

2024 No. 148 (L. 4)

SUPREME COURT OF THE UNITED KINGDOM

The Supreme Court Fees Order 2024

Made - - - - *13th February 2024*

Laid before Parliament *15th February 2024*

Coming into force *1st April 2024*

The Lord Chancellor, with the agreement of the Treasury, makes the following Order in exercise of the power conferred by section 52 of the Constitutional Reform Act 2005(a).

The Lord Chancellor has consulted in accordance with section 52(4) to (6) of that Act.

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Supreme Court Fees Order 2024 and comes into force on 1st April 2024.

(2) This Order extends to England and Wales, Scotland and Northern Ireland.

(3) Expressions used in this Order which are also used in the Supreme Court Rules 2009(b) have the same meaning as in those Rules, unless specified otherwise.

Fees payable

2.—(1) The fees set out in column (2) of the table in paragraph 2 of Schedule 1 are payable in the Supreme Court in respect of the items described in column (1) of that table, subject to paragraph (2).

(2) No fee is payable under this article in respect of criminal proceedings, other than the fee payable on submitting a claim for costs.

Fees payable: appeals commenced or claims submitted before 1st April 2024

3.—(1) Where, before 1st April 2024, a party files—

- (a) a notice of an intention to proceed with an appeal, or
- (b) a notice of appeal,

but, on or after 1st April 2024, files a statement of relevant facts and issues and an appendix of essential documents in connection with that appeal, the party must pay the fee specified in paragraph (2) to the Supreme Court.

(2) For the purposes of paragraph (1), the fee is—

(a) 2005 c. 4.
(b) S.I. 2009/1603 (L. 17).

- (a) £4,820, or
- (b) £800 if the appeal relates to proceedings under the Scotland Act 1998(a), the Government of Wales Act 2006(b) or the Northern Ireland Act 1998(c).

(3) Where, before 1st April 2024, a party submits a claim for costs to the Supreme Court, but, on or after 1st April 2024, receives an order, or confirmation of certification by the Registrar, of the amount of assessed costs, the party must pay 2.5% of the sum allowed.

(4) No fee is payable under this article in respect of criminal proceedings.

Remissions, part remissions and refunds

4. Schedule 2 applies for the purpose of ascertaining whether a party is entitled to a remission, part remission or a refund of a fee prescribed by this Order.

Revocations

5. The instruments specified in column (1) of Schedule 3 are revoked to the extent specified in column (3) of that Schedule.

Signed by authority of the Lord Chancellor

Mike Freer
Parliamentary Under Secretary of State
Ministry of Justice

13th February 2024

We agree,

Amanda Milling
Joy Morrissey
Two of the Lords Commissioners of His Majesty's Treasury

8th February 2024

SCHEDULE 1

Article 2

Fees payable in the Supreme Court

1. In this Schedule, a “reference” means any reference under—

- (a) rule 41 of the Supreme Court Rules 2009 in relation to the Supreme Court’s devolution jurisdiction(d); or
- (b) section 6A or 6B of the European Union (Withdrawal) Act 2018(e) in relation to assimilated case law(f).

2. The table for the purposes of article 2(1) is as follows.

<i>(1)</i> <i>Number and description of fee</i>	<i>(2)</i> <i>Amount of fee</i>
1 Application for permission to appeal	
1.1 On filing an application for permission to appeal.	£1,390

(a) 1998 c. 46.

(b) 2006 c. 32.

(c) 1998 c. 47.

(d) “Devolution jurisdiction” is defined in rule 3(2) of S.I. 2009/1603 (L. 17).

(e) 2018 c. 16.

(f) “Assimilated case law” is defined in section 6(7) of the European Union (Withdrawal) Act 2018 (c. 16).

1.2 On filing notice of objection to an application for permission to appeal.	£220
2 Appeals etc	
2.1 On filing notice of an intention to proceed with an appeal.	£7,855
2.2 On filing a notice of appeal.	£8,975
2.3 On filing a reference.	£7,015
No fee is payable where the reference is made by a court.	
2.4 On filing an acknowledgement by respondent.	£445
3 Procedural applications	
3.1 On filing an application for a decision of the Registrar to be reviewed.	£2,095
3.2 On filing an application for permission to intervene in an appeal.	£1,115
3.3 On filing any other procedural application.	£485
3.4 On filing notice of objection to a procedural application.	£205
4 Costs	
On submitting a claim for costs.	4% of the sum claimed
5 Copying	
5.1 On a request for a copy of a document (other than where fee 5.2 or 5.3 applies)—	
(a) for ten pages or less;	£5
(b) for each subsequent page.	50p
5.2 On a request for a copy of a document to be provided in electronic form, for each such copy.	£5
5.3 On a request for a certified copy of a document.	£25

SCHEDULE 2

Article 4

Remissions, part remissions and refunds

Interpretation

1.—(1) In this Schedule—

“child” means a person—

- (a) whose main residence is with a party and who is aged—
 - (i) under 16 years; or
 - (ii) 16 to 19 years; and is—
 - (aa) not married or in a civil partnership; and
 - (bb) enrolled or accepted in full-time education that is not advanced education, or approved training; or
- (b) in respect of whom a party or their partner pays child support maintenance or periodic payments in accordance with a maintenance agreement, and “full-time education”, “advanced education” and “approved training” have the meaning given by regulation 1(3) of the Child Benefit (General) Regulations 2006(a);

(a) S.I. 2006/223; relevant amending instruments are S.I. 2012/818, 2014/1231, 2015/1512, 2016/360, 2017/607, 2021/810, 1286 and 2023/179.

“child support maintenance” has the meaning given in section 3(6) of the Child Support Act 1991(a);

“couple” has the meaning given in section 3(5A) of the Tax Credits Act 2002(b);

“disposable capital” has the meaning given in paragraph 4;

“excluded benefits” means—

- (a) any of the following benefits payable under the Social Security Contributions and Benefits Act 1992(c) or the corresponding provisions of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(d)—
 - (i) attendance allowance;
 - (ii) severe disablement allowance;
 - (iii) carer’s allowance;
 - (iv) disability living allowance;
 - (v) any payment made out of the social fund;
 - (vi) any payment from the industrial injuries disablement benefit;
- (b) any of the following benefits payable under the Tax Credits Act 2002—
 - (i) any disabled child element or severely disabled child element of the child tax credit;
 - (ii) any childcare element, disabled element or severely disabled element of the working tax credit;
- (c) any direct payment made under—
 - (i) the Community Care, Services for Carers and Children’s Services (Direct Payments) (England) Regulations 2009(e),
 - (ii) the Social Services and Well-being (Wales) Act 2014(f),
 - (iii) the Carers and Direct Payments Act (Northern Ireland) 2002(g),
 - (iv) the Social Care (Self-directed Support) (Scotland) Act 2013(h);
- (d) any exceptionally severe disablement allowance paid under the Personal Injuries (Civilians) Scheme 1983(i);
- (e) any pension paid under the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006(j);

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- (a) 1991 c. 48; section 3(6) was amended by section 1(2)(a) of the Child Support, Pensions and Social Security Act 2000 (c. 19).
 - (b) 2002 c. 21; section 3(5A) was repealed by Schedule 14 of the Welfare Reform Act 2012 (c. 5), but continues to have effect by virtue of article 3 of S.I. 2019/167. It was amended by S.I. 2019/1458.
 - (c) 1992 c. 4. Section 64 (attendance allowance) was amended by section 66(1) of the Welfare Reform and Pensions Act 1999 (c. 30); Part 8 of Schedule 1 to the Pensions Act 2007 (c. 22); Schedules 9 and 14 to the Welfare Reform Act 2012 (c. 5); and by S.I. 2022/335. Section 68 (severe disablement allowance) was repealed by section 65 of the Welfare Reform and Pensions Act 1999 (c. 30), but savings apply for specified purposes. Section 70 (carer’s allowance) was amended by S.I. 1994/2556, 2002/1457, 2011/2426, 2013/388, 796, 2015/1754, S.S.I. 2021/174, S.I. 2021/1301, S.S.I. 2022/54, S.I. 2022/332 and 2023/1214. Section 71 (disability living allowance) was amended by section 67(1) of the Welfare Reform and Pensions Act 1999 (c. 30), and by S.I. 2021/804 and 2022/335. Section 138 (the social fund) was amended by section 70(1) of the Social Security Act 1998 (c. 14); sections 70 and 71 of, and Part 8 of Schedule 14 to, the Welfare Reform Act 2012 (c. 5); and section 23(5) of the Scotland Act 2016 (c. 11).
 - (d) 1992 c. 7; section 64 (attendance allowance) was amended by paragraph 38 of Schedule 1 to the Pensions Act (Northern Ireland) 2008 (c. 1) and by S.I. 1999/3147 (N.I. 11) and 2015/2006 (N.I. 1). Section 68 (severe disablement allowance) was repealed by S.I. 1999/3147 (N.I. 11), but savings apply for specified purposes. Section 70 (carer’s allowance) was amended by S.R. 1994/370, 2002/321, 2011/356, 2016/228, 236, S.I. 2021/1301 and 2022/332. Section 71 (disability living allowance) was amended by S.I. 1999/3147 (N.I. 11). Section 134 (the social fund) was amended by S.I. 1998/1506 (N.I. 10) and 2015/2006 (N.I. 1).
 - (e) S.I. 2009/1887; relevant amendments are made by paragraph 381 and 382 of Schedule 24 to the Sentencing Act 2020 (c.17) and by S.I. 2010/2246, 2011/2298 and 2013/2270.
 - (f) 2014 anaw 4.
 - (g) 2002 c. 6; section 8 (direct payments) was amended by paragraph 3 of the Schedule to the Health and Social Care (Amendment) Act (Northern Ireland) 2014 (c. 5).
 - (h) 2013 asp 1.
 - (i) S.I. 1983/686; amended by S.I. 2001/420; there are other amending instruments but none is relevant.
 - (j) S.I. 2006/606; relevant amending instruments are S.I. 2009/706, 2013/241, 2015/208, 2018/176, 2019/1458 and 2023/163.

- (f) any payment made from the Independent Living Funds;
 - (g) any financial support paid under an agreement for the care of a foster child;
 - (h) any armed forces independence payment;
 - (i) any personal independence payment payable under the Welfare Reform Act 2012(a);
 - (j) any payment on account of benefit as defined in the Social Security (Payments on Account of Benefit) Regulations 2013(b);
 - (k) any of the following amounts, as defined by the Universal Credit Regulations 2013(c), that make up an award of universal credit—
 - (i) an additional amount to the child element in respect of a disabled child;
 - (ii) a housing costs element;
 - (iii) a childcare costs element;
 - (iv) a carer element;
 - (v) a limited capability for work or limited capacity for work and work-related activity element;
 - (l) any bereavement support payment under section 30 of the Pensions Act 2014(d) or section 29 of the Pensions Act (Northern Ireland) 2015(e);
- “family help (higher)” has the meaning given in regulation 15(3) of the Civil Legal Aid (Merits Criteria) Regulations 2013(f);
- “gross monthly income” has the meaning given in paragraph 12;
- “Independent Living Funds” means the funds listed at regulation 20(2)(b) of the Criminal Legal Aid (Financial Resources) Regulations 2013(g);
- “legal representation” has the meaning given in regulation 18(2) of the Civil Legal Aid (Merits Criteria) Regulations 2013;
- “maintenance agreement” has the meaning given in section 9(1) of the Child Support Act 1991;
- “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 the party is not living separate and apart;
- “party” means the individual who would, but for this Schedule, be liable to pay a fee under this Order;
- “restraint order” means—
- (a) an order under section 42(1) of the Senior Courts Act 1981(h);
 - (b) an order under section 33 of the Employment Tribunals Act 1996(i);
 - (c) a civil restraint order made under rule 3.11 of the Civil Procedure Rules 1998(j), or a practice direction made under that rule; or

(a) 2012 c. 5; section 77 (personal independence payment) was amended by S.I. 2021/804 and 2022/335.

(b) S.I. 2013/383; relevant amending instruments are S.I. 2014/2888 and 2015/1985.

(c) S.I. 2013/376; regulation 24(2) (additional amount to the child element) was amended by S.I. 2014/2888, 2021/786 and 2022/177. Regulation 25 (housing costs element) was amended by S.I. 2017/725. Regulation 27 (limited capability or capacity for work element) was amended by S.I. 2017/204. Regulation 29 (carer element) was amended by S.I. 2015/1754, 2017/204 and 2023/1218.

(d) 2014 c. 19; section 30 was amended by S.I. 2023/134.

(e) 2015 c. 5; section 29 was amended by S.I. 2023/134.

(f) S.I. 2013/104; amended by S.I. 2019/1396.

(g) S.I. 2013/471.

(h) 1981 c. 54; section 42(1) was amended by section 24 of the Prosecution of Offences Act 1985 (c. 23) and paragraph 60 of Schedule 10 to the Crime and Courts Act 2013 (c. 22).

(i) 1996 c. 17; section 33 was amended by section 1 of the Employment Rights (Dispute Resolution) Act 1998 (c. 8) and section 49 of the Employment Relations Act 2004 (c. 24).

(j) S.I. 1998/3132 (L. 17); amended by S.I. 2022/783.

- (d) a civil restraint order made under rule 4.8 of the Family Procedure Rules 2010(a), or the practice direction referred to in that rule;

“savings and investments” include, but are not limited to—

- (a) bonds;
- (b) stocks and shares; and
- (c) the value of any land or property.

(2) References to remission of a fee are to be read as including references to a part remission of a fee as appropriate and remit and remitted are to be construed accordingly.

Fee remission if a party satisfies the disposable capital test

2. If a party satisfies the disposable capital test, the amount of any fee remission is determined in accordance with the gross monthly income test set out in paragraph 10.

Disposable capital test

3. A party satisfies the disposable capital test—

- (a) if they or their partner are aged 66 or over and the party’s disposal capital is less than £16,000;
- (b) in any other case, if the fee payable by the party is—
 - (i) £1,420 or less and the party’s disposable capital is less than £4,250;
 - (ii) more than £1,420, but less than or equal to £5,000 and the party’s disposable capital is less than three times the amount of the fee payable;
 - (iii) more than £5,000 and the party’s disposable capital is less than £16,000.

Disposable capital: general

4. Disposable capital is the value of any savings and investments belonging to the party on the date on which the application for remission is made, unless any savings and investments are treated as income under this Schedule or are excluded disposable capital.

Disposable capital: non-monetary savings and investments

5. The value of any savings and investments that do not consist of money is calculated as the amount which the savings and investments would realise if sold, less—

- (a) 10% of the sale value; and
- (b) the amount of any borrowing secured against the savings and investments that would be repayable on sale.

Disposable capital: savings and investments held outside the United Kingdom

6.—(1) Savings and investments in a country outside the United Kingdom count towards disposable capital.

(2) If there is no prohibition in that country against the transfer of savings and investments into the United Kingdom, the value of those savings and investments is the amount which they would realise if sold to a buyer in the United Kingdom.

(3) If there is a prohibition in that country against the transfer of savings and investments into the United Kingdom, the value of those savings and investments is to be calculated in accordance with paragraph 5 as if they were sold in that country.

(a) S.I. 2010/2955 (L. 17); amended by S.I. 2013/3204.

Disposable capital: foreign currency

7. Where disposable capital is held in currency other than sterling, the cost of any banking charge or commission that would be payable if that amount were converted into sterling is deducted from its value.

Disposable capital: jointly owned savings and investments

8. Where any savings and investments are owned jointly or in common, there is a presumption that the savings and investments are owned in equal shares, unless evidence to the contrary is produced.

Excluded disposable capital

9. The following are excluded disposable capital—

- (a) a property which is the main or only dwelling occupied by the party;
- (b) any vehicle, the sale of which would leave the party, or their partner, without motor transport;
- (c) the capital value of the party's or their partner's business, where the party or their partner is self-employed;
- (d) the capital value of any funds or other assets held in trust, where the party or their partner is a beneficiary without entitlement to advances of any trust capital;
- (e) a jobseeker's back to work bonus;
- (f) a payment made as a result of a determination of unfair dismissal by a court or tribunal, or by way of settlement of a claim for unfair dismissal;
- (g) any compensation paid as a result of a determination of medical negligence or in respect of any personal injury by a court, or by way of settlement of a claim for medical negligence or personal injury;
- (h) the capital held in any personal or occupational pension scheme;
- (i) any cash value payable on surrender of a contract of insurance;
- (j) any capital payment made out of the Independent Living Funds;
- (k) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017^(a);
- (l) any capital insurance or endowment lump sum payments that have been paid as a result of illness, disability or death;
- (m) any student loan or student grant;
- (n) any compensation paid as a result of the Grenfell Tower fire;
- (o) any payments from the London Emergencies Trust^(b);
- (p) any payments from the National Emergencies Trust^(c);
- (q) any payments in relation to internment, forced labour, injury or loss of a child during the Second World War;
- (r) any compensation paid as a result of variant Creutzfeldt-Jakob Disease;
- (s) any compensation paid under the Victims of Overseas Terrorism Compensation Scheme^(d);

(a) S.I. 2017/410; amended by S.I. 2023/134.

(b) The London Emergencies Trust is a registered charity (number 1172307).

(c) The National Emergencies Trust is a registered charity (number 1182809).

(d) The Victims of Overseas Terrorism Compensation Scheme is a statutory scheme established under section 48 of the Crime and Security Act 2010 (c. 17).

- (t) any compensation paid under the Windrush Compensation Scheme (Expenditure) Act 2020(a);
- (u) any compensation paid under—
 - (i) schemes established by the Criminal Injuries Compensation Act 1995(b) or the Criminal Injuries Compensation (Northern Ireland) Order 2002(c); or
 - (ii) criminal injuries compensation schemes in operation before the commencement of the schemes mentioned in sub-paragraph (i);
- (v) any payments under—
 - (i) the Armed Forces and Reserved Forces Compensation Scheme(d);
 - (ii) the Lambeth Children’s Homes Redress Scheme(e);
 - (iii) the Medomsley Detention Centre Physical Abuse Settlement Scheme(f);
 - (iv) the Miscarriage of Justice Compensation Scheme(g);
 - (v) the Jesus Fellowship Redress Scheme(h);
 - (vi) the Vaccine Damage Payment Scheme(i);
 - (vii) the We Love Manchester Emergency Fund(j); and
 - (viii) the following Infected Blood Support Schemes—
 - (aa) the England Infected Blood Support Scheme(k);
 - (bb) the Infected Blood Payment Scheme for Northern Ireland(l);
 - (cc) the Scottish Infected Blood Support Scheme(m);
 - (dd) the Wales Infected Blood Support Scheme(n); and
 - (ee) the UK-wide Infected Blood Interim Compensation Payment Scheme(o).

Gross monthly income test

10.—(1) If a party satisfies the disposable capital test, no fee is payable under this Order if, at the time when the fee would otherwise be payable—

- (a) the party’s gross monthly income does not exceed the applicable threshold specified in sub-paragraph (2); or

(a) 2020 c. 8.
 (b) 1995 c. 53.
 (c) S.I. 2002/796 (N.I. 1); relevant amendments are made by paragraph 39 of Schedule 4 to the Northern Ireland Act 2009 (c. 3) and S.I. 2010/976.
 (d) The Armed Forces and Reserved Forces Compensation Scheme is a statutory scheme established under article 7 of S.I. 2011/517.
 (e) The Lambeth Children’s Homes Redress Scheme is a statutory scheme established by the London Borough of Lambeth Council under section 1 of the Localism Act 2011 (c. 20).
 (f) The Medomsley Detention Centre Physical Abuse Settlement Scheme is a scheme established by the Ministry of Justice and administered by HM Prison and Probation Service.
 (g) The Miscarriage of Justice Compensation Scheme is a statutory scheme established under section 133 of the Criminal Justice Act 1988 (c. 33).
 (h) The Jesus Fellowship Redress Scheme is a compensation scheme set up by the Jesus Fellowship Community Trust.
 (i) The Vaccine Damage Payment Scheme is a statutory scheme established under section 1 of the Vaccine Damage Payments Act 1979 (c. 17).
 (j) The We Love Manchester Emergency Fund is a registered charity (number 1173260).
 (k) The England Infected Blood Support Scheme is a scheme administered by the National Health Service Business Services Authority on behalf of the Department of Health and Social Care.
 (l) The Infected Blood Payment Scheme for Northern Ireland is a scheme administered by the Business Services Organisation on behalf of the Department of Health, Northern Ireland.
 (m) The Scottish Infected Blood Support Scheme is a scheme administered by the Common Services Agency on behalf of the Scottish Government Health and Social Care Directorate.
 (n) The Wales Infected Blood Support Scheme is a scheme administered by the Velindre National Health Service Trust and the National Health Service Wales Shared Services Partnership.
 (o) The UK-wide Infected Blood Interim Compensation Payment Scheme is a scheme administered by the National Health Services Business Services Authority in England; the Velindre National Health Service Trust and the National Health Service Wales Shared Services Partnership in Wales; the Common Services Agency for the Scottish Health Service in Scotland; and the Regional Business Services Organisation in Northern Ireland.

(b) the party is in receipt of any passporting benefits specified in sub-paragraph (7).

(2) The applicable threshold is—

- (a) £1,420, for a party that is single and has no children;
- (b) £2,130, for a party that is part of a couple and has no children; or
- (c) as otherwise calculated in accordance with sub-paragraph (3).

(3) Where this sub-paragraph applies, the applicable threshold is calculated by taking the following steps—

Step 1

Identify the number of children aged 13 or below and multiply this number by £425.

Step 2

Identify the number of children aged 14 or over and multiply this number by £710.

Step 3

Add together the amounts calculated at Step 1 and Step 2.

Step 4

Add £1,420 to the amount calculated at Step 3.

The result is the applicable threshold for a party that is single and has children.

Step 5

If a party is part of a couple, take this additional step.

Add £710 to the amount calculated at Step 4.

The result is the applicable threshold for a party that is part of a couple and has children.

(4) Subject to sub-paragraph (6), if a party's gross monthly income exceeds the applicable threshold, that party must pay an amount towards the fee payable to which the application for remission relates, which is determined in accordance with sub-paragraph (5).

(5) Where this sub-paragraph applies, the amount payable is determined as follows—

Step 1

Deduct the applicable threshold from the party's gross monthly income.

The amount calculated is the "excess income".

Step 2

Apply the rates specified in the second column of the Table to the parts of the party's excess income specified in the corresponding row of the first column.

Step 3

Add together the amounts calculated at Step 2 (if there are two or more such amounts).

Subject to sub-paragraph (6), the result is the amount payable.

Table

<i>Part of excess income</i>	<i>Rate</i>
Up to and including £1,000	50%
£1,001 to £2,000	70%
£2,001 to £3,000	90%

(6) No party is required to pay an amount that is more than the fee payable for which the application for remission has been made, if no remission had been granted.

(7) The passporting benefits referred to in sub-paragraph (1)(b) are—

- (a) income-based Jobseeker's Allowance;
- (b) income-related Employment and Support Allowance;

- (c) income support;
- (d) pension credit (Guarantee Credit); and
- (e) universal credit with additional gross annual earnings of less than £6,000.

Gross monthly income cap

11. No remission is available if a party's gross monthly income exceeds the applicable threshold determined in accordance with paragraph 10(2), plus the sum of £3,000.

Gross monthly income

12.—(1) "Gross monthly income" means the total sum of—

- (a) the lower of—
 - (i) the gross amount that has been earned by the party in the month immediately preceding that in which the application for remission is made; or
 - (ii) the average of the gross amount that has been earned by the party in the three months immediately preceding that in which the application for remission is made, and
- (b) the gross amount received by the party from any other source in the month immediately preceding that in which the application for remission is made, other than receipt of any excluded benefits.

(2) For the purposes of sub-paragraph (1), earnings from a trade, business or gainful occupation other than an occupation at a wage or salary are calculated as the lower of—

- (a) the party's net profits for the month preceding that in which the application for remission is made; or
- (b) the average of the party's net profits for the three months preceding that in which the application for remission is made.

(3) In sub-paragraph (2), "net profits" means the profits which have accrued to the party less all sums necessarily expended to earn those profits.

Disposable capital and gross monthly income of a partner

13.—(1) The disposable capital and gross monthly income of a partner of a party is to be treated as disposable capital and gross monthly income of the party, subject to sub-paragraph (2).

(2) Where the partner of a 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, if any, is not treated as the disposable capital and gross monthly income of the party.

Application for remission of a fee

14.—(1) An application for remission of a fee must be made at the time when the fee would otherwise be payable.

(2) Where an application for remission of a fee is made, the party must—

- (a) indicate the fee to which the application relates;
- (b) declare the amount of their disposable capital; and
- (c) provide documentary evidence of their gross monthly income and the number of children relevant for the purposes of paragraph 10.

(3) Where an application for remission of a fee is made on the date on which a fee is payable, the date for payment of the fee is disappplied.

(4) Where an application for remission is refused, or if part remission of a fee is granted, the amount of the fee which remains unremitted must be paid within the period notified in writing to the party.

(5) The Chief Executive of the Supreme Court may, by written notice, request such additional information or evidence as is required to assess the party's entitlement to fee remission under this Order, and the period specified by such notice must not be less than 7 days, beginning with the day after the date on which the notice is sent.

(6) An application for remission of a fee may be treated as abandoned and no further action taken, if a party fails to provide the information requested under sub-paragraph (5) within the period specified by that notice, or such other extended period as may be agreed in writing at the Chief Executive of the Supreme Court's discretion.

Remission in exceptional circumstances

15. A fee specified in this Order may be remitted where the Chief Executive of the Supreme Court is satisfied that there are exceptional circumstances which justify doing so.

Remission for charitable or not-for-profit organisations

16. 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 remit the fee in that case.

Refunds

17.—(1) Where a party pays a fee at a time when that party would have been entitled to a remission if they had provided the documentary evidence required by paragraph 14, the fee, or the amount by which the fee would have been remitted as the case may be, must be refunded if documentary evidence relating to the time when the fee became payable is provided at a later date.

(2) Where a fee has been paid at a time when the Chief Executive of the Supreme Court, if all the circumstances had been known, would have remitted the fee under paragraph 15, the fee or the amount by which the fee would have been remitted, as the case may be, must be refunded to the party.

(3) No refund may be made under this paragraph unless the party who paid the fee applies within 3 months of the date on which the fee was paid.

(4) The Chief Executive of the Supreme Court may extend the period of 3 months mentioned in sub-paragraph (3) if the Chief Executive of the Supreme Court considers that there is a good reason for a refund being made after the end of the period of 3 months.

Legal aid

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

- (a) they are in receipt of the following services under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(a)—
 - (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(b); or
- (c) they are living in Scotland and are in receipt of legal aid.

Vexatious litigants

19.—(1) This paragraph applies where—

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- (a) 2012 c. 10.
 - (b) S.I. 1981/228 (N.I. 8).

- (a) a restraint order is in force against a party; and
 - (b) that 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 restraint order; or
 - (iii) appeal the restraint order.
- (2) The fee prescribed by this Order for the application is payable in full.
- (3) If the party is granted permission, they are to be refunded 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.

Exceptions

20. No remissions or refunds are available in respect of the fee payable for copy or duplicate documents.

SCHEDULE 3

Article 5

Revocations

<i>(1)</i> <i>Statutory instrument to be revoked</i>	<i>(2)</i> <i>Statutory instrument number</i>	<i>(3)</i> <i>Extent of revocation</i>
The Supreme Court Fees Order 2009.	S.I. 2009/2131 (L. 25).	The whole Order.
The Children and Families (Wales) Measure 2010 (Commencement No. 2, Savings and Transitional Provisions) Order 2010.	S.I. 2010/2582 (W. 216) (C. 123).	Paragraph 24 of Schedule 4.
The Supreme Court Fees (Amendment) Order 2011.	S.I. 2011/1737 (L. 16).	The whole Order.
The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013.	S.I. 2013/388.	Paragraph 45 of the Schedule.
The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013.	S.I. 2013/534.	Paragraph 21 of the Schedule.
The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013.	S.I. 2013/591.	Paragraph 43 of the Schedule.
The Courts and Tribunals Fee Remissions Order 2013.	S.I. 2013/2302 (L. 21).	Article 7.
The Social Care (Self-directed Support) (Scotland) Act 2013 (Consequential Modifications	S.I. 2014/513.	Paragraph 19 of the Schedule.

and Savings) Order 2014 The Courts and Tribunals Fees (Miscellaneous Amendments) Order 2014.	S.I. 2014/590 (L. 6).	Article 6(1)(b).
The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2017.	S.I. 2017/422.	Article 36.
The Court Fees (Miscellaneous Amendments) Order 2021.	S.I. 2021/985 (L. 14).	Article 8(4)(g).
The Courts and Tribunals (Fee Remissions and Miscellaneous Amendments) Order 2023.	S.I. 2023/1094 (L. 9).	Article 4.

EXPLANATORY NOTE

(This note is not part of the Order)

The Supreme Court Fees Order 2009 (S.I. 2009/2131 (L. 25)) (“the 2009 Order”) specified the fees payable in the Supreme Court. This Order consolidates the 2009 Order and its amending instruments and increases the fees payable to account for historic inflation, as measured by the consumer price index (CPI).

The fees in column (2) of the table in paragraph 2 of Schedule 1 are payable in relation to the items described in column (1). Where the matter relates to criminal proceedings, the only fee payable is the fee for submitting a claim for costs.

As part of the consolidation—

- (a) the separate fee rates that applied in the 2009 Order between civil cases and devolution jurisdiction cases have been removed. The fees payable for devolution jurisdiction cases and civil cases are now the same;
- (b) fees 2.5 and 4.2 specified in the table in Schedule 1 to the 2009 Order (and summarised in the table below) have been combined with other fees in this Order to reduce the number of fees payable at different stages of proceedings;
- (c) fee 2.3 specified in the table in paragraph 2 of Schedule 1 to this Order applies to the filing of either a reference under—
 - (i) the Supreme Court’s devolution jurisdiction (relating to proceedings under the Scotland Act 1998 (c. 46), the Government of Wales Act 2006 (c. 32) or the Northern Ireland Act 1998 (c. 47)); or
 - (ii) section 6A or 6B of the European Union (Withdrawal) Act 2018 (c. 16) in relation to assimilated case law (previously known as retained EU case law before 31st December 2023).

The extent of the fee change (if any) is highlighted in the following table.

<i>(1)</i> <i>Number and description of fee</i>	<i>(2)</i> <i>Old fee</i> <i>(civil)</i>	<i>(3)</i> <i>Old fee</i> <i>(devolution</i> <i>jurisdiction)</i>	<i>(3)</i> <i>New fee</i>
<i>1 Application for permission to appeal</i>			
1.1 On filing an application for permission to appeal.	£1,000	£400	£1,390
1.2 On filing notice of objection to an application for permission to	£160	£160	£220

appeal.

2 Appeals etc

2.1 On filing notice of an intention to proceed with an appeal.	£800	£400	£7,855
2.2 On filing a notice of appeal.	£1,600	£400	£8,975
2.3 On filing a reference*	N/A	£200	£7,015
*No fee is payable where the reference is made by a court.			
2.4 On filing an acknowledgement by respondent.	£320	£160	£445
2.5 On filing a statement of relevant facts and issues and an appendix of essential documents	£4, 820	£800	Fee removed and combined with fees 2.1 and 2.2

3 Procedural applications

3.1 On filing an application for a decision of the Registrar to be reviewed.	£1,500	£200	£2,095
3.2 On filing an application for permission to intervene in an appeal.	£800	£200	£1,115
3.3 On filing any other procedural application.	£350	£200	£485
3.4 On filing notice of objection to a procedural application.	£150	£150	£205

4 Costs

4.1 On submitting a claim for costs.	2.5% of the sum claimed	2.5% of the sum claimed	4% of the sum claimed
4.2 On certification by the Registrar of the amount of assessed costs, or on receipt of an order showing the amount.	2.5% of the sum allowed	2.5% of the sum allowed	Fee removed and combined in part with fee 4.1

5 Copying

5.1 On a request for a copy of a document (other than where fee 5.2 or 5.3 applies)—			
(a) for ten pages or less;	£5	£5	£5
(b) for each subsequent page.	50p	50p	50p
5.2 On a request for a copy of a document to be provided in electronic form, for each such copy.	£5	£5	£5
5.3 On a request for a certified copy of a document.	£20	£20	£25

Article 3 provides that for certain fees the amount payable under the 2009 Order is payable on or after 1st April 2024 when a notice to appeal or notice of an intention to appeal is filed, or when a claim for costs is submitted, before 1st April 2024. However, no fees are payable under article 3 if the matter relates to criminal proceedings.

Article 4 and Schedule 2 set out when a party is entitled to a remission, part remission or refund of a fee.

Article 5 and Schedule 3 revoke the 2009 Order and relevant amending instruments and provisions superseded by this Order.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector and community bodies is available on gov.uk: <https://www.gov.uk/government/consultations/reforming-fees-in-the-united-kingdom-supreme-court>.

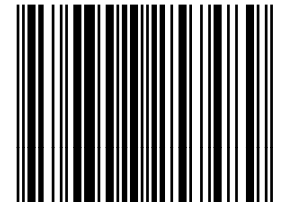
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