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STATUTORY INSTRUMENTS

2008 No. 117 (L. 3)

MAGISTRATES' COURTS, ENGLAND AND WALES

The Magistrates' Courts 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 Magistrates' Courts Fees (Amendment) Order 2008 and shall come into force on 11th February 2008.

2. For paragraph 2(1) in Schedule 2 to the Magistrates' Courts Fees Order 2005(b) (remission and part remission of fees) substitute—

“(1) No fee shall be payable under this Order by a party who, at the time when a fee would otherwise be payable—

- (a) 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; or
- (b) is not a beneficiary of a trust fund in court of a value of more than £50,000 and is—
 - (i) under the age of eighteen; or
 - (ii) a person for whose financial relief an order under paragraph 2 of Schedule 1 to the Children Act 1989 is in force or being applied for.

(1A) Paragraph (1)(b) applies to—

(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.2005/3444; amended by S.I. 2007/2619; there is another amending instrument but it is no longer relevant.

- (a) an application to which fee 8, 9, 10, 11, 12, 13, 14 or 15 applies;
- (b) an application or request to which fee 2, 3, 6 or 7 applies where the application or request is made in relation to proceedings to which fee 8, 9, 10, 11, 12, 13, 14 or 15 applies.”.

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 Magistrates' Courts Fees Order 2005 (S.I. 2005/3444 (L.30)) so as to correct a mistake in that Order in relation to the circumstances in which a person is not required to pay a fee.

£3.00

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