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STATUTORY INSTRUMENTS

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**2013 No. 2302**

**The Courts and Tribunals Fee Remissions Order 2013**

**Citation and commencement**

1. This Order may be cited as the Courts and Tribunals Fee Remissions Order 2013 and shall come into force on 7th October 2013.

**Amendments**

2. For Schedule 2 of—
- (a) the Family Proceedings Fees Order 2008(1); and
  - (b) the Magistrates' Courts Fees Order 2008(2);

substitute the Schedule to this Order, numbered as Schedule 2.

**Amendments to the Non-Contentious Probate Fees Order 2004**

3.—(1) The Non-Contentious Probate Fees Order 2004 (3) is amended as follows.

(2) For Schedule 1A (remissions and part remissions), substitute the Schedule to this Order, numbered as Schedule 1A.

(3) Omit article 5.

**Amendments to the Gender Recognition (Application Fees) Order 2006**

4.—(1) The Gender Recognition (Application Fees) Order 2006(4) is amended as follows.

(2) In article 1 (citation, commencement and interpretation), omit paragraph (4).

(3) For article 2 (application fees), substitute—

**“Application fees**

2. Subject to article 3, the fee payable under section 7(2) in relation to an application is £140.”

(4) For article 3 (circumstances in which no fee is payable), substitute—

**“Circumstances in which no fee is payable**

3. No fee is payable in relation to an application if—

- (a) an application is made under section 1(1) and an interim gender recognition certificate was previously issued to the applicant; or

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(1) [S.I. 2008/1054](#), amended by section 59(5) of, and paragraph 1(2) of Part 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c.4) and relevant amending instruments are [S.I. 2008/2856](#), [2009/1499](#) and [2011/1045](#).

(2) [S.I. 2008/1052](#), amended by section 59(5) of, and paragraph 1(2) of Part 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c.4) and relevant amending instruments are [S.I. 2008/2855](#), [2009/1496](#) and [2013/388](#).

(3) [S.I. 2004/3120](#), relevant amending instruments are [S.I. 2007/2174](#), [2009/1497](#) and [2013/388](#).

(4) [S.I. 2006/758](#), amended by [S.R. 2008/412](#), [S.I. 2008/1879](#) and [2012/920](#).

- (b) the application is made under section 5(2), 5A(2) or 6(1).”
- (5) After article 3 (circumstances in which no fee is payable), insert—

**“Remissions and part remissions**

**3A.** The Schedule applies for the purpose of ascertaining whether a party is entitled to a remission or part remission of the fee prescribed in article 2.”.

- (6) Omit articles 4 (definition of relevant income) and 5 (definition of qualifying benefit).
- (7) Insert the Schedule to this Order.

**Amendments to the Court of Protection Fees Order 2007**

- 5.—**(1) The Court of Protection Fees Order 2007(5) is amended as follows.
- (2) In article 3 (schedule of fees), for “the Schedule”, substitute “Schedule 1”.
- (3) For article 8 (exemptions), substitute—

**“Remissions and part remissions**

**8.** Schedule 2 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) Omit article 9 (reductions and remissions in exceptional circumstances).
- (5) Number the Schedule (fees to be taken) as Schedule 1.
- (6) After Schedule 1 (fees to be taken) as numbered by this Order, insert the Schedule to this Order, numbered as Schedule 2.
- (7) For paragraph 14 (income and resources treated as the party’s income and resources) of Schedule 2 so inserted, substitute—

**“Resources and income treated as the party’s resources and income**

**14.—**(1) Subject to sub-paragraphs (2) to (5), the disposable capital and gross monthly income of a partner is to be treated as disposable capital and gross monthly income of the party.

(2) Where the partner of the party has a contrary interest to the party in the matter to which the fee relates, the disposable capital and gross monthly income of that partner is not treated as the disposable capital and gross monthly income of the party.

(3) Where proceedings are brought concerning the property and affairs of ‘P’, for the purpose of determining whether a party is entitled to a remission or part remission of a fee in accordance with this Schedule—

- (a) the disposable capital and gross monthly income of the person bringing those proceedings is not treated as the disposable capital and gross monthly income of the party;
- (b) the disposable capital and gross monthly income of ‘P’ is to be treated as the disposable capital of the party; and
- (c) the disposable capital and gross monthly income of the partner of ‘P’, if any, is not treated as the disposable capital and gross monthly income of the party.

(4) Where proceedings are brought concerning the personal welfare of ‘P’, for the purpose of determining whether a party is entitled to a remission or part remission of a fee in accordance

with this Schedule, the disposable capital and gross monthly income of a partner, if any, is not treated as the disposable capital and gross monthly income of the party, where that partner is ‘P’ who is the subject of those proceedings in which the fee is payable.

(5) Where proceedings concern both the property and affairs of ‘P’ and their personal welfare, their disposable capital and gross monthly income shall be treated in accordance with sub-paragraph (3).”

(8) At the end of sub-paragraph 16(3) of Schedule 2 so inserted, for “paying the fee”, substitute “the date of the order of the court which finally disposed of the proceedings”.

### **Amendments to the Civil Proceedings Fees Order 2008**

6.—(1) The Civil Proceedings Fees Order 2008(6) is amended as follows.

(2) For article 5 (remissions and part remissions), substitute—

#### **“Remissions and part remissions**

5.—(1) Subject to paragraph (2), Schedule 2 applies for the purpose of ascertaining whether a party is entitled to a remission or part remission of a fee prescribed by this Order.

(2) Schedule 2 does not apply to—

- (a) fee 1.3 (fee payable on starting proceedings to recover a sum of money brought by Money Claim OnLine users); or
- (b) fee 8.8 (fee payable on a consolidated attached of earnings order or an administration order).”

(3) In Schedule 1, after the description for fee 1.9(a), insert—

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“1.9(aa) On a request to reconsider at a hearing £215  
a decision on permission.

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Where fee 1.9(aa) has been paid and permission  
is granted at a hearing, fee 1.9(b) is not payable.”

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(4) For Schedule 2 (remissions and part remissions), substitute the Schedule to this Order, numbered as Schedule 2.

### **Amendments to the Supreme Court Fees Order 2009**

7.—(1) The Supreme Court Fees Order 2009(7) is amended as follows.

(2) For Schedule 2 (remissions and part remissions), substitute the Schedule to this Order, numbered as Schedule 2.

(3) In paragraphs 16 (remission in exceptional circumstances) and 17 (refunds) of Schedule 2 so inserted, for “Lord Chancellor”, in each place, substitute “Chief Executive of the Supreme Court”.

(4) For paragraph 18 (legal aid) of Schedule 2 so inserted, substitute—

“18. A party is not entitled to a remission of a fee if, for the purpose of the proceedings to which the fee relates—

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(6) S.I. 2008/1053, amended by section 59(5) of, and paragraph 1(2) of Part 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c.4), S.I. 2008/2853, 2009/1498, 2013/388 and 2013/1410.

(7) S.I. 2009/2131, amended by S.I. 2010/2582 and 2013/388.

- (a) they are in receipt of the following services under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012<sup>(8)</sup>:
    - (i) Legal representation; or
    - (ii) Family help (higher);
  - (b) they are in receipt of legal aid under Part 2 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981<sup>(9)</sup>; or
  - (c) they are living in Scotland and are in receipt of legal aid.”.
- (5) At the end of Schedule 2 so inserted, add—

**“Remission for charitable or not-for-profit organisations**

**21.** Where an application for permission to intervene in an appeal is filed by a charitable or not-for-profit organisation which seeks to make submissions in the public interest, the Chief Executive of the Supreme Court may reduce or remit the fee in that case.”.

**Amendments to the Upper Tribunal (Lands Chamber) Fees Order 2009**

- 8.**—(1) The Upper Tribunal (Lands Chamber) Fees Order 2009<sup>(10)</sup> is amended as follows.
- (2) In article 4 (fees payable), for “the Schedule”, substitute “Schedule 1”.
  - (3) Omit article 7 and the heading to that article.
  - (4) After article 7, insert—

**“Remissions and part remissions**

**7A.** Schedule 2 applies for the purpose of ascertaining whether a party is entitled to a remission or part remission of a fee prescribed by this Order.”.

- (5) Omit article 8.
- (6) Number the Schedule (fees to be taken in the Lands Chamber of the Upper Tribunal) as Schedule 1.
- (7) After Schedule 1 (fees to be taken in the Lands Chamber of the Upper Tribunal) as numbered by this Order, insert the Schedule to this Order, numbered as Schedule 2.

**Amendments to the First-tier Tribunal (Gambling) Fees Order 2010**

- 9.**—(1) The First-tier Tribunal (Gambling) Fees Order 2010<sup>(11)</sup> is amended as follows.
- (2) In article 2(1) and 2(2) (fees for bringing an appeal under the Gambling Act 2005<sup>(12)</sup>), for “Schedule”, substitute “Schedule 1”.
  - (3) For article 3 (exemption from fees), substitute—

**“Remissions and part remissions**

**3.** Schedule 2 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) Omit articles 4 (reduction and remission of fees) and 5 (refunds).

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<sup>(8)</sup> 2012 c. 10.

<sup>(9)</sup> S.I. 1981/228 (N.I. 8).

<sup>(10)</sup> S.I. 2009/1114, amended by S.I. 2010/2601 and 2013/1199.

<sup>(11)</sup> S.I. 2010/42, amended by S.I. 2010/633.

<sup>(12)</sup> 2005 c. 19.

(5) Number the Schedule (fees to be taken) as Schedule 1.

(6) After Schedule 1 (fees to be taken) as numbered by this order, insert the Schedule to this Order, numbered as Schedule 2.

### **Amendments to the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011**

**10.**—(1) The Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011(**13**) is amended as follows.

(2) In Schedule 1 (fees to be taken in fresh claim proceedings), after 1.1, insert—

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“1.1(a) On a request to reconsider at a hearing a £215 decision on permission.

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Where fee 1.1(a) has been paid and permission is granted at a hearing, fee 1.2 is not payable.”

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(3) For Schedule 2 (remissions), substitute the Schedule to this Order, numbered as Schedule 2.

### **Amendments to the First-tier Tribunal (Property Chamber) Fees Order 2013**

**11.**—(1) The First-tier Tribunal (Property Chamber) Fees Order 2013(**14**) is amended as follows.

(2) For Schedule 2 (remissions), substitute the Schedule to this Order, numbered as Schedule 2.

(3) At the end of Schedule 2 so inserted, add—

#### **“Apportionment of liability for fees in cases involving more than one person as the party**

**21.** Where more than one person is the party and at least one of those persons is granted a remission in accordance with this Schedule—

(a) subject to sub-paragraph (b), the fee shall be payable in equal proportions by those remaining persons who have not been granted a remission;

(b) no person shall be liable to pay an amount that is more than the amount which they would have paid if they alone were the party.”.

### **Amendments to the Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013**

**12.**—(1) The Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013(**15**) is amended as follows.

(2) For Schedule 3 (remissions and part remissions), substitute the Schedule of this Order, numbered as Schedule 3.

(3) In sub-paragraph 15(4) of Schedule 3 so inserted, after the words “notified in writing to the party”, insert “, or the fee group (as the case may be).”.

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(13) [S.I. 2011/2344](#).

(14) [S.I. 2013/1179](#).

(15) [S.I. 2013/1893](#).

**Transitional provisions**

13.—(1) The Orders amended by articles 2 to 12 of this Order and in force immediately before 7th October 2013, continue to apply as if this Order had not been made in respect of—

- (a) a fee paid before 7th October 2013; or
- (b) an application for remission received before 7th October 2013;

(2) The amendments made by paragraphs 6(3) and 10(2) of this Order apply only to applications for judicial review issued on or after 7th October 2013.

Signed by the authority of the Lord Chancellor and Secretary of State

10th September 2013

*Helen Grant*  
Parliamentary Under Secretary of State  
Ministry of Justice

We agree and consent

10th September 2013

*Mark Lancaster*  
*Robert Goodwill*  
Two of the Lords Commissioners of Her  
Majesty's Treasury