STATUTORY INSTRUMENTS

2015 No. 687 (L. 10)

FAMILY PROCEEDINGS, ENGLAND AND WALES SENIOR COURTS OF ENGLAND AND WALES FAMILY COURT, ENGLAND AND WALES

The Family Proceedings Fees (Amendment) Order 2015

Made - - - -	*11th March 2015*
Laid before Parliament	*16th March 2015*
Coming into force - -	*6th April 2015*

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

In accordance with section 92(5) and (6) of that 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 and the Civil Justice Council.

Citation and commencement

1. This Order may be cited as the Family Proceedings Fees (Amendment) Order 2015 and comes into force on 6th April 2015.

Amendment of the Family Proceedings Fees Order 2008

2. The Family Proceedings Fees Order 2008(**2**) is amended as follows.

3. In article 1(2)—

(a) at the end of sub-paragraph (c), for ".", substitute ";"; and

(b) after sub-paragraph (c) insert—

(**1**) Section 92 was amended by sections 15(1) and 59 of, and paragraphs 308 and 345 of Schedule 4 Part 1 and paragraph 4 of Schedule 11 Part 2 to, the Constitutional Reform Act 2005 (c.4), and by section 17(5) and (6) of, and paragraph 40(a) of Schedule 9 Part 2 and paragraphs 83 and 95 of Schedule 10 Part 2 to, the Crime and Courts Act 2013 (c.22).

(**2**) S.I. 2008/1054, as amended by S.I. 2014/877. Schedule 1 was substituted by S.I. 2014/877. Schedule 2 was substituted by S.I. 2013/2302 and amended by S.I. 2014/513 and 2014/590.

"(d) "EU Regulation 606/2013" means Regulation (EU) No. 606/2013 of the European Parliament and of the Council of June 2013 on mutual recognition of protection measures in civil matters; and

(e) "protection measure" and "protected person" have the same meaning as in EU Regulation 606/2013."

4. After article 3, insert—

"**3A.** Fees 1.1, 5.1 and 5.3 in Schedule 1 (fees to be taken) are not payable—

(a) in any proceedings relating to protection measures under EU Regulation 606/2013 if the person who would otherwise be liable to pay the fee is the protected person;

(b) in proceedings for—

(i) a non-molestation order;

(ii) an occupation order; or

(iii) a forced marriage protection order,

under Part 4 or 4A of the Family Law Act 1996(**3**); or

(c) in proceedings issued by the person who commenced proceedings referred to in sub-paragraph (b), where that person applies to vary or discharge an order made in those proceedings."

5. In Schedule 1 (fees to be taken)—

(a) omit fee 1.4;

(b) for the three notes following fee 3.3, substitute—

"**Notes to fees 3.1, 3.2 and 3.3**

Fee 3.1 is payable where an application requires the permission of the court when permission is sought, but no further fee will be charged if permission is granted and the application is made.
Where an application is made or permission is sought at the same time under or relating to two or more provisions in Part 1 of the Adoption and Children Act 2002, other than an application under section 22 of that Act, fee 3.1 is payable only once.
In relation to fees 3.1 and 3.2, where an application is made or permission is sought at the same time under or relating to provisions of the Adoption and Children Act 2002, only one fee is payable and, if those fees are different, the higher fee 3.2 is payable.
In relation to fees 3.1, 3.2 and 3.3, where the same application is made or permission is sought at the same time in respect of two or more children who are siblings or children of the same family, only one fee is payable in respect of each numbered fee.";

(c) omit fee 10.1;

(d) in sub-paragraph (c) of fee 15.1, after "(enforcement provisions);" omit "or";

(e) after sub-paragraph (d) of fee 15.1, insert "; or" and the following sub-paragraph in the left hand column—

(**3**) 1996 c. 27. Part 4A was inserted by the Forced Marriage (Civil Protection) Act 2007 (c. 20).