

2009 No. 1498 (L. 15)

SUPREME COURT OF ENGLAND AND WALES
COUNTY COURTS, ENGLAND AND WALES

The Civil Proceedings Fees (Amendment) Order 2009

<i>Made</i> - - - -	<i>10th June 2009</i>
<i>Laid before Parliament</i>	<i>18th June 2009</i>
<i>Coming into force</i> - -	<i>13th July 2009</i>

The Lord Chancellor, with the consent of the Treasury, makes the following Order in exercise of the power conferred by section 92 of the Courts Act 2003(a).

In accordance with section 92(5) and (6) of that Act the Lord Chancellor 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.

Citation and commencement

1. This Order may be cited as the Civil Proceedings Fees (Amendment) Order 2009 and comes into force on 13th July 2009.

Amendment of the Civil Proceedings Fees Order 2008

2. The Civil Proceedings Fees Order 2008(b) is amended as follows.

3. In Schedule 1, in fee 2.7, in the description, omit “for a judgment or order” where it first appears.

4. In Schedule 1, in fee 2.10, after “judgments”, insert “, orders and fines”.

5. In Schedule 1, in fee 4.1 —

- (a) in fee 4.1(a), at the end of the description, insert “and”;
- (b) for the note to fee 4.1, substitute —

“Note: The fee payable under fee 4.1 includes —

- where the court allows a party to fax to the court for the use of that party a document that has not been requested by the court and is not intended to be placed on the court file.

(a) 2003 c.39; section 92 is amended by paragraphs 308 and 345 of Schedule 4 to the Constitutional Reform Act 2005 (c.4) from 1 October 2005.
(b) S.I. 2008/1053 (L.5), amended by S.I. 2008/2853 (L.19).

- where a party requests that the court fax a copy of a document from the court file.
- the court provides a subsequent copy of a document which it has previously provided.”

6. In Schedule 1, in fee 5.1 —

- (a) in the description, omit “in the Supreme Court” and “in the county court”;
- (b) in column 2, omit “£120” and “£105” and substitute “£140”.

7. In Schedule 1, in fee 5.3 —

- (a) in the description, omit “in the Supreme Court” and “in the county court”;
- (b) in column 2, omit “£50” and “£45” and substitute “£60”.

8. In Schedule 1, in fee 5.4 —

- (a) in the description, omit “in the Supreme Court” and “in the county court”;
- (b) in column 2, omit “£200” and “£105” and substitute “£200”.

9. In Schedule 1, in fee 5.5 —

- (a) in the description, omit “in the Supreme Court” and “in the county court”;
- (b) In column 2, omit “£50” and “£35” and substitute “£50”.

10. In Schedule 1, in fee 5.6 —

- (a) in the description, omit “in the Supreme Court” and “in the county court”;
- (b) in column 2, omit “£100” and “£65” and substitute “£100”.

11. In Schedule 1, for fee 8.1 substitute —

“8.1 On an application for or in relation to enforcement of a judgment or order of a county court or through a county court, by the issue of a warrant of execution against goods except a warrant to enforce payment of a fine — (a) in cases other than CCBC cases. (b) in CCBC cases.	£100 £70”
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12. In Schedule 1, in fee 8.3, in column 2, for “£45” substitute “£50”.

13. In Schedule 1, in fee 8.4(a), in column 2, for “£55” substitute “£100”.

14. In Schedule 1, in fee 8.4(b), in column 2, for “£55” substitute “£100”.

15. In Schedule 1, in fee 8.5, in column 2, for “£95” substitute “£100”.

16. In Schedule 1, in fee 8.7, in column 2, for “£65” substitute “£100”.

17. In Schedule 1, in fee 8A(a), in column 2, for “£30” substitute “£100”.

18. In paragraph 1(1)(c) of Schedule 2, for “626” substitute “26”.

19. In paragraph 3(1) of Schedule 2, in column 2 —

- (a) for “£12,000” substitute “£13,000”;
- (b) for “£14,735” substitute “£15,930”;
- (c) for “£17,470” substitute “£18,860”;
- (d) for “£20,205” substitute “£21,790”; and
- (e) for “£22,940” substitute “£24,720”.

20. In paragraph 3(1) of Schedule 2, in column 3 —

(a) Fee 8A was inserted by S.I. 2008/2853.

- (a) for “£16,000” substitute “£18,000”;
- (b) for “£18,735” substitute “£20,930”;
- (c) for “£21,470” substitute “£23,860”;
- (d) for “£24,205” substitute “£26,790”; and
- (e) for “£26,940” substitute “£29,720”.

21. In paragraph 3(2) of Schedule 2, for “£2,735” substitute “£2,930”.

22. In paragraph 5(3) of Schedule 2 —

- (a) In sub-paragraph (a), for “£296” substitute “£315”;
- (b) In sub-paragraph (b), for “£228” substitute “£244”; and
- (c) in sub-paragraph (c), for “£150” substitute “£159”.

Signed by the authority of the Lord Chancellor

4th June 2009

We consent,

10th June 2009

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

Tony Cunningham
Frank Roy
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 2008 (S.I. 2008/1053 (L.5)). It makes the following changes of substance:

- (a) It increases some of the fees in Schedule 1. Except where indicated in paragraph (c) below, the fee increases are indicated in the body of the Order.
- (b) Articles 6 to 10 replace the separate fees in fee 5 for Supreme Court and county court matters with a single fee for both jurisdictions.
- (c) Article 11 creates a new fee 8.1. The fee payable for the issue of a warrant of execution against goods no longer depends on the amount for which the warrant is issued. The previous fees of £35 and £55 for cases other than County Court Bulk Centre cases brought by County Court Bulk Centre users are replaced by a single fee of £100. The previous fees of £25 and £45 for County Court Bulk Centre cases brought by County Court Bulk Centre users are replaced by a single fee of £70.
- (d) Articles 19 to 21 increase the figures for gross annual income in paragraph 3 of Schedule 2 which are used to determine whether a party is eligible for fee remission.
- (e) Article 22 increases the amounts that may be deducted from a party’s gross monthly income for living expenses. The amount that a party may deduct rises from £296 to £315. The amount for each child of the party rises from £228 to £244 and the amount that may be deducted if the party has a partner rises from £150 to £159.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available at <http://www.justice.gov.uk/docs/civil-court-fees-2008-consultation-paper-cp31-08.pdf>

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