

**2018 No. 812**

**SENIOR COURTS OF ENGLAND AND WALES**

**COUNTY COURTS, ENGLAND AND WALES**

**MAGISTRATES' COURTS, ENGLAND AND WALES**

**MENTAL CAPACITY, ENGLAND AND WALES**

**The Court of Protection, Civil Proceedings and Magistrates'  
Courts Fees (Amendment) Order 2018**

*Made* - - - -

*3rd July 2018*

*Laid before Parliament*

*4th July 2018*

*Coming into force in accordance with article 1*

The Lord Chancellor, with the consent and sanction of the Treasury, makes the following Order in exercise of the powers conferred by section 92(1) and (2) of the Courts Act 2003 (“the 2003 Act”)(a), section 54(1) and (2) of the Mental Capacity Act 2005 (the “2005 Act”)(b) and sections 414(1), (2) and (8) and 415(1) of the Insolvency Act 1986(c).

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

In accordance with section 92(5) and (6) of the 2003 Act and section 54(3) of the 2005 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, the Civil Justice Council, the President of the Court of Protection and the Senior Judge of the Court of Protection.

**Citation and commencement**

**1.** This Order may be cited as the Court of Protection, Civil Proceedings and Magistrates’ Courts Fees (Amendment) Order 2018 and comes into force on the twenty-first day after the day on which it is laid.

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(a) 2003 c. 39. Section 92 was amended by paragraph 345 of Schedule 4 and paragraph 4 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4) and by paragraph 40(a) of Schedule 9 and paragraph 95 of Schedule 10 to the Crime and Courts Act 2013 (c. 22).

(b) 2005 c. 9.

(c) 1986 c. 45. Section 414(8) was amended by S.I. 2007/2194. Section 415(1) was amended by paragraph 9(2) and (3) of Schedule 20 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and by paragraph 59(2)(a) and (b) of Schedule 19 to the Enterprise and Regulatory Reform Act 2013 (c. 24).

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

2.—(1) The table in Schedule 1 (fees to be taken) to the Court of Protection Fees Order 2007(a) is amended as follows.

(2) In the entry for application fee (article 4), for the amount in column 2 substitute “£385.00”.

(3) In the entry for appeal fee (article 5), for the amount in column 2 substitute “£320.00”.

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

3.—(1) The table in Schedule 1 (fees to be taken) to the Civil Proceedings Fees Order 2008(b) is amended as follows.

(2) In the entry for fee 3.11 (application by consent or without notice in existing proceedings where no other fee specified), for the amount in column 2 substitute “£25”.

(3) In the entry for fee 3.12 (application with notice in existing proceedings where no other fee specified), for the amount in column 2 substitute “£95”.

(4) In the entry for fee 10.4(a) (appointment of a judge of the Commercial Court as an arbitrator or umpire), for the amount in column 2 substitute “£2,275”.

(5) In the entry for fee 10.4(b) (appointment of a judge of the Technology and Construction Court as an arbitrator or umpire), for the amount in column 2 substitute “£1,800”.

(6) In the entry for fee 10.5(a) (additional daily hearing fee for a judge of the Commercial Court sitting as an arbitrator or umpire), for the amount in column 2 substitute “£2,275”.

(7) In the entry for fee 10.5(b) (additional daily hearing fee for a judge of the Technology and Construction Court sitting as an arbitrator or umpire), for the amount in column 2 substitute “£1,800”.

### **Amendments to the Magistrates’ Courts Fees Order 2008**

4.—(1) The table in Schedule 1 (fees to be taken) to the Magistrates’ Courts Fees Order 2008(c) is amended as follows.

(2) In the entry for fee 1.1 (attendance of a justice of the peace away from court), for the amount in column 2 substitute “£30”.

(3) In the entry for fee 2.1 (application to state case to High Court), for the amount in column 2 substitute “£155”.

(4) In the entry for fee 2.3 (licensing appeal), for the amount in column 2 substitute “£70”.

(5) In the entry for fee 2.4 (appeal where no other fee specified), for the amount in column 2 substitute “£70”.

(6) In the entry for fee 3.3 (request for certified copy memorandum of conviction), for the amount in column 2 substitute “£25”.

(7) In the entry for fee 3.4 (request for certified copy where no other fee specified), for the amount in column 2 substitute “£25”.

(8) In the entry for fee 4.1 (application for liability order), for the amount in column 2 substitute “50p”.

(9) In the entry for fee 10.2 (application for warrant for commitment made in proceedings under the Child Support Act 1991(d)), for the amount in column 2 substitute “£45”.

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(a) S.I. 2007/1745. There are amending instruments but none are relevant.

(b) S.I. 2008/1053. Amended by S.I. 2014/874; there are other amending instruments but none are relevant.

(c) S.I. 2008/1052. Amended by S.I. 2014/875; there are other amending instruments but none are relevant.

(d) 1991 c. 48.

*Lucy Frazer*  
Parliamentary Under Secretary of State  
Ministry of Justice

3rd July 2018

We consent

*Andrew Stephenson*  
*Craig Whittaker*

3rd July 2018

Two of the Lords Commissioners of Her Majesty's Treasury

### **EXPLANATORY NOTE**

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

This Order amends the Court of Protection Fees Order 2007 (S.I. 2007/1745), the Civil Proceedings Fees Order 2008 (S.I. 2008/1053) and the Magistrates' Courts Fees Order 2008 (S.I. 2008/1052).

Articles 2, 3 and 4 of this Order amends Schedule 1 to each of those orders to decrease certain fees payable in proceedings in the Court of Protection, insolvency proceedings and civil proceedings (including civil proceedings in the Magistrates' Courts).

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Ministry of Justice, 102 Petty France, London, SW1H 9AJ and is published with an Explanatory Memorandum alongside the instrument on <https://legislation.gov.uk>.

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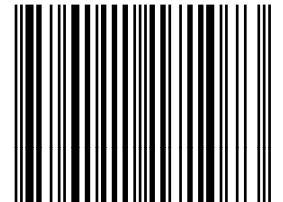
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