

**2019 No. 1063 (L. 7)**

**SENIOR COURTS OF ENGLAND AND WALES**

**COUNTY COURT, ENGLAND AND WALES**

**FAMILY PROCEEDINGS, ENGLAND AND WALES**

**MAGISTRATES' COURTS, ENGLAND AND WALES**

**MENTAL CAPACITY, ENGLAND AND WALES**

**The Court Fees (Miscellaneous Amendments) Order 2019**

*Made* - - - - - *27th June 2019*

*Laid before Parliament* *1st July 2019*

*Coming into force in accordance with article 1*

The Lord Chancellor, with the consent and sanction of the Treasury, makes the following Order in exercise of the powers conferred by section 92(1) and (2) of the Courts Act 2003<sup>(a)</sup> (“the 2003 Act”) and sections 54(1) and (2) of the Mental Capacity Act 2005<sup>(b)</sup> (“the 2005 Act”).

The Lord Chancellor has had regard to the matters referred to in section 92(3) of the 2003 Act.

In accordance with section 92(5) and (6) of the 2003 Act and section 54(3) of the 2005 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, the Civil Justice Council, the President of the Court of Protection, the Vice-President of the Court of Protection and the Senior Judge of the Court of Protection.

**Citation and commencement**

**1.** This Order may be cited as the Court Fees (Miscellaneous Amendments) Order 2019 and comes into force on the twenty-first day after the day on which it is laid.

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<sup>(a)</sup> 2003 c. 39. Section 92 was amended by paragraph 345 of Schedule 4 and paragraph 4 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4) and by paragraph 40(a) of Schedule 9 and paragraph 95 of Schedule 10 to the Crime and Courts Act 2013 (c. 22).

<sup>(b)</sup> 2005 c. 9.

## **Amendments to the Non-Contentious Probate Fees Order 2004**

2.—(1) The Non-Contentious Probate Fees Order 2004(a) is amended as follows.

(2) In the table in Schedule 1 (fees to be taken), for the entries in columns 1 and 2 from “8 Copy documents” to the end of the entry for 8(d), substitute—

### **“8 Copy documents**

On a request for a copy of any document whether or not provided as a certified copy:

- (a) for each such copy; £1.50
- (b) where copies of any document are made available on a computer disk or in other electronic form, for each such copy; £1.50
- (c) where a search of the index is required, in addition to fee 8(a) or (b) as appropriate, for each period of 4 years searched after the first 4 years. £4”

## **Amendments to the Court of Protection Fees Order 2007**

3.—(1) The table in Schedule 1 (fees to be taken) to the Court of Protection Fees Order 2007(b) is amended as follows.

(2) In the entry for application fee (article 4), for the amount in column 2 substitute “£365.00”.

(3) In the entry for appeal fee (article 5), for the amount in column 2 substitute “£230.00”.

(4) In the entry for hearing fees (article 6), for the amount in column 2 substitute “£485.00”.

## **Amendments to the Civil Proceedings Fees Order 2008**

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

(2) After article 3, insert—

“3A.—(1) In proceedings under the Guardianship (Missing Persons) Act 2017(d)—

- (a) fee 2.4(a) (application on notice where no other fee is specified); and
- (b) fee 2.5(a) (application by consent or without notice where no other fee is specified);

are not payable by the Public Guardian.

(2) For the purpose of this regulation, “Public Guardian” has the meaning given in section 57 of the Mental Capacity Act 2005.”.

(3) In the table in Schedule 1 (fees to be taken), for the entries in columns 1 and 2—

- (a) from “6.1 On the filing of a request for detailed assessment” to the end of the entry for fee 6.1(b), substitute—

“6.1 On the filing of a request for detailed assessment. £85”

- (b) from “10.4 On appointment of:” to the end of the entry for fee 10.5(b), including the text entry headed “Where fee 10.4 has been paid”, substitute—

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(a) S.I. 2004/3120. Amended by S.I. 2011/588, S.I. 2013/1408 and 2014/876; there are other amending instruments but none is relevant.

(b) S.I. 2007/1745. Amended by S.I. 2018/812; there are other amending instruments but none is relevant.

(c) S.I. 2008/1053. Amended by S.I. 2014/874 and S.I. 2018/812; there are other amending instruments but none is relevant.

(d) 2017 c. 27

“10.4 On the appointment of an eligible High Court judge as an arbitrator or umpire under section 93 of the Arbitration Act 1996(a). £610

10.5 For every day or part of a day (after the first day) of the hearing before an eligible High Court judge, so appointed as arbitrator or umpire. £610

Where fee 10.4 has been paid on the appointment of an eligible High Court judge as an arbitrator or umpire but the arbitration does not proceed to a hearing or an award, the fee will be refunded.”

### **Amendments to the Family Proceedings Fees Order 2008**

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

(2) After article 3A, insert—

“**3B.**—(1) In proceedings under the Guardianship (Missing Persons) Act 2017—

(a) fee 5.1 (application in existing proceedings without notice or by consent); and

(b) fee 5.3 (application in existing proceedings on notice);

are not payable by the Public Guardian.

(2) For the purpose of this regulation, “Public Guardian” has the meaning given in section 57 of the Mental Capacity Act 2005.”.

### **Amendments to the Magistrates’ Courts Fees Order 2008**

**6.**—(1) The table in Schedule 1 (fees to be taken) to the Magistrates’ Courts Fees Order 2008(c) is amended as follows.

(2) In the entry for fee 1.1 (attendance of a justice of the peace away from court), for the amount in column 2 substitute “£25”.

(3) In the entry for fee 2.1 (application to state case to High Court), for the amount in column 2 substitute “£135”.

(4) In the entry for fee 2.3 (licensing appeal), for the amount in column 2 substitute “£60”.

(5) In the entry for fee 2.4 (appeal where no other fee specified), for the amount in column 2 substitute “£60”.

(6) In the entry for fee 3.3 (request for certified copy memorandum of conviction), for the amount in column 2 substitute “£20”.

(7) In the entry for fee 3.4 (request for certified copy where no other fee specified), for the amount in column 2 substitute “£20”.

(8) In the entry for fee 10.2 (application for warrant for commitment made in proceedings under the Child Support Act 1991(d)), for the amount in column 2 substitute “£40”.

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(a) 1996 c. 23. Amended by section 1(6) of the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33) and paragraph 1 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4).

(b) S.I. 2008/1054. There are amending instruments but none is relevant.

(c) S.I. 2008/1052. Amended by S.I. 2014/875 and 2018/812; there are other amending instruments but none is relevant.

(d) 1991 c. 48.

Signed by authority of the Lord Chancellor

26th June 2019

*Paul Maynard*  
Parliamentary Under Secretary of State  
Ministry of Justice

We consent

27th June 2019

*Alister Jack*  
*Jeremy Quin*  
Two of the Lords Commissioners of Her Majesty's Treasury

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Non-Contentious Probate Fees Order 2004 (S.I. 2004/3120), the Court of Protection Fees Order 2007 (S.I. 2007/1745), the Civil Proceedings Fees Order 2008 (S.I. 2008/1053), the Family Proceedings Fees Order 2008 (S.I. 2008/1054) and the Magistrates' Courts Fees Order 2008 (S.I. 2008/1052).

Articles 2, 3, 4 and 6 of this Order amend Schedule 1 to each of the Non-Contentious Probate Fees Order 2004, the Court of Protection Fees Order 2007, the Civil Proceedings Fees Order 2008 and the Magistrates' Courts Fees Order 2008 to decrease certain fees payable in non-contentious probate matters and proceedings in the Court of Protection and civil proceedings (including civil proceedings in the Magistrates' Courts).

Articles 4 and 5 of this Order amend the Civil Proceedings Fees Order 2008 and the Family Proceedings Fees Order 2008 to provide the Public Guardian with an exemption from paying application fees in proceedings under the Guardianship (Missing Persons) Act 2017 (c. 27).

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Ministry of Justice, 102 Petty France, London, SW1H 9AJ and is published with an Explanatory Memorandum alongside the instrument on <https://legislation.gov.uk>.

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