

2014 No. 875 (L. 18)

MAGISTRATES' COURTS, ENGLAND AND WALES

The Magistrates' Courts Fees (Amendment) Order 2014

Made - - - - 27th March 2014

Laid before Parliament 1st April 2014

Coming into force - - 22nd April 2014

The Lord Chancellor, with the consent of the Treasury, makes the following Order in exercise of the powers conferred by sections 92 and 108(6) 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, 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 2014 and comes into force on 22nd April 2014.

Amendment of the Magistrates' Courts Fees Order 2008

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

3. For Schedule 1 (fees to be taken), substitute the Schedule set out in the Schedule to this Order.

Transitional provision

4. Where fee 8.2, as it stood immediately before this Order came into force, has been paid before 22nd April 2014 and subsequently a final order is made at a case management conference or case management hearing, £1,360 shall be refunded.

Signed by authority of the Lord Chancellor

27th March 2014

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

(a) 2003 c.39. Section 92 was amended by sections 15(1) and 59, paragraphs 308 and 345 of Schedule 4 Part 1 and paragraph 4 of Schedule 11 Part 2 to the Constitutional Reform Act 2005 (c.4) and sections 17(5) and 17(6), paragraph 40(a) of Schedule 9 Part 2 and paragraphs 83 and 95 of Schedule 10 Part 2 to the Crime and Courts Act 2013 (c. 22).

(b) S.I. 2008/1052. Schedule 1 was substituted by S.I. 2013/1409.

We consent,

Sam Gyimah
Anne Milton

27th March 2014

Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE

Article 3

“SCHEDULE 1

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 an application which requires a justice of the peace to perform a function away from the court premises.	£50
Note: Fee 1.1 is payable in addition to other payable fees.	
2 Appeals	
2.1 On an application to state a case for the opinion of the High Court under section 111(1) of the Magistrates Court Act 1980 ^(a) .	£515
Note: where fee 2.1 is payable, no further fee is payable in respect of the preparation of a draft case by the justices' clerk, providing copies, taking recognizance as required by section 114 ^(b) of that Act and enlargement and renewal of such recognizance.	
2.2 On commencing an appeal against a deduction from earnings order under the Child Support Act 1991 ^(c) —	£100
2.3 Proceedings under Schedule 5 to the Licensing Act 2003 ^(d) — on commencing 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.	£410
2.4 On commencing an appeal where no other fee is specified.	£205
3 Certificates and Certified Documents	
3.1 On a request for a certificate of refusal to state a case.	£105
3.2 Register of judgments, orders and fines kept under section 98 of the Courts Act 2003 ^(e) on a request for a certificate of satisfaction.	£15
3.3 On a request for a certified copy of a memorandum of conviction.	£60
3.4 On a request for a certificate or certified document where no other fee is specified.	£60
Note: Fee 3.4 includes any copy of a document certified by the court as a genuine copy of the original document.	
4 Liability Orders	
4.1 Proceedings under the Council Tax (Administration and Enforcement) Regulations 1992 ^(f) or the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 ^(g) on an application for a liability order.	£3
Note: Fee 4.1 is payable in respect of each defendant against whom the liability order is sought.	
4.2 Proceedings under the Child Support Act 1991 ^(h) on an application for a liability order.	£40
Note: Fee 4.2 is payable in respect of each liability order applied for.	
5 Copy Documents	

5.1 On a request for a copy document (other than where fee 5.2 applies)—	
(a) of ten pages or less; and	£10
(b) for each subsequent page.	50p
Note: The circumstances where the fee under 5.1 is payable includes— -where the court allows a party to fax to the court for the use of that party a document that has not been requested by the court and is not intended to be placed on the court file; -where a party requests that the court fax a copy of a document from the court file; and -where the court provides a subsequent copy of a document which it has previously provided.	
5.2 On a request for a copy of a document on a computer disk or in other electronic form, for each such copy.	£10
6 Licences	
6.1 On a request for a licence, consent or authority where no other fee is specified.	£25
6.2 On an application for the renewal or variation of an existing licence.	£25
6.3 On an application for the revocation of a licence where no other fee is specified.	£25
7 Oaths	
7.1 On taking the attestation of a constable or special constable under the Police Act 1996 ⁽¹⁾ .	£10
Note: Fee 7.1 is payable for every attestation made by every constable or special constable at or away from court premises.	
7.2 For every oath, affirmation, solemn declaration or statutory declaration where no other fee is specified. Note: No fee is payable for the swearing in of witnesses or in any case where an enactment directs that no fee will be taken.	£25
8 Other civil proceedings	
8.1 On commencing proceedings where no other fee is specified and where leave or permission is not required.	£205
8.2 On commencing proceedings where leave or permission is required—	
(a) on an application for leave or permission to commence proceedings where no other fee is specified; and	£105
(b) on commencing proceedings where leave or permission has been granted following payment of fee 8.2(a).	£105
8.3 For a hearing at which the proceedings are contested.	£515
Note: Fee 8.3—	
-applies only in hearings to proceedings to which fee 8.1 or 8.2 apply;	
-is payable by the party who commenced the proceedings;	
-is payable on the day that the hearing commences; and	
-is payable only once in the same proceedings.	
9 Warrants	
9.1 On an application for a warrant of entry.	£20
9.2 On an application for any other warrant where no other fee is specified.	£75
Note: Fee 9.2 includes an application for a warrant made during a hearing. No fee is payable if the court issues a warrant of its own initiative.	
10 Commitment	
10.1 On an application for a warrant for commitment made in proceedings under the Council Tax (Administration and Enforcement) Regulations 1992 or the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989	£245
10.2 On an application for a warrant for commitment made in proceedings under the Child Support Act 1991	£245

Note: Fees 10.1 and 10.2 are not payable in respect of a warrant of arrest, which falls under fee 9.2.	
Note to all fees: Where proceedings are brought against the individual members of a partnership, any relevant fee is payable only once.	

- (a) 1980 c.43
- (b) 1980 c. 43. Section 114 was amended by section 109 and paragraph 235 of Schedule 8 to the Courts Act 2003 (c. 39).
- (c) 1991 c.48.
- (d) 2003 c.17. Schedule 5 is amended by S.I. 2005/886 and by section 22(2) of the Violent Crime Reduction Act 2006 (c.38).
- (e) The Register of Judgments, Orders and Fines Regulations 2005 (S.I. 2005/3595, as amended by S.I. 2009/474) is made under section 98. Regulation 17 sets out the procedure for an application for a certificate of satisfaction.
- (f) S.I. 1992/613; relevant amending instruments are S.I. 1998/3008 and S.I. 2004/785.
- (g) S.I. 1989/1058.
- (h) 1991 c. 48.
- (i) 1996 c. 16.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Magistrates’ Courts Fees Order 2008 (S.I. 2008/1052).

It increases fees payable in Magistrates’ courts as set out in the Explanatory Memorandum, which is published at www.legislation.gov.uk.

It also removes those fees relating to family proceedings which have been consolidated in the Family Proceedings Fees Order 2008 (S.I. 2008/1054) with the establishment of the single family court.

This Order replaces the entire schedule of fees payable in the magistrates’ courts.

Where fee 8.2 has been paid before this order comes into force, a refund of £1,360 is payable if a final order is made at a case management conference or case management hearing.

A full impact assessment is also annexed to the Explanatory Memorandum.

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