

**2003 No. 648 (L.15)**

**COUNTY COURTS, ENGLAND AND WALES**

**The County Court Fees (Amendment) Order 2003**

<i>Made</i> - - - - -	<i>7th March 2003</i>
<i>Laid before Parliament</i>	<i>11th March 2003</i>
<i>Coming into force</i> - -	<i>1st April 2003</i>

The Lord Chancellor, in exercise of the powers conferred upon him by section 128 of the County Courts Act 1984(a), sections 414 and 415 of the Insolvency Act 1986(b) and section 128 of the Finance Act 1990(c), with the concurrence of the Treasury under section 128(1) of the County Courts Act 1984, and with the sanction of the Treasury under sections 414(1) and 415(1) of the Insolvency Act 1986, makes the following Order:

**Citation, commencement and interpretation**

1. This Order may be cited as the County Court Fees (Amendment) Order 2003 and shall come into force on 1st April 2003.
2. In this Order a fee or column referred to by number means the fee or column so numbered in Schedule 1 to the County Court Fees Order 1999(d).

**Amendments to the County Court Fees Order 1999**

3. In fee 1.1—
  - (a) in column 1, after “CPC cases”, insert “brought by Centre users”; and
  - (b) in column 2, for paragraphs (a) to (i), substitute—

“(a) does not exceed £300	£30
(b) exceeds £300 but not £500	£50
(c) exceeds £500 but not £1,000	£80
(d) exceeds £1,000 but not £5,000	£120
(e) exceeds £5,000 but not £15,000	£250
(f) exceeds £15,000 but not £50,000	£400
(g) exceeds £50,000 but not £100,000	£600
(h) exceeds £100,000 but not £150,000	£700
(i) exceeds £150,000 or is not limited	£800”

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(a) 1984 c. 28.  
(b) 1986 c. 45.  
(c) 1990 c. 29.  
(d) S.I. 1999/689 amended by S.I. 1999/2548, S.I. 2000/639, S.I. 2000/939, S.I. 2000/1546, S.I. 2000/2310, S.I. 2001/1385 and S.I. 2002/223.

4. In fee 1.2—
- (a) in column 1, after “CPC cases”, insert “brought by Centre users”; and
- (b) in column 2, for paragraphs (a) to (i), substitute—
- |  |       |
|--|-------|
| “(a) does not exceed £300              | £23   |
| (b) exceeds £300 but not £500          | £43   |
| (c) exceeds £500 but not £1,000        | £73   |
| (d) exceeds £1,000 but not £5,000      | £113  |
| (e) exceeds £5,000 but not £15,000     | £243  |
| (f) exceeds £15,000 but not £50,000    | £393  |
| (g) exceeds £50,000 but not £100,000   | £593  |
| (h) exceeds £100,000 but not £150,000  | £693  |
| (i) exceeds £150,000 or is not limited | £793” |

5. In column 2 of fee 1.3, for “£120”, substitute “£130”.

6. After fee 1.5, in column 1, insert—

*“Fee 1.5*

No fee is payable on a counterclaim which a defendant is required to make under the CPR because he contends that he has any claim or is entitled to any remedy relating to a grant of probate of a will, or letters of administration of an estate, of a deceased person.”

7. In fee 2.2—

- (a) in column 1, for “7 days”, substitute “14 days”; and
- (b) in column 2, for “£300”, substitute “£400”.

8. For columns 1 and 2 of fees 2.3(a), (b), (c) and (d) and the notes thereto, substitute—

<i>“Column 1 Number and description of fee</i>	<i>Column 2 Amount of fee</i>
2.3 On filing an appellant’s notice or a respondent’s notice where the respondent is appealing or wishes to ask the appeal court to uphold the order of the lower court for reasons different from or additional to those given by the lower court—	
(a) in a claim allocated to the small claims track	£80
(b) in all other claims	£100”
<i>Fee 2.3</i> Fee 2.3 does not apply on appeals against a decision made in detailed assessment proceedings.	

9. In column 2 of fee 2.4, for “£50”, substitute “£60”.

10. In fee 2.5—

- (a) in column 1, before “*Fees 2.4 and 2.5*”, insert—
- “Fee 2.5 shall not be payable in relation to an application by consent for an adjournment of a hearing where the application is received by the court at least 14 days before the date set for that hearing”
- (b) in column 2, for “£25”, substitute “£30”.

11. In column 2 of fee 2.7, for “£25”, substitute “£30”.

12. In column 2 of fee 3.1, for “£80”, substitute “£100”.

13. In column 2 of fee 3.2, for “£150”, substitute “£160”.

14. For columns 1 and 2 of fee 3.4, substitute—

<i>“Column 1 Number and description of fee</i>	<i>Column 2 Amount of fee</i>
3.4 On an appeal against a decision made in detailed assessment proceedings	£100”

15. In column 2 of fee 3.5, for “£20”, substitute “£30”.

16. After fee 3.5, insert—

<i>“Column 1 Number and description of fee</i>	<i>Column 2 Amount of fee</i>
3.6 On a request or an application to set aside a default costs certificate	£60”

17. In column 1 of fee 4.1, after “CCBC cases”, wherever it occurs, insert “brought by Centre users”.

18. In column 2 of fee 4.1(a), for “£25”, substitute “£30”.

19. In column 2 of fee 4.1(b), for “£45”, substitute “£50”.

20. In column 2 of fee 4.1(c), for “£20”, substitute “£25”.

21. In column 2 of fee 4.1(d), for “£40”, substitute “£45”.

22. In column 1 of fee 4.2, after “CCBC cases”, insert “brought by Centre users”.

23. In column 2 of fee 4.5, for “£80”, substitute “£90”.

24. In column 2 of fee 4.6, for “£80”, substitute “£90”.

25. In column 2 of fee 4.7, for “£50”, substitute “£60”.

26. In column 2 of fee 8.1(a), for “£120”, substitute “£140”.

27. In column 2 of fee 8.1(b), for “£150”, substitute “£180”.

28. In column 2 of fee 8.2, for “£100”, substitute “£130”.

29. In column 2 of fee 8.3, for “£150”, substitute “£180”.

30. In column 2 of fee 8.4(a), for “£50”, substitute “£60”.

31. After fee 8.4, insert—

<i>“Column 1 Number and description of fee</i>	<i>Column 2 Amount of fee</i>
8.5 On an application under the Companies Act 1985 or the Insolvency Act 1986 other than one brought by petition and where no other fee is specified. <i>Fee 8.5</i> Fee 8.5 is not payable where the application is made in existing proceedings.	£130
8.6 On an application for the conversion of a voluntary arrangement into a winding up or bankruptcy under Article 37 of Council Regulation (EC) No. 1346/2000.	£130
8.7 On an application, for the purposes of Council Regulation (EC) No. 1346/2000, for an order confirming creditors’ voluntary winding up (where the company has passed a resolution for voluntary winding up, and no declaration under section 89 of the Insolvency Act 1986 has been made).	£30
8.8 On filing— — a notice of intention to appoint an administrator under paragraph 14 of Schedule B1 to the Insolvency Act 1986 or in accordance with paragraph 27 of that Schedule; or — a notice of appointment of an administrator in accordance with paragraphs 18 or 29 of that Schedule. <i>Fee 8.8</i> Where a person pays fee 8.8 on filing a notice of intention to appoint an administrator, no fee shall be payable on that same person filing a notice of appointment of that administrator.	£30

<i>“Column 1 Number and description of fee</i>	<i>Column 2 Amount of fee</i>
8.9 On submitting a nominee’s report under section 2(2) of the Insolvency Act 1986 or	£30
8.10 On filing documents in accordance with paragraph 7(1) of Schedule A1 to the Insolvency Act 1986.	£30”

*Irvine of Lairg, C.*

3rd March 2003

We concur,

*Jim Fitzpatrick*

*Nick Ainger*

7th March 2003

Two of the Lords Commissioners of Her Majesty’s Treasury

## EXPLANATORY NOTE

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

This Order amends the County Court Fees Order 1999. The table below sets out where fees have been increased or new fees introduced.

In addition:

- Article 6 adds a note to fee 1.5 to provide that a fee is no longer payable on filing a counterclaim in contentious probate proceedings which he is required to file by virtue of the Civil Procedure Rules 1998(a);
- Article 7 amends the note to fee 2.2 to provide that where a case is settled or discontinued the party who paid fee 2.2 on filing a listing questionnaire will be entitled to a discount if he notifies the court of that fact at least 14 days before the trial date (instead of 7 days as at present);
- Article 8 amends fee 2.3 to provide that a single fee is now payable on leave or on appeal, with a lower fee for claims allocated to the small claims track;
- Article 10 adds a note to fee 2.5 to provide that no fee is payable on a consent application for adjournment where this is made at least 14 days before the hearing;
- Article 14 substitutes a new fee 3.4, on an appeal against a decision made in detailed assessment proceedings only;
- Article 16 introduces a new fee 3.6, on a request or application to set aside a default costs certificate (this used to be covered by fee 10.4);
- Article 30 introduces new fees in insolvency proceedings to reflect new legislation;
- The £7 discount for claims and £5 discount for warrants issued by Centre users through the Claims Production Centre is maintained.

<i>Brief description of new fee</i>	<i>Old Fee No</i>	<i>Curr Fee £</i>	<i>New Fee £</i>
1.1(a) Money claim up to £300	1.1(a) but limits increased	27–38	30
1.1(b) Money claim over £300 not over £500	1.1(b) but limits increased	50–60	50
1.1(c) Money claim over £500 not over £1,000	1.1(c) but limits increased	80	80
1.1(d) Money claim over £1,000 not over £5,000	1.1(d) but limits increased	115	120
1.1(e) Money claim over £5,000 not over £15,000	1.1(e) but limits increased	230	250
1.1(f) Money claim over £15,000 not over £50,000	1.1(f) but limits increased	350	400
1.1(g) Money claim over £50,000 not over £100,000	1.1(g) but limits increased	500	600
1.1(h) Money claim over £100,000 not over £150,000	1.1(h) but limits increased	500	700

(a) S.I. 1998/3132. The relevant amending instrument is S.I. 2001/1388.

<i>Brief description of new fee</i>	<i>Old Fee No</i>	<i>Curr Fee £</i>	<i>New Fee £</i>
1.1(i) Money claim over £150,000 or is not limited	1.1(i) but limits increased	500	800
1.2 Claims Production Centre claims (fees as above less £7)	1.2	less £7	less £7
1.3 Non money claim	1.3	120	130
1.5 Counterclaim	1.5	As claim	As claim but no fee in probate
2.2 Listing for trial (multi-track)	2.2	300	400
2.3(a) Leave to appeal/appeal (small claims track)	2.3(a-d)	50-150	80
2.3(b) Leave to appeal/appeal (other)	2.3(a-d)	50-150	100
2.4 Application on notice	2.4	50	60
2.5 Without notice application (fee not payable on consent application for adjournment at least 14 days before hearing)	2.5	25	30
2.7 Application to vary judgment/suspend enforcement (one fee on combined application)	2.7	25	30
3.1 Request for detailed assessment where party legally aided or funded by LSC and no other party ordered to pay costs	3.1	80	100
3.2 Request for detailed assessment hearing	3.2	150	160
3.4 Appeal against detailed assessment	3.4	50	100
3.5 Court approval of certificate of costs	3.5	20	30
3.6 Application to set aside default costs certificate	3.4	50	60
4.1(a) Issue of execution up to £125 county	4.1(a)	25	30
4.1(b) Issue of execution over £125 county	4.1(b)	45	50
4.1(c) Issue of execution up to £125 County Court Bulk Centre	4.1(c)	20	25
4.1(d) Issue of execution over £125 County Court Bulk Centre	4.1(d)	40	45
4.5 Application for a judgment summons	4.5	80	90
4.6 Application for warrant of possession or delivery	4.6	80	90
4.7 Application for an attachment of earnings order	4.7	50	60
8.1(a) Bankruptcy petition (debtor's)	8.1(a)	120	140
8.1(b) Bankruptcy petition (creditor/other)	8.1(b)	150	180
8.2 Petition for administration order	8.2	100	130
8.3 Any other petition	8.3	150	180
8.4(a) Request for certificate of discharge	8.4(a)	50	60
8.5 Application under Companies Act 1985 or Insolvency Act 1986 where no other fee specified (not in existing proceedings)	1.3	120	130
8.6 Conversion of voluntary arrangement to winding up or bankruptcy under Article 37 of Council Regulation (EC) No. 1346/2000	No fee	No fee	130
8.7 Application, for purposes of Council Regulation (EC) No. 1346/2000, for order confirming creditors' voluntary winding up	No fee	No fee	30

<i>Brief description of new fee</i>	<i>Old Fee No</i>	<i>Curr Fee £</i>	<i>New Fee £</i>
8.8 On filing — Notice of intention to appoint administrator under paragraph 14 of Schedule B1 to the Insolvency Act 1986 or in accordance with para 27 of that Schedule; or — Notice of appointment of administrator in accordance with paragraphs 18 or 29 of that Schedule	No fee	No fee	30
8.9 On submitting nominee's report under section 2(2) of Insolvency Act 1986	No fee	No fee	30
8.10 Filing documents in accordance with paragraph 7(1) Schedule A1 to Insolvency Act 1986	No fee	No fee	30

A Regulatory Impact Assessment of the costs and benefits of this Order (and other Orders relating to court fees) was placed in the Libraries of both Houses of Parliament, and is available on the Court Service's website at [www.court-service.gov.uk/using\\_courts/fees](http://www.court-service.gov.uk/using_courts/fees).

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**The County Court Fees (Amendment) Order 2003**

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