STATUTORY INSTRUMENTS

2016 No. 402 (L. 5)

SENIOR COURTS OF ENGLAND AND WALES
COUNTY COURT, ENGLAND AND WALES
FAMILY PROCEEDINGS,
ENGLAND AND WALES
TRIBUNALS AND INQUIRIES,
ENGLAND AND WALES

The Civil Proceedings, Family Proceedings and Upper Tribunal Fees (Amendment) Order 2016

Made - - - - 17th March 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 sections 92(1) and (2) and 108(6) of the Courts Act 2003 ("the 2003 Act")(**1**), sections 42(1)(b) 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 180(7) of the 2014 Act.

(**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 the Crime and Courts Act 2013 (c. 22), Schedule 9, paragraph 40(a), and Schedule 10, paragraph 95.
(**2**) 2007 c. 15.
(**3**) 2014 c. 12.

Citation and commencement

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

Amendments to the Civil Proceedings Fees Order 2008

2. In the table in Schedule 1 to the Civil Proceedings Fees Order 2008(**4**)—

(a) in column 2 (amount of fee), for the entry corresponding to fee 1.4(b) (starting proceedings for the recovery of land in the County Court) for "£280" substitute "£355";

(b) in column 2, for the entry corresponding to fee 1.4(c) (starting proceedings for the recovery of land using the Possession Claims Online website), for "£250" substitute "£325";

(c) for fees 2.4 and 2.5, for the entries in both columns, substitute—

"2.4(a) On an application on notice where no other fee is specified, except for applications referred to in fee 2.4(b).	£255
2.4(b) On an application on notice where no other fee is specified made— (i) under section 3 of the Protection from Harassment Act 1997(**5**); or (ii) for a payment out of funds deposited in court.	£155
2.5(a) On an application by consent or without notice where no other fee is specified, except for applications referred to in fee 2.5(b).	£100
2.5(b) On an application made by consent or without notice where no other fee is specified made— (i) under section 3 of the Protection from Harassment Act 1997; or (ii) for a payment out of funds deposited in court.	£50"

(d) in column 1 (number and description of fee) for the direction beginning "Fees 2.4 and 2.5 are not payable" substitute "Fees 2.4(a) and 2.5(b) are not payable in proceedings to which fees 3.11 and 3.12 apply."

(**4**) S.I. 2008/1053; relevant amending instruments are S.I. 2014/874 and 2015/576.
(**5**) 1997 c. 40. Section 3 was amended by the Serious Organised Crime and Police Act 2005 (c. 15), section 125(4), and the Crime and Courts Act 2013 (c. 22), Schedule 9, paragraph 39.