

2016 No. 1191 (L. 19)

SENIOR COURTS OF ENGLAND AND WALES

COUNTY COURT, ENGLAND AND WALES

The Civil Proceedings Fees (Amendment) Order 2016

Made - - - - - *6th December 2016*

Laid before Parliament *8th December 2016*

Coming into force - - - *6th March 2017*

The Lord Chancellor, with the consent of the Treasury, makes the following Order in exercise of the powers conferred by sections 92(1) and (2) and 108(6) of the Courts Act 2003(a) (“the 2003 Act”).

The Lord Chancellor has had regard to the principle referred to in section 92(3) of the 2003 Act.

The Lord Chancellor has consulted in accordance with section 92(5) and (6) of the 2003 Act.

Citation and commencement

1. This Order may be cited as the Civil Proceedings Fees (Amendment) Order 2016 and comes into force on 6th March 2017.

Amendments to the Civil Proceedings Fees Order 2008

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

(2) In article 2, for “Supreme Court”, substitute “Senior Courts of England and Wales”.

(3) In the table in Schedule 1(c) (fees to be taken), for fee 2.1, for the entries in both columns, substitute—

“2.1 On the court fixing a trial date or trial period for a case allocated to:	
(a) the multi-track;	£1,090

(a) 2003 c. 39; section 92 was amended by paragraph 345 of Schedule 4 to the Constitutional Reform Act 2005 (c. 4), paragraph 4(1) and (3) of Schedule 11 to that Act, paragraph 95 of Schedule 10 to the Crime and Courts Act 2013 (c. 22), and paragraph 40(a) of Schedule 9 to that Act. Section 108(6) was amended by paragraphs 308 and 348 of Schedule 4 to the Constitutional Reform Act 2005.

(b) S.I. 2008/1053, as amended by S.I. 2013/734, 2013/2302, 2014/874, 2014/1834, 2014/2059, 2015/576, 2016/402, 2016/434 and 2016/807.

(c) Schedule 1 was substituted by S.I. 2014/874 and amended by S.I. 2014/1834, 2014/2059, 2015/576, 2016/402, 2016/434 and 2016/807.

(b) the fast track;	£545
(c) the small claims track where the sum claimed:	
(i) does not exceed £300;	£25
(ii) exceeds £300 but does not exceed £500;	£55
(iii) exceeds £500 but does not exceed £1,000;	£80
(iv) exceeds £1,000 but does not exceed £1,500;	£115
(v) exceeds £1,500 but does not exceed £3,000;	£170
(vi) exceeds £3,000.	£335
Where notice of trial date or trial period is given by the court 36 days or more before the trial date or the Monday of the first week of the notified trial period, fee 2.1 is payable at least 28 days prior to the trial date or the Monday of the first week of the notified trial period.	
Where notice of trial date or trial period is given by the court less than 36 days before the trial date or the Monday of the first week of the notified trial period, fee 2.1 is payable within 7 days after the date on which such notice is given.	
Where the court gives notice of both a trial date and a trial period, the fee is payable by reference to the Monday of the first week of the notified trial period.	
Written notice is given on the date on which the notice is sent out from the court. Oral notice is given on the date on which the notice is communicated by the court. Where notice is both in written form and given orally, the notice is given on the date that the written notice is sent out from the court.	
Where an application for fee remission is refused in whole or in part, fee 2.1 (or the amount of the fee which remains unremitted) is payable either: (a) within 7 days after the court giving notice of refusal of fee remission (or refusal in part); or (b) at least 28 days prior to the trial date or the Monday of the first week of the notified trial period, whichever is latest.	
Fee 2.1 is payable by the claimant except where the action is proceeding on the counterclaim alone, when it is payable by the defendant.	
Fee 2.1 is not payable in respect of a case where the court fixed the trial date on the issue of the claim.”	

(4) In Schedule 2(a) (remissions and part remissions)—

- (a) at the beginning of paragraph 15(4), insert “Subject to sub-paragraph (5),”; and
- (b) after paragraph 15(4), insert—

“(5) Where an application for remission of fee 2.1 is refused, or if part remission of that fee is granted, the amount of the fee which remains unremitted must be paid in accordance with the directions in column 1 of the table in Schedule 1 (fees to be taken), in respect of fee 2.1.”.

Saving provision

3.—(1) The amendments made by this Order have no effect in relation to a case in which the court gives notice of the trial date or the start of the trial period before 6th March 2017.

(2) For the purposes of this article—

- (a) where notice of the trial date or the start of the trial period is in written form, the notice is given on the date that it is sent out from the court;
- (b) subject to sub-paragraph (c), where oral notice is given, the notice is given on the date that the oral notice is communicated by the court; and
- (c) where notice is both in written form and given orally, the notice is given on the date that the written notice is sent out from the court.

6th December 2016

Sir Oliver Heald QC
Minister of State
Ministry of Justice

We consent

6th December 2016

Guy Opperman
Robert Syms
Two Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Civil Proceedings Fees Order 2008 (S.I. 2008/1053).

Article 2 amends the timescales in which fee 2.1 is payable. This is the fee payable prior to a trial for cases allocated to the small claims track, fast track and multi-track in the High Court and county court. Article 2 also removes the availability of refunds for these types of cases where they have been settled or discontinued.

Article 3 is a saving provision, with the effect that the amendments contained in this Order do not apply to cases in which a notice of the trial date or the trial period is given by the court before the date on which this Order comes into force.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available at <https://consult.justice.gov.uk/digital-communications/court-fees-proposals-for-reform/results/cost-recovery-impact-assessment.pdf> and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

(a) Schedule 2 was substituted by S.I. 2013/2302 and amended by S.I. 2014/590, 2014/1834 and 2016/211.

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