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STATUTORY INSTRUMENTS

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**2008 No. 2853 (L. 19)**

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

**The Civil Proceedings Fees (Amendment) Order 2008**

*Made* - - - - *4th November 2008*  
*Laid before Parliament* *5th November 2008*  
*Coming into force* - - *26th November 2008*

The Lord Chancellor, with the consent and sanction of the Treasury, makes the following Order in exercise of the powers conferred by section 92 of the Courts Act 2003<sup>(1)</sup>.

In accordance with section 92(5) and (6) of the Courts Act 2003 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 Civil Proceedings Fees (Amendment) Order 2008 and shall come into force on 26<sup>th</sup> November 2008.

**Amendment of the Civil Proceedings Fees Order 2008**

2. The Civil Proceedings Fees Order 2008<sup>(2)</sup> is amended as follows.
3. For the note to fee 7.3(b), substitute "Fee 7.3(b) is payable in respect of each charging order applied for."
4. In fee 8.1 —
  - (1) for "(a)" the second time it appears, substitute "(c)"; and
  - (2) for "(b)" the second time it appears, substitute "(d)".
5. For the note to fee 8.4(b), substitute "Fee 8.4(b) is payable in respect of each charging order applied for."

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(1) [2003 c. 39](#). Section 92 is amended by paragraphs 308 and 345 of Schedule 4 to the Constitutional Reform Act ([2005 c. 4](#)) and by paragraphs 4(1) and (3) of Schedule 11 to that Act from a date to be appointed.  
(2) [S.I. 2008/1053](#).

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*Status: This is the original version (as it was originally made).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

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6. For the description of fee 8.9, substitute “On an application for the enforcement of an award for a sum of money or other decision made by any court, tribunal, body or person other than the High Court or a county court.”

7. After fee 8, insert —

**“8A Service in the county court**

8A.1 On a request for service by a bailiff of an order to attend court for questioning.	£30”
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8. In paragraph 1(1) of Schedule 2, in the definition of “party”, for “the party” substitute “the individual”.

9. In paragraph 2 of Schedule 2, after sub-paragraph 2(d), insert —

“; and

(e) income-related employment and support allowance under the Welfare Reform Act 2007(3).”.

Signed by authority of the Lord Chancellor

4th November 2008

*Bridget Prentice*  
Parliamentary Under Secretary of State  
Ministry of Justice

We consent,

4th November 2008

*Tony Cunningham*  
*Steve McCabe*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

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## EXPLANATORY NOTE

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

This Order makes the following amendments to the Civil Proceedings Fees Order 2008:

- (a) the notes to fee 7.3(b) and fee 8.4(b) are amended to make clear that a fee is payable in respect of each charging order applied for, rather than each application issued;
- (b) in fee 8.1, the paragraphs are re-numbered;
- (c) the description of fee 8.9 is amended so that it is aligned with the wording used in rule 70.5 of the Civil Procedure Rules 1998;
- (d) a new fee, fee 8A, is inserted in respect of an application for service by a bailiff of an order to attend court for questioning. This application arises from Practice Direction 71 to the Civil Procedure Rules 1998;
- (e) amends the definition of “party” in Schedule 2, so that it refers to “individual” rather than “party”, in order that that fee remissions do not apply to companies, partnerships or charities; and
- (f) The Welfare Reform Act 2007 introduces a new benefit, income-related employment and support allowance. This benefit will be a qualifying benefit under Schedule 2.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.