
STATUTORY INSTRUMENTS

1991 No. 2114 (L.35)

**FAMILY PROCEEDINGS SUPREME COURT
OF ENGLAND AND WALES COUNTY COURTS**

The Family Proceedings Fees Order 1991

Made - - - - 19th September 1991

Coming into force - - 14th October 1991

The Lord Chancellor, in exercise of the powers conferred on him by section 41 of the Matrimonial and Family Proceedings Act 1984(1), and of all other powers enabling him in that behalf, with the concurrence of the Treasury, hereby makes the following Order:—

1.—(1) This Order may be cited as the Family Proceedings Fees Order 1991 and shall come into force on 14th October 1991.

(2) In this Order, unless a contrary intention appears—

a rule or form referred to by number alone means the rule or form so numbered in the Family Proceedings Rules 1991(2);

expressions also used in the Family Proceedings Rules 1991 have the same meaning as in those Rules.

2. Subject to articles 3 and 4, the fees specified in the Schedule to this Order shall be taken in family proceedings in the High Court or in a county court.

3. No fee shall be payable under this Order where the person who would otherwise be liable to pay—

(a) is a legally assisted person within the meaning of section 2(11) of the Legal Aid Act 1988(3);

(b) is in receipt of income support or family credit under Part II of the Social Security Act 1986(4);

(c) is a person who is not a beneficiary of a trust fund in court of a value of more than £50,000 and who is—

(i) under the age of eighteen, or

(1) 1984 c. 42.
(2) S.I. 1991/1247.
(3) 1988 c. 34.
(4) 1986 c. 50.

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(ii) a person for whose financial relief an order under paragraph 2 of Schedule 1 to the Children Act 1989⁽⁵⁾ is in force or is being applied for.

4. Where it appears to the Lord Chancellor that the payment of any fee prescribed by this Order would, owing to the exceptional circumstances of the particular case, involve undue hardship, he may reduce or remit the fee in that case.

16th September 1991

Mackay of Clashfern, C.

We concur

19th September 1991

Thomas Sackville
Nicholas Baker
Two of the Lords Commissioners of Her
Majesty's Treasury

SCHEDULE

Article 2

FEEES TO BE TAKEN IN FAMILY PROCEEDINGS

<i>Action for which or stage at which fee taken</i>	<i>Fee</i>
Part I—Fees to be taken in the High Court and in the county courts	
1. Commencement proceedings	<i>of £15</i>
(a) On filing an application or originating application, or on sealing an originating summons or a summons, to commence family proceedings, other than proceedings mentioned elsewhere in this Schedule;	
(b) (b) on presenting any petition, other than a second petition with leave granted under rule 2.6(4);	£40
(c) (c) on applying for an injunction under the Domestic Violence and Matrimonial Proceedings Act 1976 (c. 50).	£30
2. Proceedings under the Children Act 1989 (c. 41)	
(1) On filing an application or requesting leave under the following provisions of the Children Act 1989—	
. <i>Parental responsibility, guardians, section 8 orders etc.</i>	
(a) (a) section 4(1)(a), or (3), 5(1), 10(1) or (2);	
(b) (b) section 6(7), or	£20
13(1);	

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<i>Action for which or stage at which fee taken</i>	<i>Fee</i>
. <i>Financial provision for children</i>	£30
(c) paragraph 1(1), 2(1), 6(5) or 14(1) of Schedule 1;	
(d) paragraph 1(4), 2(5), 5(6), 6(7), 6(8), 8(2), 10(2), or 11 of Schedule 1;	£20
. <i>Secure accommodation</i>	No fee
(e) Section 25;	
. <i>Care, supervision, etc.</i>	£50
(f) section 31;	
(g) section 33(7), 38(8)(b), 39(1), (2), (3) or (4), paragraph 6 of Schedule 3 or paragraph 11(3) of Schedule 14;	£20
. <i>Contact with child in care</i>	£20
(h) section 34(2), (3), (4) or (9);	
. <i>Placement abroad</i>	£20
(i) paragraph 19(1) of Schedule 2;	
. <i>Education supervision</i>	£50
(j) section 36(1);	
(k) paragraph 15(2) or 17(1) of Schedule 3;	£20
. <i>Child assessment order</i>	£50
(l) section 43(1);	
. <i>Emergency protection</i>	£20
(m) section 43(12);	
(n) section 44, 45, 46 or 48;	No fee
. <i>Recovery of Children</i>	No fee
(o) section 50;	
. <i>Miscellaneous</i>	£20
(p) section 102.	

<i>Action for which or stage at which fee taken</i>	<i>Fee</i>
(2) On commencing an appeal under section 94 of, or paragraph 23(11) of Schedule 2 to, the Children Act 1989.	£15
3. Adoption and wardship applications	£30
(a) On commencing proceedings under the Adoption Act 1976 (c. 36) other than under section 21 thereof;	
(b) (b) on commencing proceedings under section 21 of the Adoption Act 1976;	£20
(c) (c) on applying for the exercise by the High Court of its inherent jurisdiction with respect to children.	£50
4. Applications for ancillary relief	£20
On filing a notice in Form M11 or M13 except where the terms of any agreement as to the order which the court is to be asked to make are set out in the notice or the notice is filed for dismissal purposes only.	
5. Applications in proceedings	£15
On any application in family proceedings (including an application to a county court to transfer to it family proceedings in a magistrates' court), except where separately listed in this Schedule or where it is for an order by consent.	
6. Appeal from a district judge	£15

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On filing a notice of appeal from a district judge to a judge.	
7. Searches	£5
(a) On making a search in the central index of decrees absolute kept at the Principal Registry of the Family Division for any specified period of ten calendar years or, if no such period is specified, for the ten most recent years, and, if appropriate, providing a certificate of decree absolute.	
(b) (b) On making a search in the central index of parental responsibility agreements kept at the Principal Registry of the Family Division in accordance with regulations made under section 4(2) of the Children Act 1989 (c. 41) and, if appropriate, providing a copy of an agreement.	£5
8. Copies of documents	50p
(a) On making a personal application for a copy of any document (other than a welfare officer's report), whether or not issued as an office copy, per page—	
(i) typewritten;	
(ii) carbon or photographic.	25p

<i>Action for which or stage at which fee taken</i>	<i>Fee</i>
(b) (i) On making a postal application for a copy of any document (other than a welfare officer's report) in the Principal Registry of the Family Division and, where appropriate, for being supplied with photographic copies of the first four pages;	£1
(ii) for each page after the fourth.	25p
9. Taxation	
(a) (a) On the taxation of costs or expenses, for every £1, and any balance of less than £1, allowed.	5p, but no fee is payable where costs are allowed without taxation. The district judge 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.
(b) (b) On the withdrawal of a bill of costs which has been lodged for taxation.	Such fee (not exceeding the amount which would have been payable under Fee No 9. (a) if the bill had been allowed in full) as may be reasonable having regard to the amount of work done in the court office.
10. Registration of £5	
<i>maintenance orders</i>	
On an application for a maintenance order to be—	
(a) registered under the Maintenance Orders Act 1950 (14 Geo. 6 c.37) or the	

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Maintenance Orders Act 1958 (6 & 7 Eliz 2 c.39);	
(b) (b) sent abroad for enforcement under the Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18).	£10
Part II– Fees to be taken in the county courts only	
11. Service	£5
On a request for service by a bailiff, where service by post will not be used, of any document except—	
(a) an order for a debtor to attend an adjourned hearing of a judgment summons;	
(b) an interpleader summons under an execution;	
(c) an order made under section 23 of the Attachment of Earnings Act 1971 (c. 32) (Enforcement provisions); or	
(d) an order for a debtor to attend an adjourned oral examination as to his means,	
per person to be served or, where personal service is not required, per address to be served.	
12. Enforcement	15p, but with a minimum fee of £5 and a maximum fee of £38.
On an application for the enforcement of a judgment or order—	
(a) by the issue of a warrant of execution against goods other	

<i>Action for which or stage at which fee taken</i>	<i>Fee</i>
than a warrant to enforce payment of a court fee or to enforce an order for the payment of a fine, for every £1, and any balance of less than £1, for which the warrant issues;	
(b) (b) by the examination of a debtor as to his means or as to other matters;	£12
(c) (c) by entering garnishee proceedings;	£12
(d) (d) by an application for an order charging the land or securities of a judgment debtor; or	£12
(e) (e) by the issue of a judgment summons.	£12
13. Sale	The reasonable expenses incurred.
(a) For removing or taking steps to remove goods to a place of deposit and keeping them there (including feeding and caring for any animals);	
(b) (b) for advertising a sale by public auction under section 97(1) of the County Courts Act 1984 (c. 28);	The reasonable expenses incurred.
(c) (c) for the appraisal of goods, for every £1, and any balance of less than £1, of the appraised value;	5p

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<i>Action for which or stage at which fee taken</i>	<i>Fee</i>
(d) (d) for the sale of goods (including advertisements, catalogues, sale and commission and delivery of goods), for every £1, and any balance of less than £1, realised; and	15p
(e) (e) where an execution is withdrawn, satisfied or stopped before a sale takes place—	10p
(i) where the goods have been appraised, for every £1, and any balance of less than £1, of the appraised value;	
(ii) where the goods have not been appraised.	The reasonable expenses incurred.
Part III— Fees to be taken in the High Court only	
14. Examination	£5
On the examination of a witness before trial.	
15. Directions for trial	£30
On an application for directions for trial in a defended cause.	
16. Enforcement	£6
(a) On sealing a writ of execution;	
(b) (b) on an application to examine a judgment debtor before an officer of the court;	£12
(c) (c) on the issue of a judgment summons;	£12
(d) (d) on an application for a	

<i>Action for which or stage at which fee taken</i>	<i>Fee</i>
	garnishee order nisi, for a charging order nisi or for the appointment of a receiver by way of equitable execution; and
(e) (e) on issuing a certified copy of a judgment or order for the purposes of Part II of the Administration of Justice Act 1920 (10 & 11 Geo. 5 c.81) or the Foreign Judgments (Reciprocal Enforcement) Act 1933 (23 & 24 Geo. 5 c.13).	£10
17. Registration of maintenance orders	of £10
On an application to transmit a maintenance order abroad under the Maintenance Orders (Facilities for Enforcement) Act 1920 (10 & 11 Geo. 5 c.33).	
18. Financial relief after overseas divorce etc.	£15
On sealing an originating summons in proceedings under Part III of the Matrimonial and Family Proceedings Act 1984 (c. 42)—	
(a) under section 24;	
(b) (b) under section 13, where an application has not already been made by the same person under section 24.	£15

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the fees to be paid in the High Court and in county courts for various stages of and actions in family proceedings, within the meaning of section 32 of the Matrimonial and Family Proceedings Act 1984.

The Matrimonial Causes Fees Order 1980 (S.I. 1980/819) lapsed with the repeal of section 51 of the Matrimonial Causes Act 1973 (c. 18) activated by the Matrimonial and Family Proceedings Act 1984 (Commencement No. 5) Order 1991 (S.I. 1991/1211).