

This Statutory Instrument has been made in consequence of defects in S.I. 2007/2176 and is being issued free of charge to all known recipients of that Statutory Instrument

STATUTORY INSTRUMENTS

2008 No. 116 (L. 2)

SUPREME COURT OF ENGLAND AND WALES

COUNTY COURTS, ENGLAND AND WALES

The Civil Proceedings Fees (Amendment) Order 2008

<i>Made</i> - - - -	<i>21st January 2008</i>
<i>Laid before Parliament</i>	<i>21st January 2008</i>
<i>Coming into force</i> - -	<i>11th February 2008</i>

The Lord Chancellor makes the following Order in exercise of the powers conferred by section 92 of the Courts Act 2003(a).

In accordance with section 92(1) of the Courts Act 2003 he has obtained the consent of the Treasury.

In accordance with section 92(5) and (6) of the Courts Act 2003 he has consulted the Lord Chief Justice, the Master of the Rolls, the President of the Queen's Bench Division, the President of the Family Division, the Chancellor of the High Court, the Head of Civil Justice, the Deputy Head of Civil Justice and the Civil Justice Council.

1. This Order may be cited as the Civil Proceedings Fees (Amendment) Order 2008 and shall come into force on 11th February 2008.

2. The Civil Proceedings Fees Order 2004(b) is amended in accordance with the following articles.

3. In column 1 in Schedule 1—

- (a) in fee 2.2 and the notes under it, for “listing questionnaire”—
 - (i) the first time it appears, substitute “pre-trial check list (listing questionnaire)”; and
 - (ii) each other time it appears, substitute “pre-trial check list”;
- (b) in paragraph (c)(vi) in fee 2.3, omit the words “but does not exceed £5000”; and
- (c) in the notes under fee 2.3—
 - (i) for “listing questionnaire” each time it appears, substitute “pre-trial check list”; and
 - (ii) in paragraph (ii), for “between 14 and 28 days” substitute “between 15 and 28 days”.

(a) 2003 c.39. Section 92 is amended by paragraphs 308 and 345 of Part 1 of Schedule 4 to the Constitutional Reform Act 2005 (c.4) from 1 October 2005 and paragraph 4(1) and (3) of Part 2 of Schedule 11 to that Act from a date to be appointed.
(b) S.I. 2004/3121, amended by S.I. 2007/2176; there are other amending instruments but none is relevant.

4. In paragraph 2 in Schedule 1A (remission and part remission of fees)—

(a) for sub-paragraph (1), substitute—

“(1) No fee shall be payable under this Order by a party who, at the time when a fee would otherwise be payable, is in receipt of a qualifying benefit and is not in receipt of funding provided by the LSC for the purposes of the proceedings and for which a certificate has been issued under the Funding Code.”; and

(b) in sub-paragraph (2), for “paragraph (1)(a)” substitute “paragraph (1)”.

17th January 2008

Jack Straw
Lord Chancellor

We consent,

Alan Campbell
Steve McCabe

21st January 2008

Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Civil Proceedings Fees Order 2004 (S.I. 2004/3121 (L.23)) so as to correct mistakes in that Order.

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