section 23 ERA

- (a) Section 168 was amended by S.I.1995/1925, S.I.2006/246 and section 1(2) of the of the Employment Rights (Dispute Resolution) Act 1998 (c. 8).
- (b) Section 168A was inserted by section 43 of the Employment Act 2002 (c.10).
- (c) Section 169 was amended by section 43 of the Employment Act 2002 (c.10) and section 1(2) of the of the Employment Rights (Dispute Resolution) Act 1998 (c. 8).
- (d) Section 170 was amended by section 43 of the Employment Act 2002 (c.10) and section 1(2) of the of the Employment Rights (Dispute Resolution) Act 1998 (c. 8).
- (e) Section 190 was amended by section 1(2) of the of the Employment Rights (Dispute Resolution) Act 1998 (c. 8), sections 34 and 51 of, and Schedule 10 to, the Trade Union Reform and Employment Rights Act 1993 (c.19) and by section 240 of, and paragraph 56(1) and (14) of Schedule 1 to, the Employment Rights Act 1996 (c.18).
- (f) Section 192 was amended by section 1(2) of the of the Employment Rights (Dispute Resolution) Act 1998 (c. 8) and by S.I. 1998/1658.
- (g) 1993 c.48; section 124 was amended by section 90 of the Pensions Act 1995 (c.26), section 240 of, and paragraph 61(1) and (3) of Schedule 1 to, the Employment Rights Act 1996 (c.18) and by section 319(1) of, and paragraphs 9 and 20 of Schedule 12 to the Pensions Act 2004 (c.35).
- (h) 1996 c.18; section 3 was amended by sections 35, 36 and 54 of, and Schedule 8 to, the Employment Act 2002 (c.10).
- (i) 1996 c.18; section 11 was amended by section 1(2) of the of the Employment Rights (Dispute Resolution) Act 1998 (c. 8) and by S.I. 2011/1133.
- (j) Section 23 was amended by sections 1(2) and 15 of, and paragraph 18 of Schedule 1 to, the Employment Rights (Dispute Resolution) Act 1998 (c. 8) and by S.I. 2011/1133.

	received unauthorised payments		
18.	Complaint that employer has failed to pay guaranteed payment	Section 28 ERA	Section 34 ERA(a)
19.	Complaint that employer has failed to permit time off for public duties	Section 50 ERA(b)	Section 51 ERA(c)
20.	Complaint that employer has refused to permit, or has failed to pay for, time off to look for work or arrange training	Sections 52 and 53 ERA	Section 54 ERA(d)
21.	Complaint that employer has refused to allow, or has failed to pay for, time off for ante-natal care	Sections 55(e), 56, 57ZA and 57ZB(f) ERA	Sections 57(g) and 57ZC(h) ERA
22.	Complaint that employer has refused to allow time off for dependants	Section 57A ERA(i)	Section 57B ERA(j)
23.	Complaint that employer has failed to allow, or to pay for, time off for trustee of pension scheme	Sections 58(k) and 59 ERA	Section 60 ERA(l)
24.	Complaint that employer has failed to allow, or to pay for, time off for employee representative	Sections 61(m) and 62 ERA	Section 63 ERA(n)

- (a) Section 34 was amended by section 1(2) of the of the Employment Rights (Dispute Resolution) Act 1998 (c. 8) and by S.I. 2011/1133.
- (b) Section 50 was amended by section 134(1) of, and paragraph 88 of Schedule 9 to, the Police Act 1997 (c.50), S.I. 2000/90, S.I. 2000/1737, S.I. 2000/2463, section 60(2) of the Standards in Scotland's Schools etc Act 2000 (c.6), S.I. 2001/2237, S.I. 2002/808, S.I.2002/2469, section 34 of, and paragraphs 99 and 100 of Schedule 4 to, the Health and Social Care (Community Health and Standards) Act 2003 (c.43), sections 59 and 174 of, and paragraphs 84 and 86 of Schedule 4 to, the Serious Organised Crime and Police Act 2005 (c.15), section 2 of, and paragraphs 177 and 179 of Schedule 1 to, the National Health Service (Consequential Provisions) Act 2006 (c.43), section 52 of, and paragraph 31 of Schedule 14 and Part 1(B) of Schedule 15 to, the Police and Justice Act 2006 (c.48), S.I. 2007/961, S.I. 2007/1837 section 39 of, and paragraph 8 of Schedule 3 to, the Offender Management Act 2007 (c.21), S.I. 2010/1080, S.I. 2010/1158, S.I.2011/2581, section 99 of, and paragraph 219 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011 (c.13), section 11 of, and paragraph 24 of Schedule 2 to the Education Act 2011 (c.21) and sections 55, 179, 249 and 277 of, and paragraphs 72 and 74 of Schedule 5, paragraphs 68 and 69 of Schedule 14, paragraph 6 of Schedule 17, paragraph 6 of Schedule 19 to, the Health and Social Care Act 2012 (c.7).
- (c) Section 51 was amended by section 1(2) of the of the Employment Rights (Dispute Resolution) Act 1998 (c. 8) and by S.I. 2011/1133.
- (d) Section 54 was amended by section 1(2) of the of the Employment Rights (Dispute Resolution) Act 1998 (c. 8) and by S.I. 2011/1133.
- (e) Section 55 was amended by S.I. 2002/53 and S.I. 2004/1771.
- (f) Sections 57ZA and 57ZB were inserted by S.I.2010/93.
- (g) Section 57 was amended by section 1(2) of the of the Employment Rights (Dispute Resolution) Act 1998 (c. 8) and by S.I. 2011/1133.
- (h) Section 57ZC was inserted by S.I.2010/93.
- (i) Section 57A was inserted by section 8 of, and Part II of Schedule 4 to, the Employment Relations Act 1999 (c.26) and amended by section 261 of, and paragraph 151 of Schedule 27 to, the Civil Partnership Act 2004 (c.33).
- (j) Section 57B was inserted by section 8 of, and Part II of Schedule 4 to, the Employment Relations Act 1999 (c.26) amended by S.I.2011/133.
- (k) Section 58 was amended by section 18 of, and paragraph 19 of Schedule 2 to, the Welfare Reform and Pensions Act 1999 (c.30), section 320 of, and Part 1 of Schedule 13 to, the Pensions Act 2004 (c.35) and section 44 of, and paragraph 12 of Schedule 3 to, the Teaching and Higher Education Act 1998 (c.30).
- (l) Section 60 was amended by section 1(2) of the of the Employment Rights (Dispute Resolution) Act 1998 (c. 8).
- (m) Section 61 was amended by S.I. 1999/1925 and S.I.2006/246.
- (n) Section 63 was amended by section 1(2) of the of the Employment Rights (Dispute Resolution) Act 1998 (c. 8) and S.I. 2011/1133.

25.	Complaint that employer has failed to allow, or to pay for, time off for young people in Wales and Scotland	Sections 63A(a) and 63B(b) ERA	Section 63C ERA(c)
26.	Complaint that employer has failed to pay for time off on medical or maternity grounds	Sections 64(d), 68(e) and 68C(f) ERA	Sections 70(g) and 70A(h) ERA
27.	Complaint that employer has failed to deal with an application in relation to study or training in accordance with regulations or refused the application on the basis of incorrect facts	Sections 63D to 63H ERA(i)	Section 63I ERA(j)
28.	Complaint that employer has unreasonably failed to provide a written statement of reasons for dismissal or the particulars are inadequate or untrue	Section 92 ERA(k)	Section 93 ERA(l)
29.	Reference in respect of a right to redundancy payment	Section 135 ERA	Sections 163(m) and 177(n) ERA
30.	Reference related to payment out of National Insurance Fund	Section 166 ERA(o)	Section 170 ERA
31.	References related to payments equivalent to redundancy payments	Sections 167, 168 and 177 ERA	Section 177 ERA
32.	Complaint that the Secretary of State has failed to make any, or insufficient, payment out of the National Insurance Fund	Section 182 ERA	Section 188 ERA(p)
33.	Appeal against a notice of underpayment	Section 19C NMWA(q)	Section 19C NMWA

- (a) Section 63A was inserted by section 32 of the Teaching and Higher Education Act 1998 (c.30) and amended by section 39 of the Education and Skills Act 2008 (c.25) and by section 149 of, and paragraphs 1 and 50 of Schedule 9 to the Learning and Skills Act 2000 (c.21).
- (b) Section 63B was inserted by section 33 of the Teaching and Higher Education Act 1998 (c.30).
- (c) Section 63C was inserted by section 33 of the Teaching and Higher Education Act 1998 (c.30) and amended by S.I.2011/1133.
- (d) Section 64 was amended by S.I.1999/3232.
- (e) Section 68 was modified in its application by S.I.2003/1964 and S.I.2006/1073.
- (f) Section 68C was inserted by S.I.2010/93.
- (g) Section 70 was amended by section 1(2) of the of the Employment Rights (Dispute Resolution) Act 1998 (c. 8) and S.I. 2011/1133. It has also been modified in its application by S.I.2003/1964 and S.I.2006/1073.
- (h) Section 70A was inserted by S.I.2010/93.
- (i) Sections 63D to 63H were inserted by section 40 of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22).
- (j) Section 63I was inserted by section 40 of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) and amended by S.I.2011/1133.
- (k) Section 92 was substituted in part by S.I.2002/2034 and amended by section 9 of, and paragraphs 5 and 12 of Schedule 4 to, the Employment Relations Act 1999 (c.26), sections 53 and 57 of, and paragraph 28 of Schedule 1 and paragraphs 24 and 31 of Schedule 7 to, the Education Act 2002 (c.32) and S.I. 2012/989. It has also been modified in its application by S.I.2003/1964 and S.I. 2006/1073.
- (l) Section 93 was amended by section 1(2) of the of the Employment Rights (Dispute Resolution) Act 1998 (c. 8). It has also been modified in its application by S.I.2003/1964 and S.I. 2006/1073.
- (m) Section 163 was amended by section 1(2) of the of the Employment Rights (Dispute Resolution) Act 1998 (c. 8) and by section 7 of the Employment Act 2008 (c.24).
- (n) Section 177 was amended by section 1(2) of the of the Employment Rights (Dispute Resolution) Act 1998 (c. 8).
- (o) Section 170 was amended by section 1(2) of the of the Employment Rights (Dispute Resolution) Act 1998 (c. 8).
- (p) Section 188 was amended by section 1(2) of the Employment Rights (Dispute Resolution) Act 1998 (c. 8).
- (q) 1998 c.39; section 19C was inserted by section 46 of the Employment Relations Act 2004 (c.24) and substituted by section 9 of the Employment Act 2008 (c.24).

34.	Appeal against a notice issued by the Commission for Equality and Human Rights where the notice relates to an unlawful act	Section 21 EA 2006(a)	Section 21 EA 2006
35.	Complaint that prospective employer made enquiries about disability or health	Section 60 EA 2010	Section 120 EA 2010
36.	Application in relation to the effect of a non-discrimination rule in an occupational pension scheme	Section 61 EA 2010	Section 120 EA 2010
37.	Complaint in relation to a breach of a maternity equality clause	Section 73 EA 2010	Section 127 EA 2010
38.	Complaint in relation to a breach of, or application in relation to the effect of, a maternity equality rule in an occupational pension scheme	Section 75 EA 2010	Section 127 EA 2010
39.	Complaint in relation to terms prohibiting discussions about pay	Section 77 EA 2010	Section 120 EA 2010
40.	Complaint that a term in a collective agreement is void or unenforceable	Section 145 EA 2010	Section 146 EA 2010
41.	Appeal of decision of compensating authority	Regulation 42 CEC	Regulation 42 CEC
42.	Complaint that employer has failed to pay for remunerated time off for safety representative	Regulation 4(2) of, and Schedule 2 to, the SRSC	Regulation 11 SRSC
43.	Reference that there has been a failure to consult with employee representatives about contracting out of pension scheme	Regulation 4 OPS(CO)R and regulation 9 of OPS(DI)R	Regulation 4 OPS(CO)R and regulation 9 of OPS(DI)R
44.	Complaint that employer has failed to pay for time off to carry out Safety Representative duties or undertake training	Regulation 7 of, and Schedule 1 to, the HSCE	Schedule 2 to the HSCE
45.	Complaint that employer has refused to allow annual leave or make payment in respect of annual leave	Regulations 13, 13A, 14 and 16 WTR	Regulation 30 WTR
46.	Appeal against improvement or prohibition notice	Paragraph 6 of Schedule 3 to WTR	Paragraph 6 of Schedule 3 to WTR
47.	Appeal against improvement or prohibition notice	Regulation 18 COMAH	Regulation 18 COMAH
48.	Complaint in relation to refusal of annual leave or to make payment	Regulation 11 MSR	Regulation 18 MSR
49.	Complaint in relation to refusal to provide paid annual leave	Regulation 4 CAR	Regulation 18 CAR
50.	Complaint in relation to failure to provide free health assessments	Regulation 5 CAR	Regulation 18 CAR

(a) 2006 c.3; section 21 was amended by section 211(1) of, and paragraphs 61 and 67 of Schedule 26 to the Equality Act 2010 (c.15) (as amended by S.I.2010/2279).

51.	Complaint in relation to refusal of annual leave or to make payment	Regulation 11 FVR	Regulation 19 FVR
52.	Complaint that employer has refused to allow or failed to pay for time off for information and consultation or negotiating representatives	Regulations 27 and 28 ICR	Regulation 29 ICR
53.	Appeal against improvement notice	Paragraph 6(2) of Schedule 2 to the RTR	Paragraph 6(2) of Schedule 2 to the RTR
54.	Complaint in relation to failure to pay compensation in pursuance of tribunal order	Regulation 15(7) and 15(8) TUPE	Regulation 15(10) TUPE
55.	Complaint that employer has failed to allow, or pay for, time off for functions as employee representative	Paragraphs 2 and 3 of the Schedule to OPR	Paragraph 4 of the Schedule to OPR
56.	Complaint that employer has failed to allow, or pay for, time off for members of special negotiating body	Regulations 28 and 29 ECSR	Regulation 30 ECSR
57.	Complaint that employer has failed to allow, or pay for, time off for members of special negotiating body	Regulations 43 and 44 CCBR	Regulation 45 CCBR
58.	Appeal against notice from Health and Safety Executive or a local authority	Regulation 21 and Part 2 of Schedule 8 to REACHER	Regulation 21 and Part 2 of Schedule 8 to REACHER
59.	Reference to determine what particulars ought to be included in an itemised statement of stipend	Regulation 6 EOR	Regulation 9 EOR
60.	Reference to determine what particulars ought to be included in a statement of particulars or changes to particulars	Regulations 3 and 6 EOR	Regulation 9 EOR
61.	Complaint that employer has failed to allow, or pay for, time off for members of special negotiating body	Regulations 26 and 27 ELLR	Regulation 28 ELLR”

EXPLANATORY NOTE

(This note is not part of the Order)

This order amends several fees orders.

Employment Tribunals and Employment Appeals Tribunal Fees Order 2013 (SI 2013/1893)

This order replaces the words “struck out” with the more appropriate term “dismissed”.

It also applies the higher Type B application fee and hearing fee to the following:

- a complaint in relation to a breach of a sex equality clause under section 66 of the Equality Act 2010 (c.15),

- a complaint in relation to a breach of, or application in relation to the effect of, a sex equality rule in an occupational pension scheme under section 67 of the Equality Act 2010,
- a complaint in relation to failure of an employer to inform or consult under regulation 13 of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246),
- a complaint that an employer has refused to allow compensation, payment or compensatory rest under regulations 24, 24A, 27 and 27A of the Working Time Regulations 1998 (SI 1998/1833), and
- a complaint that an employer has failed to allow time off for studies or training or if a refusal is based on incorrect facts under sections 63D to 63I of the Employment Rights Act 1996 (c.18).

It also substitutes a new table of Type A claims in Schedule 2.

Court of Protection Fees Order 2007 (SI 2007/1745)

This order amends Schedule 2 to extend the period for application of a fee refund.

Civil Proceedings Fees Order 2008 (SI 2008/1053) and the Family Proceedings Fees Order 2008 (SI 2008/1054)

This order changes the terminology used in relation to enforcement fees to bring it into line with the provisions on taking control of goods under section 62 of, and Schedule 12 to, the Tribunals Courts and Enforcement Act 2007 (c. 15).

This order also amends each statutory instrument amended by the Courts and Tribunals Fee Remissions Order 2013 (SI 2013/2032) to correct the numbering in the definition of “excluded benefits” in the schedule dealing with remissions and in that definition, corrects the reference to “any childcare element of the child tax credit” to “any childcare element of the working tax credit”.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen, except where amendments are made to align fees with what was originally intended when fees were introduced in Employment tribunals and the Employment Appeals Tribunal. A full regulatory impact assessment of the effect of those fees is available alongside the Employment Tribunals and Employment Appeals Tribunal Fees Order 2013 on the OPSI website.

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