

1971 No. 1083 (L.26)

COUNTY COURTS

FEES

The County Court Fees (Amendment) Order 1971

<i>Made</i>	- - -	24th June 1971
<i>Laid before Parliament</i>		12th July 1971
<i>Coming into Operation</i>		2nd August 1971

The Lord Chancellor and the Treasury, in exercise of the powers conferred on them by section 177 of the County Courts Act 1959(a) and section 2 of the Public Offices Fees Act 1879(b), hereby make and concur in the following Order:—

1.—(1) This Order may be cited as the County Court Fees (Amendment) Order 1971 and shall come into operation on 2nd August 1971.

(2) In this Order a fee referred to by number means the fee so numbered in the Table of Fees contained in the Schedule to the County Court Fees Order 1959(c), as amended (d).

(3) The Interpretation Act 1889(e) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. After Fee No. 22 there shall be inserted the following fee:—

22A		<i>“The Attachment of Earnings Act 1971(f)</i>					
(i)	On an application for an attachment of earnings order to secure maintenance payments	...	...	...	...	50p	
(ii)	On an application for an attachment of earnings order (other than a consolidated attachment order) to secure payment of a judgment debt which—						
		does not exceed	£10	...		£1	
	exceeds	£10	”	”	£20	...	£2
	”	£20	”	”	£30	...	£3
	”	£30	”	”	£50	...	£4
	”	£50	”	”	£100	...	£5
	exceeds	£100	...	...	...	...	£6

(a) 1959 c. 22.

(b) 1879 c. 58.

(c) S.I. 1959/1262 (1959 I, p. 803).

(d) The relevant amending instruments are S.I. 1961/355, 1965/395, 1966/243, 1971/101 (1961 I, p. 565; 1965 I, p. 1099; 1966 I, p. 496; 1971 I, p. 188).

(e) 1889 c. 63.

(f) 1971 c. 32.

Fee No. 22A(i) or (ii) is not payable where an attachment of earnings order is made on the hearing of a judgment summons.

Where a judgment summons has been issued in respect of the same judgment debt or part thereof but, in consequence of section 11 of the Administration of Justice Act 1970(a), no order has been made on the judgment summons, credit shall be given for Fee No. 50 in calculating Fee No. 22A(ii).

(iii) On a consolidated attachment order under Order 25, Rule 90

This fee is payable out of the money paid into court.

The same fee as would be payable if the order were an administration order.”

3. Fee No. 28(iii) shall be omitted.

4. In Fee No. 63 after the words “the Act” there shall be inserted the words “or section 4 of the Attachment of Earnings Act 1971”.

5. After Fee No. 72 there shall be inserted the following fee :—

73	<p><i>“Register of attachment of earnings orders</i> <i>On a request for a search under Order 25,</i> <i>Rule 78(3)</i></p> <p><i>This fee includes the issue of a certificate of</i> <i>the result of the search.”</i></p>	25p
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Dated 21st June 1971.

Hailsham of St. Marylebone, C.

Dated 24th June 1971.

Walter Clegg,
V. H. Goodhew,
Two of the Lords Commissioners
of Her Majesty’s Treasury.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides for the fees to be paid in county courts in proceedings under the Attachment of Earnings Act 1971. It will come into force with the Act on 2nd August 1971.