

*These notes refer to the Constitutional Reform Act 2005
(c.4) which received Royal Assent on 24 March 2005*

CONSTITUTIONAL REFORM ACT 2005

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 Duty to Convene Commission: Special Rules

Fees

Section 52: Fees

191. This section should be read together with section 53, which makes supplementary provision about fees. Section 52(1) provides for the Lord Chancellor to have a power, by order (which by virtue of section 144 is to be exercisable by statutory instrument subject to negative resolution procedure) to prescribe the fees payable in respect of any matter dealt with by the Supreme Court. By virtue of subsection (2), this includes a power to exempt, remit or reduce fees, and to specify the criteria by which exemptions, reductions and remissions are to operate. The exercise of the power to prescribe fees is, by virtue of subsection (3), subject to a duty on the Lord Chancellor to have regard to the principle that access to the courts should not be denied.
192. By virtue of subsections (4)-(6), the exercise of the power is also subject to a requirement of prior consultation with the President and Deputy President of the new Supreme Court and the senior judiciary in each of the three jurisdictions of the United Kingdom, and the principal legal professional bodies in those jurisdictions.