STATUTORY INSTRUMENTS

2016 No. 807 (L. 12)

SENIOR COURTS OF ENGLAND AND WALES TRIBUNALS AND INQUIRIES

The Civil Proceedings, First-tier Tribunal, Upper Tribunal and Employment Tribunals Fees (Amendment) Order 2016

Made - - - - 22nd July 2016

Coming into force in accordance with article 1

The Lord Chancellor, with the consent 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")(**1**), sections 42(1)(a), (b), (d) and (2) and 49(3) of the Tribunals, Courts and Enforcement Act 2007 ("the 2007 Act")(**2**), and section 180(1) of the Anti-social Behaviour, Crime and Policing Act 2014 ("the 2014 Act")(**3**).

The Lord Chancellor has had regard to the matters referred to in section 92(3) of the 2003 Act and in section 180(3) of the 2014 Act.

The Lord Chancellor has consulted in accordance with section 92(5) and (6) of the 2003 Act and section 42(5) of the 2007 Act.

A draft of this Order has been laid before Parliament and approved by resolution of each House of Parliament in accordance with section 49(5) and (6) of the 2007 Act and section 180(7) of the 2014 Act.

Citation and commencement

1. This Order may be cited as the Civil Proceedings, First-tier Tribunal, Upper Tribunal and Employment Tribunals Fees (Amendment) Order 2016 and comes into force on the next Monday after the day on which the Order is made.

(**1**) 2003 c. 39. Section 92 was amended by the Constitutional Reform Act 2005 (c. 4) Schedule 4, paragraph 345, and Schedule 11, paragraph 4, and by the Crime and Courts Act 2013 (c. 22), Schedule 9, paragraph 40(a), and Schedule 10, paragraph 95.
(**2**) 2007 c. 15; Section 42 was amended by S.I. 2010/21 and 2013/2042. Employment Tribunals have been specified by an Order (S.I. 2013/1892) made under section 42(3) as an added tribunal.
(**3**) 2014 c. 12.

Amendments to the Magistrates' Courts Fees Order 2008

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

(2) In column 2 (amount of fee), for the entry corresponding to fee 8.1 (commencing proceedings where no other fee is specified and where leave or permission is not required), for "£205" substitute "£226".

(3) For the text entries in both columns, from "8.2 On commencing proceedings where leave or permission is required" to the end of the entry for fee 8.3, excluding the text entry headed "Note: Fee 8.3", substitute—

"8.2 On commencing proceedings where leave or permission is required—	
(a) on an application for leave or permission to commence proceedings where no other fee is specified; and	£116
(b) on commencing proceedings where leave or permission has been granted following payment of fee 8.2(a).	£116
8.3 For a hearing at which the proceedings are contested.	£567"

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(**5**) is amended as follows.

(2) In column 2, for the entry corresponding to fee 1.5 (starting proceedings for any other remedy)—

(a) for "£480" (the amount of fee in the High Court) substitute "£528", and

(b) for "£280" (the amount of fee in the County Court) substitute "£308".

(3) In column 2, for the entry corresponding to fee 1.6 (filing of proceedings against a party or parties not named in the proceedings), for "£50" substitute "£55".

(4) In column 2, for the entry corresponding to fee 1.8(a) (application for permission to issue proceedings), for "£50" substitute "£55".

(5) In column 2, for the entry corresponding to fee 1.8(b) (application for an order under Part 3 of the Solicitors Act 1974 for the assessment of costs payable to a solicitor by a client or on starting costs-only proceedings), for "£50" substitute "£55".

(6) For the text entries in both columns, from "1.9(a) For permission to apply for judicial review" to the end of the entry for fee 1.9(d), substitute—

"1.9(a) For permission to apply for judicial review.	£154
1.9(b) On applying for a request to reconsider at a hearing a decision on permission.	£385

(**4**) S.I. 2008/1052 (L. 4); amended by S.I. 2014/875 (L. 18); there are other amending instruments but none is relevant.
(**5**) S.I. 2008/1053 (L. 5); relevant amending instruments are S.I. 2014/874 (L. 17), 2014/1834 (L. 27), 2014/2059 (L. 29), 2015/576 (L. 7), 2016/402 (L. 5), and 2016/434 (L. 6).

Where the court has made an order giving permission to proceed with a claim for judicial review, there is payable by the claimant within 7 days of service on the claimant of that order:	
1.9(c) if the proceedings have been started by an application for permission to apply for judicial review. Where fee 1.9(b) has been paid and permission has been granted at a hearing, the amount payable under fee 1.9(c) is £385.	£770
1.9(d) if the claim for judicial review was started otherwise than by an application for permission to apply for judicial review.	£154”

(7) For the text entries in both columns, from “5.1 “On the filing of a request for detailed assessment” to the end of the entry for fee 5.5, substitute—

“5.1 On the filing of a request for detailed assessment where the party filing the request is legally aided, is funded by the Legal Aid Agency or is a person for whom civil legal services have been made available under arrangements made by the Lord Chancellor under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**6**) and no other party is ordered to pay the costs of the proceedings.	£220
5.2 On the filing of a request for detailed assessment in any case where fee 5.1 does not apply, or on the filing of a request for a hearing date for the assessment of costs payable to a solicitor by a client pursuant to an order under Part 3 of the Solicitors Act 1974(**7**), where (in either case) the amount of costs claimed:	
(a) does not exceed £15,000;	£369
(b) exceeds £15,000 but does not exceed £50,000;	£743
(c) exceeds £50,000 but does not exceed £100,000;	£1,106
(d) exceeds £100,000 but does not exceed £150,000;	£1,480
(e) exceeds £150,000 but does not exceed £200,000;	£1,848

(**6**) 2012 c. 10.
(**7**) 1974 c. 47; Part 3 was amended by the Legal Services Act 2007 (c. 29), section 177 and Schedule 16, Part 1, paragraphs 54 to 69.

(f) exceeds £200,000 but does not exceed £300,000;	£2,772
(g) exceeds £300,000 but does not exceed £500,000;	£4,620
(h) exceeds £500,000.	£6,160
Where there is a combined assessment of costs: party and party costs and legal aid costs; party and party costs and Legal Aid Agency costs; party and party costs and Lord Chancellor costs; or party and party costs and one or more of legal aid costs, Legal Aid Agency costs or Lord Chancellor determination of costs, fee 5.2 must be attributed proportionately to the party and party, legal aid, Legal Aid Agency or Lord Chancellor (as the case may be) portions of the bill on the basis of the amount allowed.	
5.3 On a request for the issue of a default costs certificate.	£66
5.4 On commencing an appeal against a decision made in detailed assessment proceedings.	£231
5.5 On a request or application to set aside a default costs certificate.	£121”

(8) For the text entries in both columns, from “7.1 On sealing a writ of control/possession/ delivery.” to the end of the entry for fee 7.5, substitute—

“7.1 On sealing a writ of control/possession/ delivery. Where the recovery of a sum of money is sought in addition to a writ of possession and delivery, no further fee is payable.	£66
7.2 On an application for an order requiring a judgment debtor or other person to attend court to provide information in connection with enforcement of a judgment or order.	£55
7.3(a) On an application for a third party debt order or the appointment of a receiver by way of equitable execution. Fee 7.3(a) is payable in respect of each third party against whom the order is sought.	£110
(b) On an application for a charging order. Fee 7.3(b) is payable in respect of each charging order applied for.	£110
7.4 On an application for a judgment summons.	£110

7.5 On a request or application to register a judgment or order, or for permission to enforce an arbitration award, or for a certificate or a certified copy of a judgment or order for use abroad.	£66”

(9) For the text entries in both columns, from “8.1 On an application for or in relation to enforcement of a judgment” to the end of the entry for fee 8.7, substitute—

“8.1 On an application for or in relation to enforcement of a judgment or order of the County Court or through the County Court, by the issue of a warrant of control against goods except a warrant to enforce payment of a fine:	
(a) in CCBC cases, or cases in which a warrant of control is requested in accordance with paragraph 11.2 of Practice Direction 7E to the Civil Procedure Rules (Money Claim Online cases);	£77
(b) in any other case.	£110
8.2 On a request for a further attempt at execution of a warrant at a new address following a notice of the reason for non-execution (except a further attempt following suspension and CCBC cases brought by Centre users).	£33
8.3 On an application for an order requiring a judgment debtor or other person to attend court to provide information in connection with enforcement of a judgment or order.	£55
8.4(a) On an application for a third party debt order or the appointment of a receiver by way of equitable execution. Fee 8.4(a) is payable in respect of each third party against whom the order is sought.	£110
(b) On an application for a charging order. Fee 8.4(b) is payable in respect of each charging order applied for.	£110
8.5 On an application for a judgment summons.	£110
8.6 On the issue of a warrant of possession or a warrant of delivery. Where the recovery of a sum of money is sought in addition, no further fee is payable.	£121
8.7 On an application for an attachment of earnings order (other than a consolidated	£110”