
 STATUTORY INSTRUMENTS

1982 No. 1706 (L. 28)

COUNTY COURTS

The County Court Fees Order 1982

<i>Made</i>	- - - -	<i>23rd November 1982</i>
<i>Laid before Parliament</i>		<i>1st December 1982</i>
<i>Coming into Operation</i>		<i>20th December 1982</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 177 of the County Courts Act 1959 (a) and section 365(3) of the Companies Act 1948(b), with the concurrence of the Treasury, hereby makes the following Order:—

1. This Order may be cited as the County Court Fees Order 1982 and shall come into force on 20th December 1982.

2. In this Order, unless the context otherwise requires—

- (a) “the Act” means the County Courts Act 1959;
- (b) “the County Court Rules” means the Rules for the time being in force under section 102 of the Act;
- (c) an Order, Rule or form referred to by number means the Order, Rule or form so numbered in the County Court Rules;
- (d) expressions used in the County Court Rules have the same meaning as in those Rules;
- (e) Schedule 1 and Schedule 2 mean respectively Schedule 1 and Schedule 2 to this Order;
- (f) a fee or column referred to by number means the fee or column so numbered in Schedule 1; and
- (g) for the purpose of calculating poundage, a fraction of a pound shall be reckoned as an entire pound.

3.—(1) The fees set out in column 2 shall be taken in county courts in respect of the proceedings described in column 1 in accordance with and subject to the directions contained in column 3.

(2) Subject to any direction to the contrary in Schedule 1, the fee prescribed by this Order on any proceeding shall be payable by the party at whose instance the proceeding is taken and, except as provided in the following paragraph, before it is taken.

(3) Any fee prescribed in a proceeding taken under a warrant of execution shall, to the extent that it is not recovered in any other manner, be payable by the execution creditor when the registrar so requests or the court so orders.

4. Where it appears to the Lord Chancellor that the payment of any fee specified in Schedule 1 would, owing to the exceptional circumstances of the particular case, involve hardship, he may reduce or remit the fee in that case.

5. The Orders specified in Schedule 2 shall be revoked, save as to any fee or other sum due or payable thereunder before the commencement of this Order.

(a) 1959 c.22.

(b) 1948 c.38.

Dated 19th November 1982.

Hailsham of St. Marylebone, C.

*J. A. Cope,
P. L. Brooke,*
Two of the Lord Commissioners
of Her Majesty's Treasury.

Dated 23rd November 1982.

SCHEDULE 1

FEEs

1. The fee payable on entering a plaint or any other originating process includes:—
 - (a) the examination and filing of the application, petition, request or other process or any amendment to it.
 - (b) the preparation and issue of any summons or other originating document and of any second or subsequent successive summons or originating document together with any notice of hearing.
 - (c) except where Fee No.2 applies, the service by the court of the summons, application, petition or request and any notice of hearing.
 - (d) the examination and filing of any affidavit in support of or in opposition to an application.
 - (e) the issue of an interlocutory application except where a fee is specifically prescribed.
 - (f) except where otherwise provided, the trial or hearing of an action, originating application, petition or appeal and of any interlocutory application in the course of the proceeding together with the drawing, entering, sealing and issue of the judgment, order or certificate given or made thereon, and the service of the judgment, order or certificate by post.
2. Where any claim, counter-claim, originating application, notice of application or petition is amended and the fees paid before amendment are less than those which would have been payable if the document as amended had been so drawn in the first instance, the party amending the document shall pay the difference.
3. Fee No.1(ii) shall not be payable on an originating application for the taxation of a solicitor's bill of costs.
4. Where Value Added Tax is chargeable in respect of the provision of any service for which a fee is prescribed by this Schedule, there shall be payable in addition to that fee the amount of the Value Added Tax.
5. In relation to an action for the recovery of goods under a hire-purchase agreement "value" in this Schedule means the unpaid balance of the hire purchase price at the date of the issue of the relevant process.

Column 1 No. and description of fee	Column 2 Amount of fee	Column 3 Method of charging fee
1. COMMENCEMENT OF PROCEEDINGS		1.(i) Where a sum of money is claimed as an alternative to a claim for another sum of money or to the delivery of goods this fee is to be calculated on the greater sum of money or on the sum of money or the value of the goods, whichever is the greater.
(i) On entering a plaint for the recovery of a sum of money or the delivery of goods.		Where a sum of money is claimed (whether by way of interest or otherwise) in addition to another sum of money or to the delivery of goods then for the purpose of calculating this fee the additional sum is to be added to the sum on which this fee would otherwise be calculated.
Where the sum claimed or the value of the goods—		On a claim for delivery of goods it shall be the duty of the plaintiff to estimate the value of the goods and the amount so estimated shall be entered in the request. If the value appears subsequently to the court to have been under-estimated, the plaintiff shall pay the difference between the amount paid by him on entering the plaint and the fee which would have been payable if the estimate had been correct.
does not exceed £300 ...	10p for every £1 or part thereof claimed. Minimum fee £5	1.(ii) Where such a claim is joined with a claim for a sum of money then this fee or Fee No.1(i) calculated on the sum of money claimed is payable, whichever is the greater.
Exceeds £300 but does not exceed £500 ...	£32	Where two or more such claims are joined in the same proceedings the maximum fee payable is £35.
Exceeds £500 but does not exceed £2000 ...	£34	On delivery of a counter-claim which exceeds the amount of the claim there shall be paid the amount by which the fee calculated on the amount of the counter-claim exceeds the fee paid by the plaintiff or applicant.
Exceeds £2000, or is not limited to a particular amount ...	£35	
(ii) On the commencement of proceedings for any other remedy or relief whether by plaint, originating application, notice of application, petition, appeal or otherwise ...	£15	

Column 1 No. and description of fee	Column 2 Amount of fee	Column 3 Method of charging fee
<p>2. SERVICE</p> <p>On request for service by bailiff of any document except—</p> <p>(a) an order in Form N69;</p> <p>(b) an interpleader summons under an execution;</p> <p>(c) an originating application for an adoption order;</p> <p>(d) an order made under section 23 of the Attachment of Earnings Act 1971;</p> <p>(e) an order made under Order 25, Rule 3(4);</p>	£4	<p>Fee No.2 is payable in respect of each person to be served, but in respect of a document not requiring personal service only one fee is payable in respect of two or more persons to be served at the same address.</p> <p>This fee is not payable where service is to be effected by post pursuant to Order 7, Rule 10(2).</p>
<p>3. TAXATION</p> <p>(i) On the taxation of costs or expenses ...</p> <p>(ii) On an application to the judge to review a taxation</p>	<p>For every £1 or part thereof allowed, 5p</p> <p>£2</p>	<p>3.(i) No fee is payable where costs are allowed without taxation pursuant to Order 38, Rule 18 or 19.</p> <p>3.(ii) The registrar may in any case before taxation require a deposit of the amount of fees which would be payable if the bill or the expenses were allowed by him at the full amount thereof.</p> <p>This fee is not payable if, in an action by a solicitor for costs, the judge refers the bill to the registrar under section 93 of the Act.</p>
<p>4. ENFORCEMENT</p> <p>On an application for enforcement of a judgment or order of a county court or through a county court:</p> <p>(i) By the issue of a warrant of delivery or of execution against goods except a warrant to enforce payment of a court fee or an order for payment of a fine ...</p>	<p>For every £1 or part thereof of the amount for which the warrant issues, 15p</p> <p>Minimum fee £3.50</p> <p>Maximum fee £25</p>	<p>4.(i) On a warrant of delivery:—</p> <p>(a) the maximum fee is payable unless the value is stated in the judgment or in the request and in that case the fee is to be calculated on that value or the greater value if more than one.</p> <p>(b) where a sum of money is claimed in addition (whether by way of interest or otherwise) then, for the purpose of calculating this fee the sum of money is to be added to the sum on which the fee would otherwise be calculated.</p>

Column 1 No. and description of fee	Column 2 Amount of fee	Column 3 Method of charging fee
(ii) By an application for an order for the attendance of a judgment debtor or any other person under Order 25, Rule 3 or 4	£5	
(iii) By entering garnishee proceedings	£10	4.(iii) This fee is to be calculated on the amount sought to be attached, or, if the amount sought to be attached is not stated, on the sum outstanding under the judgment.
(iv) By the issue of a warrant of possession whether or not for the recovery of a sum of money in addition to possession	£15	
(v) By an application for an order charging the land or securities of a judgment debtor	£5	
(vi) By the issue of a judgment summons	For every £2 or part thereof for which the summons issues, 20p Maximum fee £5	
(vii) By an application for an attachment of earnings order (other than a consolidated attachment of earnings order) to secure payment of a judgment debt	10p for every £1 or part thereof Minimum fee £2.50 Maximum fee £15	4.(vii) This fee is payable for each defendant against whom an order is sought. Fee No.4(vii) is not payable where an attachment of earnings order is made on the hearing of a judgment summons.
(viii) On a consolidated attachment of earnings order under Order 27, Rule 18, or on an administration order made under section 148 of the Act or section 4 of the Attachment of Earnings Act 1971	For every £1 of the money paid into court in respect of debts due to creditors 5p	4.(viii) This fee is calculated in advance and added to the total amount of the debts. On each occasion of a payment into court the appropriate portion (1/21) is deducted by way of the fee.

Column 1 No. and description of fee	Column 2 Amount of fee	Column 3 Method of charging fee
5. SALE		
(i) For removing or taking steps to remove goods to a place of deposit	The reasonable expenses thereof	5.(i) This fee to include the reasonable expenses of feeding and caring for any animals.
(ii) For advertising a sale by public auction pursuant to section 132 of the Act	The reasonable expenses thereof	
(iii) For the appraisal of goods	5p in the £ of the appraised value	
(iv) For the sale of goods (including advertisements, catalogues, sale and commission and delivery of goods) ...	15p in the £ on the amount realised by the sale or such other sum as the registrar may consider to be justified in the circumstances.	
(v) Where no sale takes place by reason of an execution being withdrawn satisfied or stopped		
	(a) 10p in the £1 on the value of the goods seized, the value to be the appraised value where the goods have been appraised or such other sum as the registrar may consider to be justified in the circumstances and in addition; (b) any sum payable under Fee 5(i), (ii) or (iii)	
6. COPIES OF DOCUMENTS		
For a copy of any document, or for examining a plain copy and marking it as an office copy, per page;		
(a) Typewritten ...	50p	6. This fee is payable whether or not the copy is issued as an office copy.
(b) Carbon or photographic	25p	

Column 1 No. and description of fee	Column 2 Amount of fee	Column 3 Method of charging fee
7. REGISTRY OF COUNTY COURT JUDGMENTS		
(i) On a search by an applicant who attends at the registry ...	For every name £1	7. The request for the search or serial list may be made by letter addressed to the Registry of County Court Judgments and the fee payable under Fee No.7(ii), so far as it can be ascertained in advance, is to accompany the request.
(ii) On a request to the Registry of County Court Judgments—		7.(ii)(a) This fee includes the supply of an uncertified copy of any entries found.
(a) for a search for any entries against a named person ...	£2 and if the search is to extend for more than 5 calendar years an additional £2	
(b) for a serial list of entries of a specified class ...	For every 50 entries copied and supplied, £17	
(iii) On a request to cancel the registration of a judgment which has been satisfied ...	£1	7.(iii) This fee is to be paid to the county court in which satisfaction was made.
8. ADMIRALTY ACTIONS		
(i) For a warrant of arrest of a ship or goods including the execution thereof or the issue of a warrant of execution where the ship or goods are not under arrest (including the execution thereof) ...	£10	
(ii) On a bail bond ...	£2	
(iii) On the sale of a ship or goods ...	For every £5 or part thereof of the price, 5p	
(iv) For keeping possession of a ship or goods where the registrar employs:—		
(a) a possession man ...	For every day, £10	
(b) a shipkeeper ...	The reasonable expenses of the shipkeeper employed.	

Article 5

SCHEDULE 2

ORDERS REVOKED

Title	Reference
The County Court Fees Order 1978	S.I. 1978/1243
The County Court Fees (Amendment) Order 1979	S.I. 1979/967
The County Court Fees (Amendment No. 2) Order 1979	S.I. 1979/1149
The County Court Fees (Amendment) Order 1980	S.I. 1980/773
The County Court Fees (Amendment) Order 1981	S.I. 1981/898

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order replaces the County Court Fees Order 1978 as amended. It—

- (a) increases several fees, in particular, that payable on the issue of a plaint;
- (b) brings up to date references to the County Court Rules in the light of the introduction of the County Court Rules 1981;
- (c) deletes the fees for—
 - (i) an attachment of earnings application to secure maintenance payments;
 - (ii) attendance away from his court of a registrar or officer;
 - (iii) a certified copy of an entry in the Register of County Court Judgments.

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