
STATUTORY INSTRUMENTS

1996 No. 3190 (L.14)

FAMILY PROCEEDINGS

SUPREME COURT OF ENGLAND AND WALES

COUNTY COURTS

The Family Proceedings Fees (Amendment) Order 1996

Made - - - - *16th December 1996*

Coming into force - - *15th January 1997*

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:

Citation, commencement and interpretation

1. This Order may be cited as the Family Proceedings Fees (Amendment) Order 1996 and shall come into force on 15th January 1997.
2. In this Order—
 - (a) an article referred to by number means the article so numbered in the Family Proceedings Fees Order 1991(2), and
 - (b) a fee referred to by number means the fee so numbered in the Schedule to that Order.

Amendments to the Family Proceedings Fees Order 1991

3. In article 1(2), the following shall be inserted after the definition beginning “a rule or form”—

“a fee referred to by number means the fee so numbered in the Schedule to this Order;”.
4. For article 3 there shall be substituted the following:—

“3.—(1) In excepted matrimonial proceedings, any fee payable under this Order by a petitioner who, at the time when the fee becomes payable, is in receipt of income support under Part VII of the Social Security Contributions and Benefits Act 1992(3) shall be limited to £20.

(1) 1984 c. 42.
(2) S.I.1991/2114, as amended by S.I. 1995/2628.
(3) 1992 c. 4.

(2) In this article and in article 4, “excepted matrimonial proceedings” means any proceedings excepted from the scope of representation under Part IV of the Legal Aid Act 1988(4) by paragraph 5A of Part II of Schedule 2 to that Act.”.

5. In article 4:—

- (a) after “payment” there shall be inserted “in full”;
- (b) after “this Order” there shall be inserted “in respect of excepted matrimonial proceedings”;
- (c) for the words from “reduce” to the end there shall be substituted “remit so much of the fee as exceeds £20”.

6. The following shall be inserted after article 4:—

“5. 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, Fee No. 9(a) shall be limited to £50, unless the district judge orders that the full amount of the fee shall be payable.”.

7. The amounts of the fees listed in the Table below shall be varied as shown in that Table.

TABLE

<i>Fee No.</i>	<i>Existing fee</i>	<i>New fee</i>
1(a)	£20	£100
1(b)	£80	£150
2(1)(a) to (p)	all entries	£50
3	all entries	£100
6	£20	£50
10(a) and (b)	£10	£25
12(c), (d) and (e)	£25	£50
16(d)	£30	£60
16(e)	£20	£30

8. After Fee No. 1(c) there shall be inserted the following:—

<i>“Action for which or stage at which fee taken</i>	<i>Fee</i>
(d) on amending a petition, or presenting a second or subsequent petition with leave granted under rule 2.6(4);	£50
(e) on filing an answer to a petition, or a cross petition.	£100”.

9. For Fees No. 4 and 5 there shall be substituted the following:—

(4) 1988 c. 34: paragraph 5A of Part II of Schedule 2 was inserted by S.I. 1989/549.

<i>“Action for which or stage at which fee taken</i>	<i>Fee</i>
4. Applications for ancillary relief	£30
(a) On filing a notice of application for ancillary relief (or a notice of intention to proceed with such an application) 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	
(b) On filing a notice of application for ancillary relief (or a notice of intention to proceed with such an application), in any other circumstances	£50
5. Applications in proceedings	£20
(a) On an application to make a decree nisi absolute	
(b) On a request for directions for trial (other than in uncontested divorce proceedings, in which no fee is chargeable)	£20
(c) On an application for an order by consent, except where separately listed in this Schedule	£20
(d) 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	£30”.

10. After Fee No. 7(b) there shall be inserted the following:—

<i>“Action for which or stage at which fee taken</i>	<i>Fee</i>
(c) On making a search in an index of decrees absolute kept at any divorce county court or district registry 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.	£5”.

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11. For Fee No. 8 there shall be substituted the following:—

<i>“Action for which or stage at which fee take</i>	<i>Fee</i>
<i>Copies of documents</i>	£1.00
<p>8. For a copy of any document, or examining a plain copy and marking it as an office copy:</p> <p>(a) per page for the first five pages of each document;</p> <p>(b) per page for subsequent pages. 25p”.</p>	

12. For Fee No. 9 there shall be substituted the following:—

<i>“Action for which or stage at which fee taken</i>	<i>Fee</i>
<i>Taxation</i>	£3.75
<p>(a) On the lodging of a bill of costs for taxation, subject to the provisions of article 5, for every £100 or part of £100 of the full amount of the bill</p> <p>(b) On the taxation of a bill of costs, £7.50”.</p> <p>for every £100 or part of £100 of the amount allowed</p> <p>less any amount paid under Fee No. 9(a) in respect of the lodging of that bill.</p>	

13. After Fee No. 18 there shall be inserted the following:—

<i>“Action for which or stage at which fee taken</i>	<i>Fee</i>
19. Affidavits	£5
<p>(a) On the taking of an affidavit or an affirmation or attestation upon honour in lieu of an affidavit or a declaration,</p> <p>(b) for each exhibit therein referred to and required to be marked. £2”.</p>	

Dated 6th December 1996

Mackay of Clashfern, C.

We concur,

Dated 16th December 1996

Patrick McLoughlin
Roger Knapman
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 Family Proceeding Fees Order 1991—

(1) to provide that exemption and remission from payment of court fees are only available in undefended proceedings for divorce or judicial separation, and that when available they reduce the fee in question to £20 (*articles 4 and 5*);

(2) to increase the following fees (*article 7*):

<i>Fee No.</i>	<i>Short description of fee (for full description see fees order)</i>	<i>Existing fee £</i>	<i>New fee £</i>
(fees to be taken in the High Court and county courts)			
1(a)	Originating application/summons	20	100
1(b)	Petition	80	150
2(1)(a) to (p)	Applications under the Children Act 1989	20, 30 or 50	50
3(a), (b)	Adoption proceedings	20 or 30	100
3(c)	Wardship proceedings	50	100
4	Ancillary relief application	30	50
5	General application	20	30
6	Appeal from a district judge	20	50
10(a)	Registration of maintenance order	10	25
(fees to be taken in county courts only)			
12(c)	Entering garnishee proceedings	25	50
12(d)	Application for a charging order	25	50
12(e)	Issue of a judgment summons	25	50
(fees to be taken in the High Court only)			

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<i>Fee No.</i>	<i>Short description of fee (for full description see fees order)</i>	<i>Existing fee £</i>	<i>New fee £</i>
16(d)	Application for a garnishee order, charging order or receiver	30	60
16(e)	Certified copy of judgment	20	30

(3) to introduce the following new fees (*articles 8, 10 and 13*):—

<i>Fee No.</i>	<i>Short description of fee (for full description see fees order)</i>	<i>Amount of fee £</i>
(fees to be taken in the High Court and county courts)		
1(d)	Amended, second or subsequent petition	50
1(e)	Answer or cross petition	100
4(a)	Application for ancillary relief by consent	30
7(c)	Search in local index of decrees absolute	5
(fees to be taken in the High Court only)		
19(a)	Affidavit before court officer	5
19(b)	Exhibit to same	2

(4) to make specific provision for applications to make a decree nisi absolute, requests for directions for trial and applications for consent orders (other than for ancillary relief), to remove the fee for requests for directions in uncontested divorce proceedings and to keep the fee at £20 in the other cases listed (*article 9*);

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

(6) 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 12*);

(7) 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 6*).