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STATUTORY INSTRUMENTS

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**2007 No. 2175 (L. 15)**

**FAMILY PROCEEDINGS,  
ENGLAND AND WALES  
SUPREME COURT OF ENGLAND AND WALES  
COUNTY COURTS, ENGLAND AND WALES**

**The Family Proceedings Fees (Amendment) (No.2) Order 2007**

*Made* - - - - *24th July 2007*  
*Laid before Parliament* *26th July 2007*  
*Coming into force* - - *1st October 2007*

The Lord Chancellor, with the consent of the Treasury, makes the following Order in exercise of the powers conferred by section 92 of the Courts Act 2003(1) and section 128 of the Finance Act 1990(2).

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) (No.2) Order 2007 and shall come into force on 1st October 2007.

**Amendment to the Family Proceedings Fees Order 2004**

2. The Family Proceedings Fees Order 2004(3) is amended in accordance with the following articles.

3. For article 3 substitute—

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(1) [2003 c.39](#), section 92 is amended by section 15(1) of and paragraphs 308 and 345 of Part I of Schedule 4 to the Constitutional Reform Act 2005 ([c.4](#)) from 1 October 2005 and by section 59(5) of and paragraph 4(1) and (3) of Schedule 11 to that Act from a date to be appointed.  
(2) [1990 c.29](#).  
(3) [S.I. 2004/3114](#); as amended by [S.I 2005/3443](#), [2006/379](#) and [2007/682](#).

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**“Remissions and part remissions**

3. Schedule 1A applies for the purpose of ascertaining whether a party is entitled to a remission or part remission of a fee prescribed by this Order.”.
4. For Schedule 1 substitute Schedule 1 and Schedule 1A as set out in the Schedule to this Order.

24th July 2007

*Jack Straw*  
Lord Chancellor

We consent,

24th July 2007

*Frank Roy*  
*Alan Campbell*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

## SCHEDULE

Article 4

## “SCHEDULE 1

Article 2

## Fees to be taken

<i>Column 1</i>	<i>Column 2</i>
<i>Number and description of fee</i>	<i>Amount of fee</i>
<b>Section 1. Fees to be taken in the High Court and in the county courts</b>	
<b>1 Commencement of proceedings</b>	
1.1 On filing originating proceedings where no other fee is specified	£200
1.2 On presenting any petition, other than a second petition with permission granted under rule 2.6(4) or (4A)	£300
1.3 On applying for a non-molestation order or an occupation order (or both) under Part IV of the Family Law Act 1996(4)	£60
1.4 On amending a petition or presenting a second or subsequent petition with permission granted under rule 2.6(4) or (4A)	£80
1.5 On filing an answer to a petition or a cross-petition	£200
1.6 On an application for an order under Part III of the Solicitors Act 1974(5) for the assessment of costs payable to a solicitor by his client; or on the commencement of costs-only proceedings	£30
<b>2 Proceedings under the Children Act 1989(6)</b>	
On filing an application or requesting permission under the following provisions of the Children Act 1989—	
<b><i>Parental responsibility, guardians, section 8 orders, special guardianship orders etc</i></b>	
2.1(a) section 4(1)(c) or (3), 4A(1)(b) or (3), 5(1) or 10(1) or (2)(7)	£175
2.1(b) section 6(7) or 13(1)	£175
2.1(c) section 14A(3) or (6)(a), 14C(3) or 14D(1)(8)	£140
<b><i>Financial provision for children</i></b>	
2.2(a) paragraph 1(1), 2(1), 6(5) or 14(1) of Schedule 1	£175
2.2(b) paragraph 1(4), 2(5), 5(6), 6(7), 6(8), 8(2), 10(2) or 11 of Schedule 1	£175
<b><i>Secure accommodation</i></b>	
2.3 section 25	£150
<b><i>Care, supervision, etc</i></b>	

(4) 1996 c.27.

(5) 1974 c.47.

(6) 1989 c.41.

(7) Section 4A was inserted by section 112 of the Adoption and Children Act 2002 (c.38).

(8) Sections 14A to 14G were inserted by section 115 of the Adoption and Children Act 2002 (c.38).

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<i>Column 1</i>	<i>Column 2</i>
<i>Number and description of fee</i>	<i>Amount of fee</i>
2.4(a) section 31	£150
For the purposes of fee 2.4(a) a care order does not include an interim care order, and a supervision order does not include an interim supervision order.	
2.4(b) section 33(7), 38(8)(b), 39(1), (2), (3) or (4) or paragraph 6 of Schedule 3	£150
2.4(c) paragraph 11(3) of Schedule 14, to discharge an order relating to provisions to which the following fees apply:	
(i) fees 2.1(a) or (b) or 2.2(a) or (b)	£120
(ii) fees 2.3, 2.4(a), (b), (c)(i) or (c)(ii), 2.5, 2.6, 2.7(a) or (b), 2.8, 2.9(a) or (b), 2.10	£150
<b>Contact with child in care</b>	
2.5 section 34(2), (3), (4) or (9)	£150
<b>Placement abroad</b>	
2.6 paragraph 19(1) of Schedule 2	£150
<b>Education supervision</b>	
2.7(a) section 36(1)	£150
2.7(b) paragraph 15(2) or 17(1) of Schedule 3	£150
<b>Child assessment order</b>	
2.8 section 43(1)	£150
<b>Emergency protection</b>	
2.9(a) section 43(12)	£150
2.9(b) section 44, 45, 46 or 48	£150
<b>Recovery of children</b>	
2.10 section 50	£150
<b>Miscellaneous</b>	
2.11 section 102	£150
<b>Appeals</b>	
2.12(a) on commencing an appeal under section 94 of the Children Act 1989 relating to provisions to which the following fees apply:	
(i) fees 2.1(a) or (b) or 2.2(a) or (b)	£175
(ia) fee 2.1(c)	£140
(ii) fees 2.3, 2.4(a), (b), (c)(i) or (c)(ii), 2.5, 2.6, 2.7(a) or (b), 2.8, 2.9(a) or (b), 2.10	£150

<i>Column 1</i>	<i>Column 2</i>
<i>Number and description of fee</i>	<i>Amount of fee</i>
2.12(b) on commencing an appeal under paragraph 23(11) of Schedule 2 to the Children Act 1989	£150
<b><i>Interim care/supervision orders</i></b>	
2.13 on an application for an interim care order or an interim supervision order to be made under section 38(1) of the Children Act 1989 where an application for a care order or an application for a supervision order has already been made, and at least one interim care order or at least one interim supervision order has been made in the proceedings	£30
Fee 2.  In the notes below to fee 2 “numbered fee” means each of the following fees: 2.1(a); 2.1(b); 2.2(a); 2.2(b); 2.3; 2.4(a); 2.4(b); 2.4(c)(i); 2.4(c)(ii); 2.5; 2.6; 2.7(a); 2.7(b); 2.8; 2.9(a); 2.9(b); 2.10; 2.11; 2.12(a)(i); 2.12(a)(ii); 2.12(b) and 2.13.	
Where an application is made or filed, or (as the case may be) permission is sought or an appeal commenced, under or relating to provisions of the Children Act 1989 which are listed in two or more different numbered fees, only one fee shall be payable, and if those fees are different, only the highest fee shall be payable.	
Where an application is made or filed, or (as the case may be) permission is sought or an appeal commenced under or relating to two or more provisions of the Children Act 1989 which are listed in the same numbered fee, that fee shall be payable only once.	
Where the same application is made or filed, or (as the case may be) permission is sought or an appeal commenced, in respect of two or more children at the same time, only one fee shall be payable in respect of each numbered fee.	
<b>3 Adoption and wardship applications</b>	
3.1 On filing an application or requesting permission under Part 1 of the Adoption and Children Act 2002(9)  When an application requires the permission of the court, the relevant fee applies where permission is sought but no further fee may be charged if permission is granted and the application is made.	£140
3.2 On applying for the exercise by the High Court of its inherent jurisdiction with respect to children	£140
<b>4 Applications in proceedings</b>	
4.1 On an application for an order without notice or by consent (including an application to make a decree nisi absolute or a conditional order final) except where separately listed in this schedule	£40

(9) 2002 c.38.

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<i>Column 1</i>	<i>Column 2</i>
<i>Number and description of fee</i>	<i>Amount of fee</i>
4.2 On a request for directions for trial (other than in uncontested divorce or in dissolution proceedings, in which no fee is chargeable) except where separately listed in this schedule	£40
4.3 On an application on notice except where separately listed in this schedule	£80
4.4 On an application on notice for ancillary relief, or on filing a notice of intention to proceed with an application for ancillary relief other than an application for an order by consent	£210
<b>5 Appeal from a district judge</b>	
5.1 On filing a notice of appeal from a district judge to a judge	£100
<b>6 Searches</b>	
6.1 On making a search in the central index of decrees absolute or of final orders kept at the Principal Registry of the Family Division for any specified period of ten calendar years or, if no such period is specified, for the ten most recent years, and, if appropriate, providing a certificate of decree absolute or of final order, as the case may be	£40
6.2 On making a search in the central index of parental responsibility agreements kept at the Principal Registry of the Family Division in accordance with regulations made under section 4(2) of the Children Act 1989 and, if appropriate, providing a copy of the agreement	£40
6.3 On making a search in the index of decrees absolute or of final orders kept at any designated county court or district registry for any specified period of ten calendar years or, if no period is specified, for the ten most recent years, and if appropriate, providing a certificate of decree absolute or of final order, as the case may be	£40
<b>7 Copy documents</b>	
7.1 On a request for a copy of a document (other than where fee 7.2 applies):	
(a) for ten pages or less	£5
(b) for each subsequent page	50p
Fee 7.1 shall be payable for a faxed copy or for examining a plain copy and marking it as an examined copy and shall be payable whether or not the copy is issued as an office copy.	
7.2 On a request for a copy of a document on a computer disk or in other electronic form, for each such copy	£5
<b>8 Determination of costs</b>	
8.1 On the filing of a request for detailed assessment where the party filing the request is legally aided or is funded by the LSC and no other party is ordered to pay the costs of the proceedings	£140

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<i>Column 1</i>	<i>Column 2</i>
<i>Number and description of fee</i>	<i>Amount of fee</i>
8.2 On the filing of a request for detailed assessment in any case where fee 8.1 does not apply; or on the filing of a request for a hearing date for the assessment of costs payable to a solicitor by his client pursuant to an order under Part III of the Solicitors Act 1974 where the amount of the costs to be assessed (excluding VAT and disbursements):	
(a) does not exceed £15,000	£300
(b) exceeds £15,000 but does not exceed £50,000	£600
(c) exceeds £50,000 but does not exceed £100,000	£900
(d) exceeds £100,000 but does not exceed £150,000	£1,200
(e) exceeds £150,000 but does not exceed £200,000	£1,500
(f) exceeds £200,000 but does not exceed £300,000	£2,250
(g) exceeds £300,000 but does not exceed £500,000	£3,750
(h) exceeds £500,000	£5,000
Where there is a combined party and party and legal aid, or a combined party and party and LSC, or a combined party and party, legal aid and LSC determination of costs, fee 8.2 shall be attributed proportionately to the party and party, legal aid, or LSC (as the case may be) portions of the bill on the basis of the amount allowed.	
8.3 On a request for the issue of a default costs certificate	£60
8.4 On an appeal against a decision made in detailed assessment proceedings	£100
8.5 On applying for the court's approval of a certificate of costs payable from the Community Legal Service Fund <sup>(10)</sup>	£30
Fee 8.5 is payable at the time of applying for approval and is recoverable only against the Community Legal Service Fund.	
8.6 On an application to set aside a default costs certificate	£60
<b>9 Registration of maintenance orders</b>	
On an application for a maintenance order to be—	
9.1 registered under the Maintenance Orders Act 1950 <sup>(11)</sup> or the Maintenance Orders Act 1958 <sup>(12)</sup>	£35
9.2 sent abroad for enforcement under the Maintenance Orders (Reciprocal Enforcement) Act 1972 <sup>(13)</sup>	£35
Section 2. Fees to be taken in the county courts only	
<b>10 Service</b>	

<sup>(10)</sup> Established under section 5 of the Access to Justice Act 1999 (c.22).

<sup>(11)</sup> 1950 c.37.

<sup>(12)</sup> 1958 c.39.

<sup>(13)</sup> 1972 c.18.

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<i>Column 1</i>	<i>Column 2</i>
<i>Number and description of fee</i>	<i>Amount of fee</i>
10.1 On a request for service by bailiff, of any document except:	£30
(a) an order for a debtor to attend the adjourned hearing of a judgment summons;	
(b) an interpleader summons under an execution;	
(c) an order made under section 23 of the Attachment of Earnings Act 1971(14) (enforcement provisions); or	
(d) an order for a debtor to attend an adjourned oral examination of his means	
<b>11 Enforcement in the county courts</b>	
11.1 On an application for or in relation to enforcement of a judgment or order of a county court or through a county court, by the issue of a warrant of execution against goods except a warrant to enforce payment of a fine:	
(a) where the amount for which the warrant issues does not exceed £125	£35
(b) where the amount for which the warrant issues exceeds £125	£55
11.2 On a request for a further attempt at execution of a warrant at a new address following a notice of the reason for non-execution (except a further attempt following suspension)	£25
11.3 On an application to question a judgment debtor or other person on oath in connection with enforcement of a judgment	£45
11.4 On an application for a garnishee order, a charging order or a third party debt order, or the appointment of a receiver by way of equitable execution	£55
Fee 11.4 shall be payable in respect of each party against whom the fee order is sought.	
11.5 On an application for a judgment summons	£95
11.6 On the issue of a warrant of possession or a warrant of delivery	£95
Where the recovery of a sum of money is sought in addition, no further fee is payable.	
11.7 On an application for an attachment of earnings order (other than a consolidated attachment of earnings order) to secure money due under an order made in family proceedings	£65
Fee 11.7 is payable for each defendant against whom an order is sought.	
Fee 11.7 is not payable where the attachment of earnings order is made on the hearing of a judgment summons.	
<b>12 Sale</b>	

(14) 1971 c.32.



<i>Column 1</i>	<i>Column 2</i>
<i>Number and description of fee</i>	<i>Amount of fee</i>
12.1 For removing or taking steps to remove goods to a place of deposit	The reasonable expenses incurred
Fee 12.1 is to include the reasonable expenses of feeding and caring for animals.	
12.2 For advertising a sale by public auction pursuant to section 97 of the County Courts Act 1984(15)	The reasonable expenses incurred
12.3 For the appraisalment of goods	5p in the £1 or part of a £1 of the appraised value
12.4 For the sale of goods (including advertisements, catalogues, sale and commission and delivery of goods)	15p in the £1 or part of a £1 on the amount realised by the sale or such other sum as the district judge may consider to be justified in the circumstances
12.5 Where no sale takes place by reason of an execution being withdrawn, satisfied or stopped	(a) 10p in the £1 or part of a £1 on the value of the goods seized, the value to be the appraised value where the goods have been appraised or such other sum as the district judge may consider to be justified in the circumstances; and in addition (b) any sum payable under fee 12.1, 12.2 or 12.3
Section 3. Fees to be taken in the High Court only	
<b>13 Enforcement in the High Court</b>	
13.1 On sealing a writ of execution/possession/delivery	£30
Where the recovery of a sum of money is sought in addition to a writ of possession and delivery, no further fee is payable	
13.2 On an application to question a judgment debtor or other person on oath in connection with enforcement of a judgment	£40
13.3 On an application for a garnishee order nisi or a charging order nisi, or the appointment of a receiver by way of equitable execution	£50

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(15) 1984 c.28.

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<i>Column 1</i>	<i>Column 2</i>
<i>Number and description of fee</i>	<i>Amount of fee</i>
Fee 13.3 shall be payable in respect of each party against whom the order is sought	
13.4 On an application for a judgment summons	£90
13.5 On a request or application to register a judgment or order; or for permission to enforce an arbitration award; or for a certified copy of a judgment or order for use abroad	£30
<b>14 Affidavits</b>	
14.1 On taking an affidavit or an affirmation or attestation upon honour in lieu of an affidavit or a declaration	£10
14.2 For each exhibit referred to and required to be marked	£2

## SCHEDULE 1A

Article 3

## Remission and part remission of fees

**Interpretation****1.—(1)** In this Schedule—

“child care costs” and “the Independent Living Funds” have the meaning given to them in the Criminal Defence Service (Financial Eligibility) Regulations 2006<sup>(16)</sup>;

“child” means a child of the party, living in his household, under the age of 18;

“couple” has the meaning given in section 3(5A) of the Tax Credits Act 2002<sup>(17)</sup>;

“disposable monthly income” has the meaning given in paragraph 5;

“excluded benefits” means —

(a) any of the following benefits payable under the Social Security Contributions and Benefits Act 1992<sup>(18)</sup>—

- (i) attendance allowance paid under section 64;
- (ii) severe disablement allowance;
- (iii) carer’s allowance;
- (iv) disability living allowance;
- (v) constant attendance allowance paid under section 104 or paragraph 4 or 7(2) of Schedule 8 as an increase to a disablement pension;
- (vi) council tax benefit;
- (vii) any payment made out of the social fund;
- (viii) housing benefit;

<sup>(16)</sup> S.I. 2006/2492; there are no relevant amendments.

<sup>(17)</sup> 2002 c.21. Section 5A was inserted by paragraph 144 of Schedule 24 to the Civil Partnership Act 2004 (c.33).

<sup>(18)</sup> 1992 c.4.

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- (b) any direct payments made under the Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2003<sup>(19)</sup> or the Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2004<sup>(20)</sup>;
- (c) a back to work bonus payable under section 626 of the Jobseekers Act 1995<sup>(21)</sup>;
- (d) any exceptionally severe disablement allowance paid under the Personal Injuries (Civilians) Scheme 1983<sup>(22)</sup>;
- (e) any pensions paid under the Naval, Military and Air Forces etc (Disablement and Death) Service Pension Order 2006<sup>(23)</sup>;
- (f) any payments made from the Independent Living Funds; and
- (g) any financial support paid under an agreement for the care of a foster child;

“gross annual income” means total annual income, for the 12 months preceding the application for remission or part remission, from all sources other than receipt of any of the excluded benefits;

“gross monthly income” means total monthly income, for the month in which the application for remission or part remission is made, from all sources other than receipt of any of the excluded benefits;

“partner” means a person with whom the party lives as a couple and includes a person with whom the party is not currently living but from whom he is not living separate and apart;

“party” means the party who would, but for this Schedule, be liable to pay the fee required under this Order; and

“restraint order” means—

- (a) an order under section 42(1A) of the Supreme Court Act 1981<sup>(24)</sup>; or
- (b) a civil restraint order under rule 3.11 of the Civil Procedure Rules 1998<sup>(25)</sup> or a practice direction made under that rule.

(2) Paragraphs 2, 3 and 4 are subject to the provisions of paragraph 8 (vexatious litigants).

### **Full remission of fees – qualifying benefits**

2.—(1) No fee shall be payable under this Order by a party who, at the time when a fee would otherwise be payable—

- (a) is in receipt of a qualifying benefit and is not in receipt of either—
  - (i) representation under Part IV of the Legal Aid Act 1988<sup>(26)</sup> for the purposes of the proceedings; or
  - (ii) funding provided by the LSC for the purposes of the proceedings and for which a certificate has been issued under the Funding Code certifying a decision to fund services for that party;
- (b) is in receipt of—

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<sup>(19)</sup> S.I. 2003/762.

<sup>(20)</sup> S.I. 2004/1748.

<sup>(21)</sup> 1995 c18.

<sup>(22)</sup> S.I. 1983/686.

<sup>(23)</sup> S.I. 2006/606.

<sup>(24)</sup> 1981 c.54. Section 42(1A) was inserted by section 24 of the [Prosecution of Offences Act 1985](#) c. .

<sup>(25)</sup> S.I. 1988/ 3132. Relevant amendment is [S.I.2004/2072](#).

<sup>(26)</sup> 1988 c.34.

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- (i) legal advice and assistance under Part II or Part III of the Legal Aid Act 1988 in connection with the matter to which the proceedings relate; or
- (ii) Legal Help as defined in, and provided in accordance with, the Funding Code in connection with the matter to which the proceedings relate; or
- (c) is not a beneficiary of a trust fund in court of a value of more than £50,000 and is—
  - (i) under the age of eighteen; or
  - (ii) a person for whose financial relief an order under paragraph 2 of Schedule 1 to the Children Act 1989 is in force or being applied for.
- (2) The following are qualifying benefits for the purposes of paragraph (1)(a)—
  - (a) income support under the Social Security Contributions and Benefits Act 1992;
  - (b) working tax credit, provided that no child tax credit is being paid to the party;
  - (c) income-based jobseeker’s allowance under the Jobseekers Act 1995; and
  - (d) guarantee credit under the State Pension Credit Act 2002(27).

**Full remission of fees – gross annual income**

- 3.—(1) No fee shall be payable under this Order by a party if, at the time when the fee would otherwise be payable, he has the number of children specified in column 1 of the table below and —
- (a) if he is single, his gross annual income does not exceed the amount set out in the appropriate row of column 2; or
  - (b) if he is one of a couple, the gross annual income of the couple does not exceed the amount set out in the appropriate row of column 3.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Number of children of party paying fee</i>	<i>Single</i>	<i>Couple</i>
no children	£12,000	£16,000
1 child	£14,470	£18,470
2 children	£16,940	£20,940
3 children	£19,410	£23,410
4 children	£21,880	£25,880

(2) If the party paying the fee has more than 4 children then the relevant amount of gross annual income shall be the amount specified in the table for 4 children plus the sum of £2,470 for each additional child.

**Full and part remission of fees – disposable monthly income**

- 4.—(1) No fee shall be payable under this Order by a party if, at the time when the fee would otherwise be payable, his disposable monthly income is £50 or less.
- (2) The maximum amount of fee payable by a party is—
- (a) if his disposable monthly income is more than £50 but does not exceed £210, an amount equal to one-quarter of every £10 of his disposable monthly income up to a maximum of £50; and

(27) 2002 c.16.

- (b) if his disposable monthly income is more than £210, an amount equal to £50 plus one-half of every £10 over £200 of his disposable monthly income.

(3) Where the fee that would otherwise be payable under this Order is greater than the maximum fee which a party is required to pay as calculated in sub-paragraph (2), the fee shall be remitted to the amount payable under that sub-paragraph.

#### **Disposable monthly income**

5.—(1) A party's disposable monthly income is his gross monthly income for the month in which the fee becomes payable ("the period") less the deductions referred to in sub-paragraphs (2) and (3).

(2) There are to be deducted from the gross monthly income—

- (a) income tax paid or payable in respect of the period;
- (b) any contributions estimated to have been paid under Part I of the Social Security Contributions and Benefits Act 1992 in respect of the period;
- (c) either—
  - (i) monthly rent or monthly payment in respect of a mortgage debt or hereditament security, payable by him in respect of his only or main dwelling, less any housing benefit paid under the Social Security Contributions and Benefits Act 1992; or
  - (ii) the monthly cost of his living accommodation.
- (d) any child care costs paid or payable in respect of the period;
- (e) if the party is making bona fide payments for the maintenance of a child who is not a member of his household, the amount of such payments paid or payable in respect of the period;
- (f) any amount paid or payable by the party, in respect of the period, in pursuance of a court order.

(3) There shall be deducted from the gross monthly income an amount representing the cost of living expenses in respect of the period being—

- (a) £279; plus
- (b) £198 for each child of the party; plus
- (c) £142, if the party has a partner.

#### **Resources of partners**

6.—(1) For the purpose of determining whether a party is entitled to the remission or part remission of a fee in accordance with this Schedule, the income of his partner, if any, is to be included as income of the party.

(2) The receipt by a partner of a qualifying benefit does not entitle a party to remission of a fee.

#### **Application for remission or part remission of fees**

7.—(1) An application for remission or part remission of a fee shall be made to the court officer at the time when the fee would otherwise be payable.

(2) If the applicant is claiming a full remission of fees he must provide documentary evidence of, as the case may be—

- (a) his entitlement to a qualifying benefit; or
- (b) his gross annual income and, if applicable, the children included for the purposes of paragraph 3.

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(3) If the applicant is claiming a full or part remission of fees under paragraph 4, he must provide documentary evidence of—

- (a) such of his gross monthly income as he derives from—
  - (i) employment;
  - (ii) rental or other income received from persons living with him by reason of their residence in his home;
  - (iii) a pension; or
  - (iv) a state benefit, not being an excluded benefit;
- (b) any expenditure being deducted from his gross monthly income in accordance with paragraph 5(2).

### **Vexatious Litigants**

8.—(1) This paragraph applies where—

- (a) a restraint order is in force against a party;
- (b) the party makes an application for permission to—
  - (i) issue proceedings or take a step in proceedings as required by the restraint order;
  - (ii) apply for amendment or discharge of the order; or
  - (iii) appeal the order.

(2) The fee prescribed for the application by Schedule 1 to this Order shall be payable in full.

(3) If the court grants the permission requested there shall be refunded to the applicant the difference between—

- (a) the fee paid; and
- (b) the fee that would have been payable if this Schedule had been applied without reference to this paragraph.”

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## **EXPLANATORY NOTE**

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

This Order amends the Family Proceedings Fees Order 2004 (S.I. 2005/3114) as follows—

Searches. The fee for search the central index at the Principal Registry (fee 6.1 and 6.2) has increased from £25 to £40 and that for searching the index a divorce county court or district registry (fee 6.3) has increased from £10 to £40.

Copying documents. The current fee of £1 for the first page of a document (fee 7.1(a)) plus 20p for each subsequent page (fee 7.1(b)) has been replaced by a fee of £5.00 for the first ten pages of a document plus 50p for each subsequent pages. The fee for a copy of a document supplied by the party requesting the copy has been removed. The fee for a copy of a document in electronic form of £3.00 (fee 7.2) has been increased to £5.

Determination of costs. The fee on request for a detailed assessment of costs hearing where a party is not legally aided or otherwise funded , or for a hearing date for the assessment of costs under Part

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

III of the Solicitors Act 1974 has changed from a flat fee of £250 to a graded fee depending on the amount claimed ranging from £300 to £5,000.

Affidavits. The fee for taking an affidavit or affirmation/attestation in the High Court (fee 14.1) has increased from £5 to £10.

Schedule 1A is inserted and sets out when a party is entitled to a remission or part remission of a fee. Previously remission only was available in the circumstances now set out in paragraph 2 of Schedule 1A