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STATUTORY INSTRUMENTS

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**1994 No. 1936 (L.9)**

**COUNTY COURTS**

**The County Court Fees (Amendment) Order 1994**

<i>Made</i>	- - - -	<i>19th July 1994</i>
<i>Laid before Parliament</i>		<i>20th July 1994</i>
<i>Coming into force</i>	- -	<i>15th August 1994</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 128 of the County Courts Act 1984(1), with the concurrence of the Treasury, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the County Court Fees (Amendment) Order 1994 and shall come into force on 15th August 1994.

(2) The County Court Fees Order 1982(2) shall be amended in accordance with the following provisions of this Order.

(3) In this Order an article referred to by number means the article so numbered in the County Court Fees Order 1982 and a fee or column referred to by number means the fee or column so numbered in Schedule 1 to that Order.

**Amendments to the County Court Fees Order 1982**

2. For article 4 there shall be substituted the following—

“4.—(1) No fee shall be payable under this Order where the party who would otherwise be liable to pay it is in receipt of income support under Part VII of the Social Security Contributions and Benefits Act 1992(3) at the time when the fee becomes payable.

(2) The Lord Chancellor may reduce or remit a fee in any case where, in circumstances where paragraph (1) does not apply, it appears to the Lord Chancellor that payment by a party who is an individual of any fee specified in Schedule 1 would involve undue financial hardship because of the exceptional circumstances of the particular case.

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(1) 1984 c. 28.

(2) S.I.1982/1706; the relevant amending instruments are S.I. 1983/1681; 1985/574; 1834, 1986/633, 2143; 1988/509 and 1992/2762.

(3) 1992 c. 4.

(3) Paragraph (1) shall not apply to Fee No.4(viii) (fee payable on a consolidated attachment of earnings order or an administration order).”.

3. Schedule 1, paragraph 4 shall be omitted.

4. Schedule 1, paragraph 5 shall be renumbered paragraph 4 and after it there shall be inserted the following new paragraph—

“5.—(1) Subject to sub-paragraph (2), Fee No.2A (setting down fee) is payable in—

- (a) proceedings to which Order 17, rule 11 (automatic directions) applies; and
- (b) proceedings where a date is fixed for a hearing under Order 17, rule 9.

(2) Fee No.2A shall not be payable in proceedings—

- (a) begun by originating application;
- (b) for the delivery of goods;
- (c) for the recovery of land;
- (d) referred to arbitration under Order 19;
- (e) where the only issue at trial will be a claim for an injunction;
- (f) for the enforcement of a judgment or order of a county court or the High Court;
- (g) under Order 25, rule 12 (enforcement of tribunal or other award).”.

5. For columns 1 and 2 in Fee 1(i) there shall be substituted the following—

Column 1 <i>(No. and description of fee)</i>	Column 2 <i>(Amount of fee)</i>
<p>(a) (a) On entering a plaint for the recovery of a sum of money or the delivery of goods, except in summons production centre cases.</p> <p>Where the sum claimed or the value of the goods—</p> <p>does not exceed £600</p> <p>exceeds £600 but does not exceed £1000</p> <p>exceeds £1000 but does not exceed £5000</p> <p>exceeds £5000 or is not limited to a particular amount</p>	<p>10p for every £1 or part thereof claimed</p> <p>Minimum fee £10</p> <p>£65</p> <p>£70</p> <p>£80</p>
<p>(b) (b) On entering a plaint in the summons production centre.</p>	<p>10p for every £1 or part thereof claimed</p> <p>Minimum fee £10</p> <p>Maximum fee £60</p>

6.—(1) Fee 1(ii) shall be amended as follows—

- (a) in column 1, the words from “— (a) an order” to “(d)” shall be omitted;
- (b) in column 2, for “£40” there shall be substituted “£50”; and

(c) in column 3, the words “Where two or more such claims are joined in the same proceedings the maximum fee payable is £40.” shall be omitted.

(2) Fees 1(iii) and (iv) shall be omitted.

7. After Fee No. 2 there shall be inserted the following—

Column 1 (No. and description of fee)	Column 2 (Amount of fee)	Column 3 (Method of charging fee)
<b>2A. SETTING DOWN</b>		<b>2A.</b> Only one setting down fee shall be payable for each trial. Thus if Fee No.2A(i), (ii) or (iii) has been paid, no fee shall be payable on the occurrence of any other event which would otherwise give rise to a liability to pay a setting down fee.
(i) On requesting the proper officer to fix a date for trial.	£50	
(ii) On filing an estimate of the length of the trial.	£50	
(iii) On receiving notification that a date has been fixed for trial.	£50	(iii) The fee shall be paid by the plaintiff unless only the counterclaim will be in issue at the trial, in which case the fee shall be paid by the defendant.

8. Fee No.2A (Appeals) shall stand as Fee No.2B and, for “£10” in both places where it appears in that fee, there shall be substituted “£20”.

9. In column 2—

- (a) in Fee No.3(ii) for “£10” there shall be substituted “£30”;
- (b) in Fee No.4(ii) for “£20” there shall be substituted “£30”;
- (c) in Fee No.4(iii) for “£20” there shall be substituted “£25”;
- (d) in Fee No.4(v) for “£20” there shall be substituted “£25”;
- (e) in Fee No.4(vi) for “£20” there shall be substituted “£25”;
- (f) in Fee No.4(vii) for “£70” there shall be substituted “£80”;
- (g) in Fee No.4A(i) for “£10” there shall be substituted “£20”;
- (h) in Fee No.8(i) for “£10” there shall be substituted “£20”;
- (i) in Fee No.8(ii) for “£2” there shall be substituted “£5”.

Dated 18th July 1994

*Mackay of Clashfern, C.*

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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We concur,

Dated 19th July 1994

*Timothy Kirkhope*  
*Irvine Patnick*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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## EXPLANATORY NOTE

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

This Order amends the County Court Fees Order 1982 so as to—

- (1) exempt persons on income support from liability to pay prescribed fees (*article 2*);
- (2) omit the provision requiring Value Added Tax to be paid in addition to the fee (*article 3*);
- (3) introduce a setting down fee (*articles 4 and 7*);
- (4) increase the fees payable on commencement, introduce a separate fee for commencement in the summons production centre, specify the fee payable on commencement where the sum claimed or the value of the goods is not limited to any particular amount and omit the provisions applicable where certain non-money claims are joined in the same proceedings (*articles 5 and 6(1)(b) and (c)*);
- (5) omit the fees payable on an application for adoption or for an order freeing a child for adoption or on an application to register a custody order (*article 6(1)(a) and (2)*);
- (6) increase the fees relating to appeals, taxation reviews, certain enforcement proceedings and admiralty actions (*articles 8 and 9*).

Before the making of this Order, the fees on commencement of proceedings to recover money or goods were as follows—

Where the sum claimed or the value of the goods—

- (a) did not exceed £500, 10p for every £1 (or part thereof) claimed with a minimum fee of £10;
- (b) exceeded £500 but did not exceed £1000, £60;
- (c) exceeded £1000 but did not exceed £5000, £65;
- (d) exceeded £5000, £70.

The fee on commencement of proceedings for any other relief has been increased from £40 to £50 and the maximum payable has been increased from £40 to £80.

In all other cases the extent of the increase is apparent from the Order itself.