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STATUTORY INSTRUMENTS

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**1992 No. 842**

**MAGISTRATES' COURTS**

**The Magistrates' Courts Fees (Amendment) Order 1992**

*Made* - - - - - *18th March 1992*

*Coming into force* - - - *1st April 1992*

Whereas a draft of this Order has been laid before Parliament for forty days and, that period having expired, neither House has resolved that the Order be not made:

Now, therefore, in exercise of the power conferred upon me by section 137(4) of the Magistrates' Courts Act 1980(1), I hereby make the following Order:

1. This Order may be cited as the Magistrates' Courts Fees (Amendment) Order 1992 and shall come into force on 1st April 1992.

2. Part I of Schedule 6 to the Magistrates' Courts Act 1980 is hereby varied so as to have effect as set out in the Schedule to this Order.

Home Office  
18th March 1992

*Kenneth Baker*  
One of Her Majesty's Principal Secretaries of  
State

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## SCHEDULE

Article 2

## PART I OF SCHEDULE 6 AS VARIED

## PART I

## FEES TO BE TAKEN BY CLERKS TO JUSTICES

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<b>ATTENDANCE</b>	
On a justice, to view deserted premises in order to affix notice or to give possession thereof, or to view a highway, bridge or nuisance	44.00
<b>CASE FOR THE OPINION OF HIGH COURT (s.111 of this Act)</b>	
Drawing case, copies, taking recognizance as required by s.114 of this Act and enlargements and renewals thereof (composite fee), where the application to state a case is made on or after 1st April 1992	382.00
Certificate of refusal of case, where the application is so made	8.00
<b>CERTIFICATE</b>	
Every certificate not otherwise charged	8.00
<b>COMMUNITY CHARGE/RATES</b>	
Orders Application for liability order	0.70
Commitment Complaint and summons	10.00
Warrant of arrest	10.00
Commitment order	40.00
<b>COPY</b>	
First photo copy or 90 word folio of any document	1.10
Each folio of succeeding 90 words	0.55
Each additional photo copy	0.10
NOTE: No fee shall be charged in pursuance hereof for a copy of a summons, of an order or of a warrant in a case in which, as hereafter provided, a composite fee is authorised for the summons, the order or, as the case may be, the warrant and a copy thereof. For the purposes hereof, a reference to a photo copy includes a reference to any other facsimile copy, however made.	
<b>DUPLICATE</b>	
For the duplicate of any document	5.00

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<b>FAMILY PROCEEDINGS</b>	
Applications under Parts I or II of the Children Act 1989(2), Part I of the Domestic Proceedings Magistrates' Courts Act 1978(3), except under section 16 of that Act for the protection of a spouse or child from violence, the Adoption Act 1976(4), except under section 21 of that Act, and all applications for financial orders (excluding applications to vary or discharge such orders or in respect of claims for maintenance or maintenance orders made to the benefit of, or against, a person residing outside the United Kingdom)	30.00
Applications under sections 31 (care or supervision order), 36 (education supervision order) or 43 (child assessment order) of the Children Act 1989	50.00
Applications	20.00
(a) to vary, extend or discharge an order;	50.00
(b) for contact or refusal of contact with a child in care, to change a child's surname or remove the child from the jurisdiction; and	
(c) under section 21 of the Adoption Act 1976 Applications under Part X (affecting the registration of a child minder or day carer including appeals against cancellation or varying the conditions of the registration) of, and paragraph 8(1) of Schedule 8 (appeals concerning foster parenting) to, the Children Act 1989	
NOTE: When an application requires leave of the court, the relevant fee applies where leave is sought but no further fee may be charged if leave is granted and the application is made.	
For every licence, consent, or authority not otherwise provided for, to include registration when necessary	8.00
<b>OATHS</b>	
Every oath, affirmation or solemn declaration not otherwise charged (no fee may be charged	8.00

(2) 1989 c. 41.  
(3) 1978 c. 22.  
(4) 1976 c. 36.

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in any case where an Act of Parliament directs that no fee shall be taken)

#### **OTHER CIVIL PROCEEDINGS**

Complaint, summons and copy, order and copy, 30.00  
warrant and copy (composite fee)

NOTE: Nothing in this Part shall be construed as authorising—

- (a) the demand of any fee from any person who is a legally assisted person within the meaning of section 2(11) of the Legal Aid Act 1988<sup>(5)</sup> or is in receipt of income support or family credit under Part II of the Social Security Act 1986<sup>(6)</sup>; or
  - (b) where, in family proceedings, a fee is payable, as herebefore provided, in respect of an application for any order, the demand of any fee in respect of any action which may subsequently be taken in relation to the enforcement of the order in question.”.
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### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes new provision for court fees relating to civil business in magistrates' courts. It considerably shortens the current list in Part I of Schedule 6 to the Magistrates' Courts Act 1980 and, among other changes, introduces new fees in relation to family proceedings and the collection of the community charge and rates. It also increases significantly the fees for those items which have been retained in the list, in order to reflect more accurately the cost of the services involved. It does not apply to legally assisted persons, or persons in receipt of family credit or income support.

The increase in fees for those items in Part I of Schedule 6 as originally enacted which have been retained is as follows:

<i>Item</i>	<i>Old Fee</i>	<i>New Fee</i>
	£	£
Attendance on a justice for viewing purposes	from 0.33	44.00
Preparation of a case for the opinion of the High Court	from 0.80	382.00

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(5) 1988 c. 34.

(6) 1986 c. 50.

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<i>Item</i>	<i>Old Fee</i> £	<i>New Fee</i> £
(including the taking of a recognizance)		
Certificate of refusal of case	0.10	8.00
Every certificate not otherwise charged	0.10	8.00
Copied documents	from 0.02	from 1.10
Duplicate documents half the original fee	5.00	
Every licence, consent, or authority not otherwise provided for, to include registration when necessary	0.05	8.00
0.258.00 Every oath, affirmation or solemn declaration not otherwise charged		
Complaint Summons and copy Order and copy Warrant and copy composite fee	0.05	0.08
	from 0.10	from 0.05