

2015 No. 687 (L. 10)

FAMILY PROCEEDINGS, ENGLAND AND WALES

SENIOR COURTS OF ENGLAND AND WALES

FAMILY COURT, ENGLAND AND WALES

The Family Proceedings Fees (Amendment) Order 2015

<i>Made</i> - - - -	<i>11th March 2015</i>
<i>Laid before Parliament</i>	<i>16th March 2015</i>
<i>Coming into force</i> - -	<i>6th April 2015</i>

The Lord Chancellor, with the consent of the Treasury, makes the following Order in exercise of the power conferred by sections 92 and 108(6) 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 Family Proceedings Fees (Amendment) Order 2015 and comes into force on 6th April 2015.

Amendment of the Family Proceedings Fees Order 2008

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

3. In article 1(2)—

(a) at the end of sub-paragraph (c), for “.”, substitute “;”; and

(b) after sub-paragraph (c) insert—

“(d) “EU Regulation 606/2013” means Regulation (EU) No. 606/2013 of the European Parliament and of the Council of June 2013 on mutual recognition of protection measures in civil matters; and

(a) Section 92 was amended by sections 15(1) and 59 of, and paragraphs 308 and 345 of Schedule 4 Part 1 and paragraph 4 of Schedule 11 Part 2 to, the Constitutional Reform Act 2005 (c.4), and by section 17(5) and (6) of, and paragraph 40(a) of Schedule 9 Part 2 and paragraphs 83 and 95 of Schedule 10 Part 2 to, the Crime and Courts Act 2013 (c.22).

(b) S.I. 2008/1054, as amended by S.I. 2014/877. Schedule 1 was substituted by S.I. 2014/877. Schedule 2 was substituted by S.I. 2013/2302 and amended by S.I. 2014/513 and 2014/590.

- (e) “protection measure” and “protected person” have the same meaning as in EU Regulation 606/2013.”

4. After article 3, insert—

“**3A.** Fees 1.1, 5.1 and 5.3 in Schedule 1 (fees to be taken) are not payable—

- (a) in any proceedings relating to protection measures under EU Regulation 606/2013 if the person who would otherwise be liable to pay the fee is the protected person;
- (b) in proceedings for—
 - (i) a non-molestation order;
 - (ii) an occupation order; or
 - (iii) a forced marriage protection order, under Part 4 or 4A of the Family Law Act 1996(a); or
- (c) in proceedings issued by the person who commenced proceedings referred to in sub-paragraph (b), where that person applies to vary or discharge an order made in those proceedings.”

5. In Schedule 1 (fees to be taken)—

- (a) omit fee 1.4;
- (b) for the three notes following fee 3.3, substitute—

“Notes to fees 3.1, 3.2 and 3.3

Fee 3.1 is payable where an application requires the permission of the court when permission is sought, but no further fee will be charged if permission is granted and the application is made.

Where an application is made or permission is sought at the same time under or relating to two or more provisions in Part 1 of the Adoption and Children Act 2002, other than an application under section 22 of that Act, fee 3.1 is payable only once.

In relation to fees 3.1 and 3.2, where an application is made or permission is sought at the same time under or relating to provisions of the Adoption and Children Act 2002, only one fee is payable and, if those fees are different, the higher fee 3.2 is payable.

In relation to fees 3.1, 3.2 and 3.3, where the same application is made or permission is sought at the same time in respect of two or more children who are siblings or children of the same family, only one fee is payable in respect of each numbered fee.”;

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- (c) omit fee 10.1;
 - (d) in sub-paragraph (c) of fee 15.1, after “(enforcement provisions);” omit “or”;
 - (e) after sub-paragraph (d) of fee 15.1, insert “; or” and the following sub-paragraph in the left hand column—
 - “(e) an application for (and accompanying documentation), or an order for, or an application to vary, extend or discharge—
 - (i) a non-molestation order;
 - (ii) an occupation order; or
 - (iii) a forced marriage protection order, under Part 4 or Part 4A of the Family Law Act 1996”;
 - (f) in the straddle header to fee 17, after “Affidavits” insert “in the High Court only”.

(a) 1996 c. 27. Part 4A was inserted by the Forced Marriage (Civil Protection) Act 2007 (c. 20).

6. In Schedule 2 (remissions and part remissions), in sub-paragraph (c) of the definition of “excluded benefits”—

- (a) after “2002,” omit “or”;
- (b) after “section 12B(1) of the Social Work (Scotland) Act 1968”, insert “or the Social Care (Self-directed Support) (Scotland) Act 2013(a)”.

Amendment of the Family Proceedings Fees (Amendment) Order 2013

7. The Family Proceedings Fees (Amendment) Order 2013(b) is amended as follows.

8. In article 4 (divorce or dissolution of civil partnership)—

- (a) in paragraph (1) for “Paragraph (2)” substitute “This article”;
- (b) after paragraph (2) insert—

“(3) Where the application to make a decree nisi or absolute or a conditional order final is made on or after 6th April 2015, paragraph (2) does not apply and the fee for the application is £50”.

Signed by authority of the Lord Chancellor

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

11th March 2015

We consent

Mark Lancaster
Harriet Baldwin

11th March 2015

Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Family Proceedings Fees Order 2008 (S.I. 2008/1054) (“the Order”), which governs the fees payable in family proceedings in England and Wales in the, High Court and the Family Court.

Article 3 disapplies fees in certain proceedings brought by persons at risk of domestic violence or protected persons. The proceedings are those relating to non-molestation orders, occupation orders, orders for forced marriage protection orders under the Family Law Act 1996 (c. 27) and also any proceedings relating to protection measures under Regulation (EU) No. 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters.

Article 5(c) revokes the fee for applying for maintenance orders to be sent abroad for enforcement under the Maintenance Orders (Reciprocal Enforcement) Act 1972 (c.18).

Article 6 corrects the definition of benefits in Schedule 2 to the Order which are excluded when determining whether to grant a fee remission, so as to include reference to benefits under the Social Care (Self-directed Support) (Scotland) Act 2013 (asp 1).

Article 8(b) amends the fee for making decrees nisi, absolute or conditional orders final (dissolving civil partnerships). That fee continues to apply to certain remaining cases by virtue of

(a) 2013 asp 1
(b) S.I. 2013/1407

the Family Proceedings Fees (Amendment) Order 2013 (SI 2013/1407). The fee is increased from £45 to £50 where the application is made on or after 6th April 2015.

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£4.25

UK201503135 03/2015 19585

<http://www.legislation.gov.uk/id/uksi/2015/687>

ISBN 978-0-11-113346-0



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