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STATUTORY INSTRUMENTS

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**1996 No. 3189 (L. 13)**

**COUNTY COURTS**

**The County Court Fees (Amendment) Order 1996**

*Made* - - - - *16th December 1996*  
*Laid before Parliament* *18th December 1996*  
*Coming into force* - - *15th January 1997*

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

**Citation, commencement and interpretation**

1. This Order may be cited as the County Court Fees (Amendment) Order 1996 and shall come into force on 15th January 1997.

2. In this Order:—

- (a) an article or Schedule referred to by number means the article or Schedule so numbered in the County Court Fees Order 1982<sup>(2)</sup>, and
- (b) a fee or column referred to by number means the fee or column so numbered in Schedule 1.

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

3.—(1) In article 4(1):—

- (a) for the words from “No fee shall be payable” to “would otherwise become payable” there shall be substituted “In small claims proceedings, any fee payable under this Order by a party who, at the time when the fee becomes payable”; and
- (b) after sub-paragraph (b) there shall be inserted:—

“shall be limited to £10.”

(2) In article 4(2):—

- (a) for “reduce or remit a fee in any case” there shall be substituted “remit so much of any fee specified in Schedule 1 as exceeds £10 in any small claims proceedings”; and

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<sup>(1)</sup> 1984 c. 28.

<sup>(2)</sup> S.I.1982/1706; the relevant amending instruments are S.I. 1983/1681, 1985/574 and 1834, 1986/633 and 2143, 1988/509, 1992/2762, 1994/1936 and 1995/2627.

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- (b) for “payment by a party who is an individual of any fee specified in Schedule 1” there shall be substituted “payment in full of that fee by any party who is an individual”.
- (3) After article 4(3) there shall be inserted:—
- “(4) In this article, “small claims proceedings” means proceedings which are liable to be or have been referred for arbitration under Order 19, rule 3(1) and in which trial in court has not been ordered under Order 19, rule 3(2).”.
4. In paragraph 1(b) of Schedule 1, after “originating document and” there shall be inserted “(except where Fee No. 1(iv) applies)”.
5. The following shall be inserted after paragraph 5 of Schedule 1:—
- “6. Where a bill for taxation is lodged by a party to proceedings who, if the bill is allowed at the full amount thereof, will be required to pay it, the fee prescribed at Fee No. 3(i) shall be limited to £50, unless the district judge orders that the full amount of the fee shall be payable.”.
6. The entries in Column 2 in respect of each of the fees numbered in the Table below shall be replaced as shown in that Table.

TABLE

Fee No.	Existing entry in Column 2	New entry in Column 2
2A(i), (ii) and (iii)	£50	£100
2B(i)	£20	£50
4(iii), (v), (vi)	£25	£50
4A(i)	£20	£30
8(i)	£20	£80
9(i)(a)	£25	£50
9(i)(b)	£55	£80
9(ii)	£55	£80
9(iii)(a)	£20	£30
9(iii)(b)	£20	£50

7. For Fee No. 1 there shall be substituted the following:—

“Column 1 (No. and description of fee)	Column 2 (Amount of fee)	Column 3 (Method of charging fee)
<b>1. COMMENCEMENT OF PROCEEDINGS</b>		<b>1. On delivery of a counterclaim the same fee shall be payable as if the remedy or relief sought were the subject of separate proceedings.</b>
(i) On entering a plaint for a sum of money, except in summons production centre cases.	£10	

“Column 1 (No. and description of fee)	Column 2 (Amount of fee)	Column 3 (Method of charging fee)
Where the sum of money claimed— does not exceed £100		
exceeds £100 but does not exceed £200	£20	
exceeds £200 but does not exceed £300	£30	
exceeds £300 but does not exceed £400	£40	
exceeds £400 but does not exceed £500	£50	
exceeds £500 but does not exceed £600	£60	
exceeds £600 but does not exceed £1,000	£60	
exceeds £1,000 but does not exceed £5,000	£80	
exceeds £5,000 but does not exceed £10,000	£100	
exceeds £10,000 but does not exceed £50,000	£150	
exceeds £50,000 but does not exceed £100,000	£300	
exceeds £100,000	£500	
(ii) On entering a plaint for a sum of money in summons production centre cases.	£10	
Where the sum of money claimed— does not exceed £100		
exceeds £100 but does not exceed £200	£15	
exceeds £200 but does not exceed £300	£25	
exceeds £300 but does not exceed £400	£35	
exceeds £400 but does not exceed £500	£45	

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“Column 1 (No. and description of fee)	Column 2 (Amount of fee)	Column 3 (Method of charging fee)
exceeds £500 but does not exceed £600	£55	
exceeds £600 but does not exceed £1000	£55	
exceeds £1000 but does not exceed £5000	£65	
exceeds £5000	£75	
(iii) For the commencement of proceedings for any other remedy or relief, other than where Fee No. 9 applies, whether by plaint, originating application, notice of application, petition, appeal or otherwise	£80	
(iv) For the issue of any amended, second or subsequent summons or originating document, except in summons production centre cases	£10	
(v) For the issue of a third party notice under Order 112, Rule 1	£50”	

8. After Fee No. 2B 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>2C. APPLICATIONS</b>	£20	
ETC.		
(i) On the issue of a witness summons		
(ii) On an application by a judgment debtor to vary a judgment entered against him	£10	
(iii) On an application to set aside a judgment	£10	
(iv) On an application ex parte or by consent	£10	

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“Column 1 (No. and description of fee)	Column 2 (Amount of fee)	Column 3 (Method of charging fee)
before a Circuit judge or a district judge, where no appointment is taken		
(v) On an application on notice to a district judge	£20	
(vi) On an application on notice to a Circuit judge	£30”	

**9.—(1)** For columns 1 and 2 in Fee No. 3 there shall be substituted the following:—

“Column 1 (No. and description of fee)	Column 2 (Amount of fee)
<b>3. TAXATION</b>	£3.75
(i) On the lodging of a bill of costs for taxation, subject to the provisions of paragraph 6 of this Schedule, for every £100 or part of £100 of the full amount of the bill	
(ii) On the taxation of a bill of costs, for every £100 or part of £100 of the amount allowed less any amount paid under Fee No. 3(i) in respect of the lodging of that bill	£7.50
(iii) On an application to the judge to review a taxation	£50”

(2) In column 3 in Fee No. 3:—

- (a) the entry numbered 3(i) shall be re-numbered as 3(ii);
- (b) the entry at present numbered 3(ii) shall be omitted down to and including the words “section 70 of the Act”.

**10.—(1)** At the beginning of Fee No. 4, after “for” there shall be inserted “or in relation to”.

(2) After Fee No. 4(i)(b) there shall be inserted the following new fee:—

“Column 1 (No. and description of fee)	Column 2 (Amount of fee)	Column 3 (Method of charging fee)
(i) (c) By the issue of a second or subsequent warrant of execution against goods except a warrant	£20”	

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“Column 1 (No. and description of fee)	Column 2 (Amount of fee)	Column 3 (Method of charging fee)
to enforce payment of a court fee or an order for payment of a fine, except in County Court Bulk Centre cases		

(3) After Fee No. 4(viii) there shall be inserted the following new fee:—

“Column 1 (No. and description of fee)	Column 2 (Amount of fee)	Column 3 (Method of charging fee)
(ix) On an application by a judgment debtor to suspend a warrant of execution against goods, a warrant of possession or a warrant of delivery	£10”	

**11.** For columns 1 and 2 in Fee No. 6 there shall be substituted the following:—

“Column 1 (No. and description of fee)	Column 2 (Amount of fee)
<b>6.</b> For a copy of any document, or examining a plain copy and marking it as an office copy:	1.00
(a) per page for the first five pages of each document	
(b) per page for subsequent pages	0.25”

Dated 6th December 1996

*Mackay of Clashfern, C.*

We concur,

*Patrick McLoughlin  
Roger Knapman*  
Two of the Lords Commissioners of Her Majesty’s Treasury

Dated 6th December 1996

## EXPLANATORY NOTE

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

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

(1) to provide that exemption and remission from payment of court fees are only available for small claims proceedings, and that they have the effect of reducing the fee in question to £10 (*article 3*);

(2) to provide an advance fee for the lodging of a bill for taxation, equal to half of the estimated final taxation fee as calculated on the assumption that the bill is upheld in full, and to set the final fee at £7.50 per £100 of the bill as taxed (*article 9*);

(3) where the bill is lodged by the party who would have to pay the amount of the taxed bill, to limit the amount of the advance fee to £50 unless the district judge orders otherwise (*article 5*);

(4) to reduce the fee for copies of documents to 25p per page after the first five pages of each document (*article 11*);

(5) to increase the following fees as indicated (*articles 6 and 7*):—

Fee No.	Short description of fee ( <i>for full description see fees order</i> )	Existing Fee £	New Fee £
1	Originating process	10 to 80, depending on the amount of the claim	10 to 500, depending on the amount of the claim
2A	Setting down for trial	50	100
2B(i)	Appeals to judge	20	50
3(ii)	Review of taxation	30	50
4(iii)	Garnishee order	25	50
4(v)	Charging order	25	50
4(vi)	Judgment summons	25	50
4A(i)	Tribunal award	20	30
8(i)	Admiralty warrant	20	80
9(i)(a)	Debtor's bankruptcy petition	25	50
9(i)(b)	Creditor's bankruptcy petition	55	80
9(ii)	Issue of any other petition under the Companies Act	55	80

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Fee No.	Short description of fee ( <i>for full description see fees order</i> )	Existing Fee £	New Fee £
	1985 <sup>(3)</sup> or Insolvency Act 1986 <sup>(4)</sup>		
9(iii)(a)	Hearing before district judge	20	30
9(iii)(b)	Hearing before Circuit judge	20	50

(6) to make the fee on a counterclaim the same as that on an independent claim (*article 7*);

(7) to introduce the following new fees (*articles 4, 7, 8 and 10*):—

Fee No.	Short description of fee (for full description see Order)	Amount of fee £
1(iv)	Second or subsequent summons	10
1(v)	Third party notice	50
2C(i)	Witness summons	20
2C(ii)	Application by debtor to vary judgment	10
2C(iii)	Application to set aside judgment	10
2C(iv)	Ex parte or consent application without hearing	10
2C(v)	Application to district judge	20
2C(vi)	Application to circuit judge	30
4(i)(c)	Second or subsequent warrant	20
4(ix)	Application to suspend warrant	10

<sup>(3)</sup> 1985 c. 6.

<sup>(4)</sup> 1986 c. 45; sections 414 and 415 have been amended by the Insolvency Fees Amendment Order 1992, S.I. 1992/34.