



Ministry
of Justice

Court Fees: Proposals for reform

December 2013



Court Fees: Proposals for reform

Presented to Parliament
by the Lord Chancellor and Secretary of State for Justice
by Command of Her Majesty

December 2013

© Crown copyright 2013

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or email: psi@nationalarchives.gsi.gov.uk

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

Any enquiries regarding this publication should be sent to Graeme Cummings at Ministry of Justice, Law and Access to Justice Group, Post Point 4.38, 102 Petty France, London SW1H 9AJ.

This publication is available for download at www.official-documents.gov.uk and on our website at www.justice.gov.uk

ISBN: 9780101875127

Printed in the UK by The Stationery Office Limited
on behalf of the Controller of Her Majesty's Stationery Office
ID 2606236 12/13

Printed on paper containing 75% recycled fibre content minimum.

About this consultation

- To:** This consultation is aimed at users of the civil court system, the legal profession, the judiciary, the advice sector, and all those with an interest in the civil court system.
- Duration:** From 03/12/13 to 21/01/14
- Enquiries (including requests for the paper in an alternative format) to:** Graeme Cummings
Ministry of Justice
102 Petty France
London SW1H 9AJ
Tel: 020 3334 4938
Fax: 020 3334 2233
Email: mojfeespolicy@justice.gsi.gov.uk
- How to respond:** Please send your response by 21/01/14 to:
Graeme Cummings
Ministry of Justice
102 Petty France
London SW1H 9AJ
Tel: 020 3334 4938
Fax: 020 3334 2233
Email: mojfeespolicy@justice.gsi.gov.uk
- Additional ways to feed in your views:** A series of stakeholder meetings is also taking place. For further information, please use the “Enquiries” contact details above.
- Response paper:** A response to this consultation exercise is due to be published by Spring 2014 at: <http://www.justice.gov.uk>

Contents

Ministerial Foreword	4
1. The case for change	6
2. Cost recovery	10
3. Enhanced fee charging	27
Contact details/How to respond	43
Annex A: Full list of current and proposed fees (subdivided by fee order)	45
Annex B: Schedule of proposed fees (Money Claims)	63
Annex C: Examples of comparative fees for commercial proceedings	65

Ministerial Foreword



The courts are a cornerstone of our democracy: a fundamental pillar of the rule of law. Our courts, judiciary and legal system are admired around the world. People trust them to be impartial, fair and effective, and this is one of the reasons why this country is such a good place in which to do business.

For many years, the civil and family courts have operated under the principle that those who use the courts should pay the full cost of the service they receive. But this hasn't been fully achieved in practice, and hardworking taxpayers have had to pick up some of the bill. Last year the deficit was more than £100 million. That cannot be right.

The Lord Chancellor has a duty to ensure that there is an efficient and effective court system. This means that the courts must be properly financed so that they have the resources they need to deliver their services, as well as the funds they need to invest in improving them. In this way we can ensure that access to justice is protected.

But we can't ignore the economy either. This government made deficit reduction our top priority. We have taken some tough decisions, and the signs of recovery are there for all to see. Yet there is still more to do to bring public spending into line with what we can afford. The courts cannot be immune from that, and the cost to the taxpayer must fall.

The proposals in this consultation paper are designed to support these aims. In most cases, those who use the courts will be expected to pay what it costs. And in some cases, the government believes they should pay more where they can afford to do so. We are separately looking at options to make convicted criminals contribute towards the costs of the criminal courts.

There will be measures in place to protect against setting excessive fees. The Lord Chancellor's existing duty to protect access to the courts will continue to apply and, in setting enhanced fees, he will also be required to consider:

- the overall financial position of the courts: he will need to satisfy himself that fee increases are necessary; and
- the impact of fee changes on the legal services market, so that they do not risk damaging our competitive position.

And those enhanced fees which, following this consultation, the government decides to take forward, will be subject to a full debate in Parliament before they can come into force.

These plans for reform of fees are just part of our strategy for court reform. We are continuing to consider the case for loosening the financial constraints under which we run courts and tribunals so that there is greater freedom to raise the funds needed to improve and develop their services. The government plans to make an announcement on how we intend to proceed on this shortly.

A handwritten signature in black ink, reading "Shailesh Vara", with a long horizontal flourish underneath.

Shailesh Vara

Parliamentary Under-Secretary of State, Ministry of Justice

1. The case for change

Introduction

1. The courts play a vital role in our democracy. They provide access to justice for those who need it, help to maintain social order and support the proper functioning of the economy. They:
 - deal with those accused of committing crimes, acquitting the innocent and convicting and punishing the guilty;
 - provide the right environment for business and commerce to flourish, giving people the confidence to enter into business safe in the knowledge that the commercial arrangements they agree will be recognised and enforced by the courts; and
 - deal with matters affecting families, from protecting children at risk of harm to making arrangements for couples who are separating.
2. For many years, users have been charged fees to access the civil court system, which includes all civil, family and probate jurisdictions, as well as the Court of Protection and the Court of Appeal (Civil Division). The power to charge fees in the civil courts of England and Wales is set out in a number of pieces of legislation, including the Courts Act 2003 and the Mental Capacity Act 2005. When setting fees in the civil court system, the Lord Chancellor is required to have regard to the principle that access to the courts must not be denied.¹
3. In recent years, the government's policy has been to set fees on the basis of full-cost recovery: that is, the use of fee income to recover the full cost of the court system, minus the cost of the remissions system (fee waivers). However, until now, the courts have been operating at less than full-cost recovery, which has diverted resources from other areas of operations. It is critical that the courts are properly funded if they are to continue to provide access to justice whilst contributing to the ongoing development of a more efficient, modernised court service.
4. At the same time, the government has made reducing the fiscal deficit a top priority, in order to set the economy on course for growth. Under the terms of its Spending Review settlements of 2010 and 2013, the Ministry of Justice is committed to reducing its budget by over a third by 2015/16. The courts, and those who use them, must make a contribution to reducing public spending.
5. Achieving this outcome in this environment involves some difficult choices: there is a limit to how much can be achieved by those spending cuts alone. For these reasons, the government believes that it is preferable that those who can afford to pay should contribute more to the costs of the courts, so that access to justice is preserved and the cost to the taxpayer is reduced.

¹ See section 92(3) of the Courts Act 2003

General principles for fee charging

6. Providing access to justice remains the critical objective, underpinned by legislation, of the government's approach to the reform of HM Courts & Tribunals Service generally, and to the reform of fees specifically.
7. Under the proposals contained in this consultation paper, those using the civil court system would, in future, be expected to meet the cost of the service where they can afford to do so, and for certain types of proceeding would be expected to contribute more than the cost. Fee remissions will continue to be provided for those who qualify, so that access to justice is not denied.
8. We are separately considering how convicted criminals might contribute more to the costs of the criminal courts.
9. The establishment of HM Courts & Tribunals Service as a single, integrated organisation has provided the opportunity for efficiency reforms. Since 2010, we have:
 - closed 138 under-utilised courts;
 - reduced staff by over 3,500; and
 - centralised work and functions to save money.
10. We will continue to look for further opportunities to integrate common services - including estates, IT, finance and HR - to minimise cost (in particular, indirect costs and overheads) and maximise flexibility and efficiency.

Transition

11. The government intends to move towards these objectives in three discrete stages:
 - firstly, we propose to move from the current deficit on civil and family proceedings to a position under which the fees we charge reflect the cost of providing that service. Our proposals for achieving this are set out in Chapter 2;
 - we are separately introducing legislation to enable us to charge "enhanced fees", which are not limited to the cost of providing services. Our proposals for charging above cost are set out in Chapter 3; and
 - finally, the Lord Chancellor announced in March 2013 that we are looking at options to enable HM Courts & Tribunals Service to raise the investment required to modernise our facilities and put the service we provide on a sustainable footing. In his announcement, the Lord Chancellor committed to update Parliament in due course, once any proposals have been developed.

Research

12. To support the development of these proposals for reform, the Ministry of Justice has undertaken research into court users and their attitudes to fees.²

² See 'Potential impact of changes to court fees on volumes of cases brought to the civil and family courts', published alongside this consultation paper.

13. This comprised a series of qualitative interviews with organisations and solicitors who regularly use the civil court system.³ While the research was based on a relatively small number of interviews, it nevertheless provides useful evidence on the views of those who use the courts and their reasons for pursuing litigation. The key findings of this research were:

- litigation, in both the civil and family jurisdictions, was seen as a last resort;
- court fees were not considered to be a primary factor in influencing decisions to take cases to court. They were generally seen as a low proportion of the overall costs of litigation among those who used legal representation when compared, for example, to the fees charged by solicitors. Furthermore, in civil cases, it is possible to recover court fees from the defendant if the case is successful;
- other factors were more influential: for example, for debt claims, the key consideration was whether the claim was likely to succeed and whether the judgment could be enforced against the debtor.

14. A copy of the full report has been published alongside this consultation.

15. We have also undertaken research with the public exploring the extent to which they feel it is acceptable to charge fees in the civil court system ('Public attitudes to civil and family court fees'). A majority of respondents thought that individuals and businesses who use the civil and family courts to resolve disputes should pay a fee towards the cost of the court service if they could afford to. A full copy of the report has been published alongside this consultation.

16. To supplement these findings, we have commissioned further research on the attitudes to fees among individuals and small businesses who use the civil court system to resolve disputes.⁴ We will use its findings alongside responses to this consultation to help inform final decisions on charging fees at full cost. The findings from this research will be published in 2014.

Research on commercial dispute resolution

17. We have also reviewed evidence on how decisions are made on whether to pursue commercial legal disputes, and where to do so. Findings from surveys of corporations⁵ on their use of arbitration suggest the following:

- cost is just one consideration in the decision to pursue legal proceedings. More important factors are strength of the legal argument and the evidence, alongside the availability of specialist courts; and

³ The views of other types of court users, such as those who do not use legal representation, or individuals and small businesses pursuing money claims, may differ.

⁴ This will include both users who use legal representation, and those who do not.

⁵ Queen Mary University School of International Arbitration and PWC (2013), '*Corporate Choices in International Arbitration: Industry Perspectives*'.

Queen Mary University School of International Arbitration (2010), '*2010 International Arbitration Survey: Choices in International Arbitration*'.

- the choice of jurisdiction is governed by the law chosen to govern international business contracts. English Law is currently a popular choice after national law, due to its perceived neutrality and appropriateness for the type of contract.
18. We have commissioned a comparative analysis of the court fees charged and services offered in a number of other predominant commercial dispute centres: Singapore, New York, Delaware, Australia (New South Wales and Victoria) and Dubai. Findings suggest that London holds a competitive advantage over most of these competitors when court fees are considered alongside other aspects of service provision, such as judicial specialisation in commercial disputes.
19. We are also commissioning further research to explore the attitudes, knowledge and experiences of individuals and organisations (based both in the UK and overseas) who bring commercial disputes to the London courts, and the factors which determine the jurisdiction in which such cases are brought. We expect that the findings will be available to help inform final decisions on our proposed enhanced fee programme.

Previous consultations

20. There have been a number of earlier public consultations which set out the principle of full-cost recovery through fees.⁶ The proposals set out in consultation paper CP15/2011 ('Fees in the High Court and Court of Appeal Civil Division'), to which the government has not yet responded, are superseded by the proposals set out in this consultation document.

Impact of reforms

21. We have published an Impact Assessment for both chapters of this consultation paper. The Impact Assessments set out the estimated impact that the proposals would be expected to have if they were implemented. Further details on the impact of these proposals are considered in the relevant chapters of this consultation paper.

Consultation period

22. This consultation seeks views on a series of proposals to meet the government's aims. The closing date for responses is 21 January 2014. The government believes that the proposals are simple and straightforward, and there is a pressing need to place HM Courts & Tribunals Service on a solid financial footing. For these reasons, we believe that the length of the consultation period is reasonable and provides sufficient time for respondents to provide a meaningful response.

⁶ These are:

'Fees in the High Court and Court of Appeal Civil Division' [CP15/2011];
'Civil Court Fees 2008' [CP31/08];
'Civil and Family Court Fee Increases' [CP(L)24/05];
'Civil Court Fees' [CP5/07];
'Public Law Family Fees Consultation Paper' [CP32/07]; and
'Civil Court Fees' [CP10/04]

2. Cost recovery

Introduction

23. This chapter sets out the government's proposals for reforming the fees charged in the civil court system, which includes all civil, family and probate jurisdictions, as well as the Court of Protection and the Court of Appeal (Civil Division).
24. It has long been the government's aim to reduce the taxpayer's subsidy of the civil court system by ensuring that fee income covers 100% of the cost of providing court services, minus the cost of the remissions system (fee waivers).⁷ The remissions system exists to ensure that access to justice is maintained for court users who would otherwise have difficulty paying a court fee; these users can be awarded a full or partial waiver of their fee, depending on their financial circumstances.⁸ The cost of the remissions system is met from the Ministry of Justice budget.
25. Calculations to determine the cost of the services provided in the civil court system have been made under the assumption that all fees would be paid in full in every case. The term "cost recovery" therefore refers to the setting of fees at the cost price calculated before fee remissions are taken into account.
26. The government believes that this policy offers a fairer deal to the taxpayer, as their contribution is targeted where it is most needed (that is, at ensuring access to justice for those who cannot afford to pay), whilst individual court users pay for the service they receive where they have the means to do so.

The civil court system: a unified approach to fees

27. The current fee system divides services according to the area of law under which the court work is performed rather than by the nature of the service provided. As such, the various parts of the civil court system have been seen as distinct entities for the purpose of setting fees. Fees have developed incrementally, which has led to different fee-charging structures in each area, and performance has been reported separately in the annual accounts of HM Courts & Tribunals Service.
28. However, the government considers that these traditional distinctions do not properly reflect the way the court system operates today, nor the way it will increasingly operate in the future. For example, many administrative processes which were undertaken in local courts now take place in shared administration centres or online. Courts are increasingly co-located, with different types of cases sharing the same back offices, court rooms and staff. With so many shared costs, the government believes it would be artificial to continue to consider the cost of each type of activity in each jurisdiction in isolation.

⁷ See footnote 6 above for a full list of previous consultations on such proposals.

⁸ See the recent Ministry of Justice fee remissions consultation and consultation response for more information: <https://consult.justice.gov.uk/digital-communications/fee-remissions-court-tribunals>

29. Therefore, in developing our proposals for fees, we have looked at the costs of the civil court system as a whole, focusing on the cost of activities and processes which are common to all courts, such as issue or hearing, wherever they occur.
30. In addition to proposals for cost recovery, our aim is also to reduce the complexity of the current system by having fewer fee charging points, as well as common fees for similar processes across all jurisdictions. The fee changes proposed in this consultation paper are intended as a first step towards that goal.

Background

31. In 2011/12 and 2012/13, the Ministry of Justice recovered around four fifths of the costs of the civil court system. Figures in HM Courts & Tribunals Service Annual Report and Accounts 2012/13 showed a gross deficit, once the value of remissions is taken into account, of £110m:

2012/13	Gross income	Income foregone to remissions system	Net income	Expenditure ^{9,10}	Net surplus/ (deficit)	Gross surplus/ (deficit)	Fee recovery	
							Actual ¹¹	Target
	£'000	£'000	£'000	£'000	£'000	£'000	%	%
Total civil business	490,000	(-25,000)	465,000	(-600,000)	(-135,000)	(-110,000)	81%	100%

*Rounded to the nearest £5m¹²

32. To support the review of fees, we have revised the accounting policies used to divide costs between the different HM Courts & Tribunals Service operations. This is the first major review of accounting policies in this area for over 10 years. The new costing approach better reflects the direct costs of providing services to court users, and ensures that all users make a fair contribution to the wider costs of the justice system. Re-stated 2012/13 figures¹³ using the new costing approach can be found below:

⁹ The costs above include judicial costs that are borne directly by the Consolidated Fund.

¹⁰ Includes the total resource spend for HM Courts & Tribunals Service modernisation of civil and family IT systems.

¹¹ The fee recovery target is calculated using gross income against expenditure; this complies with HM Treasury's 'Managing Public Money' guidance of setting fees "at cost" (Annex 6.2.)

¹² All figures in this consultation document have been rounded to the nearest £5m.

¹³ Restated figures have not been subject to audit checks, and are subject to change prior to final publication in the HM Courts & Tribunals Service Annual Report 2013/14.

2012/13	Gross income	Income foregone to remissions system	Net income	Expenditure	Net surplus/ (deficit)	Gross surplus/ (deficit)	Fee recovery	
							Actual	Target
	£'000	£'000	£'000	£'000	£'000	£'000	%	%
Total civil business	490,000	(-25,000)	465,000	(-610,000)	(-145,000)	(-120,000)	80%	100%

*Rounded to the nearest £5m

33. These figures show a gap between costs and fees of £120m. The main reason for the increase in this gap is due to the revised method of apportioning costs, which uses data on sitting days/hours to apportion shared costs between criminal and civil business, rather than splitting costs based on set percentages.

34. The 2010 Spending Review settlement announced savings of 23% to the Ministry of Justice's net budget of £8.3bn. Following further announcements in the Autumn Budget Statements of 2011 and 2012 and the 2013 Spring Budget Statement, this increased to a 26% saving in real terms. This is equivalent to well over £2.5bn annual savings to the department's budget by 2014/15.

35. HM Courts & Tribunals Service continues to reduce spending overall, with net operating costs falling from £1,429m to £1,325m between 2011/12 and 2012/13.¹⁴ HM Courts & Tribunals Service will make further reductions to operating costs in the coming years, which will help to close this gap between costs and fees. However, the government considers the development of an effective cost recovery policy to be an essential factor in meeting the cost of running the court service, which in turn will contribute towards savings in the net cost to the taxpayer.

The cost of the civil court system

36. Costs in the civil court system are spread across a number of areas - including, but not limited to:

- salaries and expenses for court staff and the judiciary;
- salaries and expenses of managers providing support and direction to front-line staff;
- accommodation (court and office buildings) and furnishings;
- information technology and telephone systems.

37. These shared costs totalled £610m¹⁵ in 2012/13. Figure 1 shows the breakdown of these costs by type:

¹⁴ HM Courts & Tribunals Service Annual Report and Accounts, page 57, Statement of Comprehensive Net Expenditure

¹⁵ £612m (in 2012/13 prices), rounded to the nearest £5m.

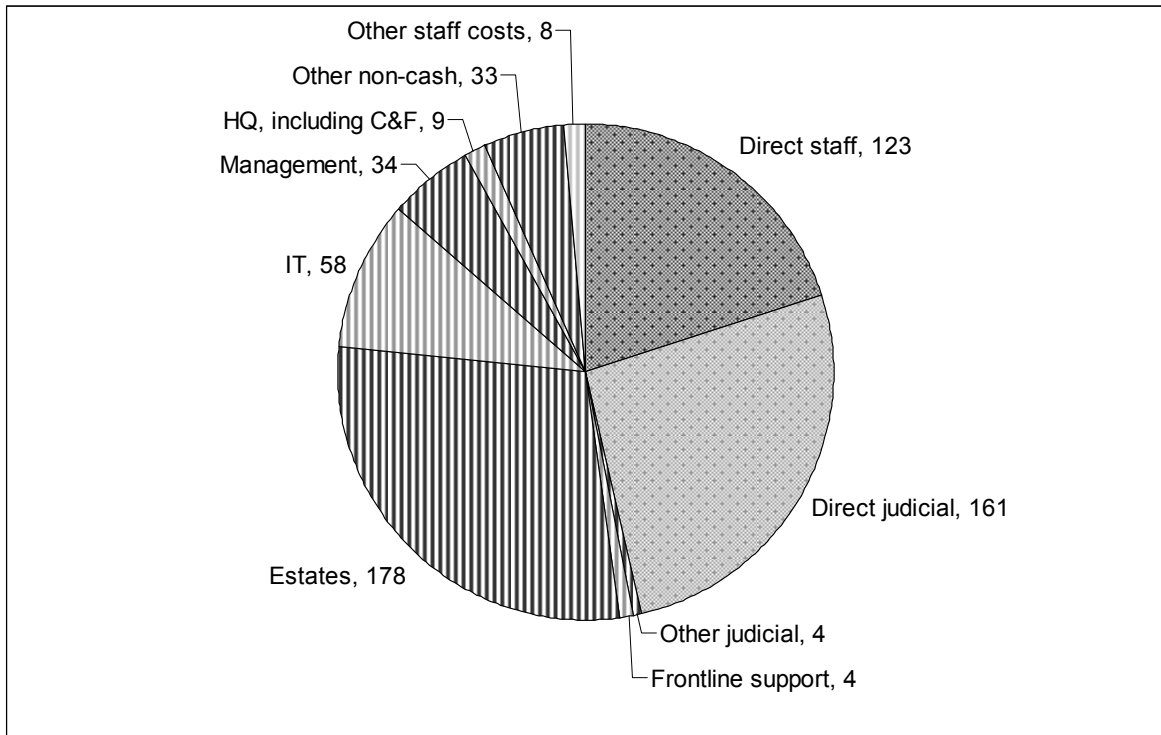


Figure 1: Civil Court System costs by type - 2012/13 (£m)

38. In our review of accounting policies, we have looked again at how we allocate or apportion these different types of costs between the different operations:

- Some costs are easily attributable to a particular type of activity. These “direct” costs represent the staff and judicial time associated with a particular case type or stage. Such costs are calculated by the minute, and are not uniform: for example, a judicial minute for a High Court judge is more expensive than that for a Magistrate. Some cases will require considerable judicial input, while others may require more administrative time. The government believes it is right that, as far as possible, these costs should be met by the user; we therefore propose to directly represent these costs in the fee charged.
- All other costs (“indirect” costs) are less easy to attribute to specific types of cases or activities. Courts are located throughout England and Wales so that they are accessible to all who may wish to bring a case, and the infrastructure necessary to deliver an effective civil court system (e.g. IT and estates) benefits all who use the system. Even when a case is resolved quickly (for example, a money claim which is undefended), it is the existence of a fully functioning judicial system – namely, a system where a case can be defended, argued in front of the judiciary, appealed and enforced – that gives the claim its worth. The government therefore believes that all those who issue a court case benefit equally from the existence of the civil justice system as a whole and should share in contributing towards its indirect costs. For this reason, the government has divided the indirect costs of the system between all cases that are issued.

39. This system of apportioning costs means that all who bring a case contribute towards the overall costs of the civil justice system.

40. For the purpose of setting fees, the government has grouped together similar activities to give a fee based on their average cost, wherever they occur. This includes, for example, grouping together the cost of issuing non-money civil cases and private law family cases, and grouping together all general applications.
41. We have retained the current tiered structure of fees for certain types of claims (e.g. money claims), where the fee rises incrementally according to the value of the claim. This structure ensures that the costs of money claims are spread according to the value of the claim so that the fees for lower-value claims are not higher than the value of the claim itself, which could inhibit access to the justice system.

Compliance

42. Court fees must comply with the legal and policy principles that apply to all services where the government charges fees under statutory powers. The general policy on fee charging is set out in HM Treasury's 'Managing Public Money: Charges and Levies' (MPM).¹⁶
43. In relation to setting fees, Chapter 6 of MPM states:
- "Charges for services provided by public sector organisations normally pass on the full cost of providing them. There is scope for charging more or less than this provided that ministers choose to do so, parliament consents and there is full disclosure."

Implementation

44. Subject to the outcome of this consultation, it is anticipated that the proposed fee changes will be implemented through secondary legislation to come into force in Spring 2014.
45. Were these changes to be implemented, the government expects that they would generate approximately £610 million in gross income against a cost base of £625 million, therefore reducing taxpayers' contributions to the cost of running the civil court service by £105 million per annum.¹⁷
46. We have considered and set out our assessment of the impact of our proposals in the initial Impact Assessment, which has been published alongside this consultation paper.

Equalities

47. Under the Equality Act 2010, we are required, as part of the policy development process, to consider the equalities impact of our proposed changes. In summary,

¹⁶ <https://www.gov.uk/government/publications/managing-public-money> (published July 2013)

¹⁷ We present both costs and income in 2013/14 prices throughout the rest of this document and in the accompanying Impact Assessments. Total cost figures from HM Courts & Tribunals Service annual accounts of £610 million (in 2012/13 prices) are uplifted to 2013/14 prices using HM Treasury's forecast of the GDP deflator for 2013/14, which is 2.3%. Expected income from the proposed fee changes is uplifted in the same way.

public authorities subject to the equality duty (including the Ministry of Justice) must, in the exercise of their functions, have due regard to the need to:

- eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and those who do not.

48. The nine protected characteristics are: age; disability; gender reassignment; marriage and civil partnership (only relevant for the first bullet point above); pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

49. We have undertaken an equalities assessment of the likely impact of these proposals, which is provided as part of the Impact Assessment. The assessment details potential impacts on a number of groups with protected characteristics, and concludes that these proposals are not directly discriminatory and are also unlikely to amount to indirect discrimination.

50. We would welcome any further views on the equalities impacts of the proposals in this consultation as well as any related data.

Questions

Question 1: What do you consider to be the equality impacts of the proposed fee increases (when supported by a remissions system) on court users who have protected characteristics? Can you provide any evidence or sources of information that will help us to understand and assess those impacts?

Proposals

51. The fees affected by these proposals are currently governed by six Statutory Instruments.¹⁸ These are:

- the Civil Proceedings Fees Order 2008;
- the Family Proceedings Fees Order 2008;
- the Magistrates' Courts Fees Order 2008;
- the Non-Contentious Probate Fees Order 2004;
- the Court of Protection Fees Order 2007; and
- the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011.

¹⁸ This includes all published amendments to these SIs.

52. Annex A contains a full list of the fees currently charged in each of these areas, along with our proposed changes. The key changes proposed are outlined below.

Issue fees

53. As Annex A demonstrates, at present we charge a range of fees to issue specific types of cases across the civil court system. In order to better reflect the shared costs and processes involved in this work (see paragraph 37 above), we propose to group together all non-money civil issues in the county court (e.g. insolvency cases and possession claims) with private law family case issues (i.e. Children Act (such as child contact and residence orders), divorce and ancillary relief cases) for the purpose of setting fees.

54. Grouping the fees in this way and charging at full cost would create a standard issue fee of £270. Our proposal is that this fee should be charged in all cases included in this grouping - with the exception of certain types of family law cases and also debtor petitions in insolvency proceedings, where fees will be retained at their current levels.

55. Retaining some of these fees at their current levels would, of course, have an impact on our cost recovery plans: by choosing not to charge the full cost of these processes to the user, the government would instead forgo potential fee income. See paragraphs 66 to 82 below for a summary of the affected fees and the government's reasons for adopting this position.

56. Under this proposal, issue fees for money claims would also remain at their current levels for cases with a value up to (and including) £1,500, which would ensure that the fee charged for lower-value claims was not higher than the value of the claim itself. However, in order to ensure that total income from money issue fees recovers their total costs, we propose to increase the issue fee for money claims over £1,500.

57. Moreover, under our proposals, claims made online for a value of up to £1,500 would remain at current levels, whilst those with a value over £1,500 would benefit from a 10% discount on the proposed level for standard claims, in order to reflect the lower cost of these services and to encourage more online applications. Money claims made to the bulk centre would be charged the same discounted fee as online applications. This reflects the lower cost of this service, and the fact that online lodging of bulk applications will be introduced in 2014.

58. Finally, for similar reasons, the government proposes to apply a 10% discount to the issue fee of £270 in the case of possession claims made online.

Questions

Question 2: Do you agree with the premise of a single issue fee of £270 for non-money cases? Please give reasons for your answer.

Question 3: Do you agree with the proposed fee levels for money claims? In particular, do you agree with the proposal to charge the same fee for claims issued through the Claims Production Centre that would be charged for applications lodged online? Please give reasons for your answer.

Post-issue fees

59. At present, additional fees are charged to those who pursue specific types of cases within the civil court system (largely money claims) where their cases proceed beyond the issue stage. These fees are charged at the allocation, listing and hearing stages.
60. If a case is contested, a judge must assign it to an appropriate case management track - either the small claims track, fast track or multi-track, depending on the value and complexity of the case. Users are usually required to complete a directions questionnaire to help the judge decide on the most just and cost-effective track for their case. When this questionnaire is submitted, an allocation fee is currently charged: £40 for the small claims track, and £220 for the fast track and multi-track. However, the government proposes to abolish the fees charged at the allocation stage and instead include the costs of this process in the issue fee.
61. Furthermore, the listing fee (currently £110) tends to be paid at the same time as, or close to, the hearing fee. In order to streamline the administration process, the government proposes to no longer charge a separate listing fee and has instead incorporated the costs of the listing process into the costs of a hearing. Court users whose cases reach the stage where they are listed for hearing would therefore only pay one fee (a hearing fee). We believe that this change would aid efficient administration and also pass on a saving to the user.
62. The government does not propose to change the hearing fees charged for small claims, fast track or multi-track hearings. Fees in the small claims track currently recover less than the cost of proceedings, but increasing these fees to full-cost levels would, in some cases, mean charging more than the value of the claim itself. This would increase the risk of fees preventing access to justice; therefore, the government does not wish to increase these fees.
63. Meanwhile, our modelling suggests that the fees currently charged for a hearing in fast track or multi-track cases are higher than the average costs of these processes. Nevertheless, given the current financial climate, the government does not believe that it is reasonable to reduce these fees. The objective of these proposals for reform is to maintain access to justice by providing for the proper resourcing of the courts, and the government believes that income from hearing fees is crucial to meeting that objective.
64. To maintain these fees at their current levels (£545 for fast track and £1,090 for multi-track hearings), we propose, subject to Parliamentary agreement, to use the enhanced fee-charging powers in the Anti-Social Behaviour, Crime and Policing Bill to charge these fees above cost. Our rationale for charging enhanced fees for certain proceedings is set out in Chapter 3 of this consultation.
65. The government also proposes to abolish the process of refunding hearing fees where early notice is given that a hearing is not required. This process is administratively costly, and there is little evidence that it influences behaviour in a way which allows the court service to benefit from its existence – for example, by filling vacated hearings - nor that its presence encourages early settlement of claims. The government therefore believes that the provision of this service is not consistent with our proposals for cost recovery.

Questions

Question 4: Do you agree with the removal of the allocation and listing fees in all cases? Please give reasons for your answer.

Question 5: Do you agree that small claims track hearing fees should be maintained at their current levels, which are below cost? Please give reasons for your answer.

Question 6: Do you agree that fast track and multi-track hearing fees should be maintained at their current levels, which are above cost? Please give reasons for your answer.

Question 7: Do you agree with proposals to abolish the refund of hearing fees when early notice is given that a hearing is not required? Please give reasons for your answer.

Private law family proceedings

66. Most private law family cases also involve a hearing (e.g. child contact and residence, adoption or ancillary relief cases) but, at present, only an issue fee is charged. In paragraph 54 above, we explained that the full cost of issuing such cases is £270. However, the hearings in such cases incur additional costs, which would be the equivalent of a multi-track hearing. Under cost recovery proposals, an additional hearing fee would therefore also be chargeable in these cases.
67. Such cases are often brought by people going through difficult circumstances - for example, those who are seeking a court decision relating to contact or financial arrangements for their child, or who are settling financial arrangements following the breakdown of a marriage. These issues can be complex, and the progress of a case (particularly where a child is involved) is often directed by the judge, who is bound to act in the interest of the child.
68. The purpose of this consultation is to look at how the fees we charge can better reflect the cost of the services we provide. Our proposals are not intended to affect user behaviour nor to discourage users with a reasonable complaint from accessing the court.
69. For this reason, the government does not believe that it is appropriate at this stage either to increase issue fees where the current fee is below £270 (with the exception of the very small number of cases affected by the proposal to charge £215 for all Children Act applications, detailed at paragraphs 77 to 82 below) or to reverse its current policy of not charging hearing fees in these types of family cases.
70. Instead, the government will continue to concentrate on reforms to reduce the cost of these proceedings and to encourage greater use of out-of-court settlement through processes such as mediation, which can be quicker, less stressful and which facilitate family-led solutions.

Divorce

71. The current fee charged to issue a divorce petition is £410.¹⁹ Our costs assessments have shown that this is now above cost price, which is equal to the standard issue fee of £270. Nevertheless, given the current financial climate, the government does not believe that it is reasonable to reduce this fee. The objective of these proposals for reform is to maintain access to justice by providing for the proper resourcing of the courts, and the government believes that income from divorce fees is crucial to meeting that objective.
72. Furthermore, divorce is one area in which the government is proposing to pursue enhanced fee charging (see Chapter 3 for more information about our rationale for charging enhanced fees). For both of these reasons, we propose to maintain the fee at its current level.
73. In cases where those divorcing are unable to agree a financial settlement and require ancillary relief, the current fee is £255. As set out at paragraph 69 above, this issue fee will not be increased and the user will not be charged the costs of the hearing.

Domestic violence

74. In cases of domestic violence, a non-molestation order can be granted to prohibit certain behaviours or general molestation, whilst an occupation order can be granted to define the rights of occupation in the home.
75. The issue fee for both of these orders is listed in the Family Proceedings Fees Order and Magistrates' Courts Fees Order, and is currently set at £75.
76. As explained at paragraph 66 above, the full cost of this process is calculated to be significantly higher. However, given the sensitive nature of these cases, and the vital importance that victims of domestic violence are able to seek the protection they need, the government proposes to no longer charge for these proceedings.

Questions

Question 8: Do you agree with proposals to retain the current fee levels for private law family proceedings and divorce, and the proposal to no longer charge a fee for non-molestation and occupation orders? Please comment on all or any of these processes.

Children Act cases

77. The fees charged for proceedings brought under the Children Act 1989 are listed in section 2 of Schedule 1 to the Family Proceedings Fees Order. There are two categories of proceeding: private law cases and public law cases.

¹⁹ Throughout this consultation paper and the accompanying Impact Assessments, all references to the fee for a divorce petition refer to fee 1.2 of the Family Proceedings Fees Order 2008. This covers: a decree of divorce made under section 1 of the Matrimonial Causes Act 1973; a decree of nullity made under sections 11 or 12 of the same act; and a dissolution order or nullity order made under section 37 of the Civil Partnership Act 2004.

78. Private law cases are those where family members (normally parents) disagree about arrangements for their children and seek an intervention from the court, which will seek to resolve the dispute with the best interests of the child in mind. Such cases include, for example, contact or residence orders and matters regarding financial provision for the child.
79. The fees to issue these proceedings currently vary, with most costing £215 and a smaller amount of others costing £180, £170 or £95. The details of each of these fees are set out in full at Annex A. However, in-keeping with our proposals to standardise fees for similar processes, the government proposes to charge £215 to issue a case in all of these cases – with the exception of those for which we currently charge £95, where the fee will not change. Where an application is made during existing proceedings, it is proposed that the general application fee should apply (see paragraphs 83-87 below).
80. Public law cases are those brought by local authorities, and cover matters such as care orders, supervision orders and emergency protection orders. At present, local authorities are required to pay two fees in these cases: an issue fee of £3,320 and, where applicable, a hearing fee of £2,155. Where cases are resolved at an early stage, a refund of £1,360 can be made against the issue fee.
81. The government considers this process to be unduly complex and instead proposes that a single fee is charged at the start of proceedings, with no final hearing fee and no refunds if a case is resolved at an early stage. This is consistent with the changes to the Public Law Outline (PLO), which aims to support the proposed 26-week time limit for public law family cases. This single issue fee would be set at its full cost, £2,000, which is less than the issue fee currently charged.
82. The government believes that this change would make it more straightforward for local authorities to administer these proceedings, and would not increase (and might reduce) the overall cost to local authorities. Further detail is provided in the Impact Assessment published alongside this consultation paper.

Questions

Question 9: Do you agree with the standardisation of the fee for Children Act cases, and with the proposal that there should only be one up-front fee for public law family cases? Please give reasons for your answer.

General applications

83. General applications are additional processes that can be issued by a court user alongside a case. They are used widely across the civil court system and can be made at any time before or during the course of proceedings; examples can include applications for parties to amend pleadings, to file further documents in the proceedings, applications to set aside judgments, or an application to join additional parties to a case.
84. In family cases (under both public and private law), a large volume of applications within existing proceedings are made in addition to these traditional general applications. These are usually proceedings under the Children Act 1989, for which

the relevant fee under 2.1 of the Family Proceedings Fees Order (or 8.1 of the Magistrates' Courts Fees Order) will be charged. However, an application made within proceedings will usually be considered alongside the existing case, and is therefore likely to involve fewer resources than if it was issued as a separate proceeding.

85. As with issue fees, the government wishes to simplify its approach to the fees charged for general applications and other applications made within proceedings by charging a standard fee wherever such applications are made.
86. We therefore propose to charge a fee of £150 for general applications made on notice (which often require a hearing and considerable resource) or £50 for those made by consent or without notice (which may not involve a hearing or will use fewer resources), and also to charge these same fees for those Children Act applications made within proceedings in family cases. In such family cases, this change will result in a majority of users paying a lower fee than at present, and is in contrast to our proposals to charge £215 when these applications are made to issue a case (see paragraph 79 above).
87. General application fees will also be introduced in jurisdictions where they are not currently charged, namely the Court of Appeal and the Court of Protection. However, these fees may not always follow the standardised fees set out above. See paragraphs 99 to 113 below for more information on these proposals.

Questions

Question 10: Do you agree with the standardisation of general application fees and fees for applications within family proceedings? Please give reasons for your answer.

Enforcement

88. Enforcement proceedings can be brought against a person who has been ordered by a court to satisfy a debt and return goods, property or land to another person, but has failed to do so. The person seeking the return of their goods or property pays a fee if they require the court to take action to have the decision enforced. This fee varies according to the nature of the enforcement action required.
89. Our work to assess the costs of enforcement in the civil court system has included the work undertaken by civil enforcement teams. However, some enforcement work in the civil court system is undertaken by criminal enforcement teams. HM Courts & Tribunals Service is currently investigating which elements of this work are carried out by these teams (this varies from region to region), and is assessing its future cost.
90. Furthermore, the government is currently reviewing some of the enforcement procedures open to judgement creditors. In light of these two reviews, the government intends to maintain enforcement fees at their current levels (which it believes broadly reflect the costs of the process) until the reviews are complete and a final assessment of the costs of this process can be made.

Judicial review

91. Judicial review is a process by which individuals, businesses and others can ask a court to review the lawfulness of a decision, act or omission of a public body. Such proceedings can be brought, for example, to decide whether a public body has acted outside its powers, has followed a lawful process, or has come to a rational decision. The judicial review process is therefore a critical check on the powers of the state and is a key mechanism for individuals to hold the executive to account.²⁰
92. The current fees for judicial review are £60 to lodge an application, £215 for an oral renewal (where permission is refused on the papers), and £215 for a hearing. In those cases where permission is granted following an oral renewal, the hearing fee is not charged.
93. However, our financial modelling indicates that, at this level, the fees charged do not recover the full cost of these processes. The government therefore proposes to increase fees for judicial review to their full cost prices of £135 for an application and £680 for a hearing or an oral renewal, with the hearing fee waived if an oral renewal is successful.

Questions

Question 11: Do you agree with the proposed fee levels for judicial review cases? Please give reasons for your answer.

Magistrates' Courts

94. Although most magistrates deal primarily with criminal work, they also handle a number of civil and family matters.
95. The fees for family cases considered in the Magistrates' Courts match those in the county court, and are dealt with at paragraphs 77 to 82 above. The government intends to maintain the majority of remaining fees charged in the Magistrates' Courts at their current levels, as they already achieve cost recovery. A full list of the fees charged in the Magistrates' Courts can be found at Annex A.

Probate

96. Probate is the service whereby the courts give a person or persons the authority to administer a deceased person's estate, where this estate has a value of over £5,000 and does not concern jointly-held assets. Therefore, for example, when an estate passes to a surviving spouse or civil partner, a grant of probate will not be required if it was held in joint names.

²⁰ See the government's proposals for reform to judicial review for further information: <https://www.gov.uk/government/consultations/judicial-review-proposals-for-further-reform>

97. Current fees are listed in the Non-Contentious Probate Fees Order. The two principal fees charged are £45 for an application for grant of probate, with an additional £60 charged for a personal probate application (applications made without a solicitor). The additional charge for personal applications reflects the additional administration costs incurred by HM Courts & Tribunals Service in checking personal applications and drafting and administering the oath.
98. Financial modelling shows that the fee for a probate application significantly under-recovers the cost of this service. We therefore propose to increase this fee to full-cost levels so that an application for grant of probate will cost £150. The additional personal application fee will remain at £60.

Questions

Question 12: Do you agree with proposals to increase the fee for an application for grant of probate to full-cost levels? Please give reasons for your answer.

Court of Appeal (Civil Division)

99. The civil division of the Court of Appeal hears appeals from all divisions of the High Court and, in some instances, from the County Court and certain tribunals. Bringing an appeal is subject to obtaining permission to appeal.
100. The fees currently charged in the Court of Appeal are laid out in the Civil Proceedings Fees Order. At present, two fees are charged: one, set at £235, for permission to appeal; another, set at £465, for a hearing once permission has been granted. Financial models suggest that these fees are currently charged below full-cost level, which has been calculated at £1,270 for permission to appeal and £10,000 for a hearing.
101. The government believes that charging fees at their full-cost level could discourage some from accessing the Court of Appeal. The government recognises the importance of the appeals process and of the role of the Court of Appeal, whose decisions set case law which is later applied throughout the lower courts, and which therefore benefits all court users. The government therefore considers it inappropriate to charge the full cost of these proceedings to those who use the Court of Appeal.
102. Instead, the government proposes to increase Court of Appeal fees whilst maintaining them below full-cost levels. The fees proposed are £465 for permission to appeal and £1,090 for a hearing.
103. The government also proposes to introduce a charge for a renewed application for leave to appeal in the Court of Appeal. This will involve a hearing of the arguments for appeal and involves judicial time. The government considers that the fee structure here should match that charged for an oral renewal in judicial review cases: namely that the hearing fee of £1,090 should be charged for a renewed application, with no further hearing fee charged if leave to appeal is granted.

104. Furthermore, the government is aware that there are some processes in the Court of Appeal for which no fee is currently charged. In our previous consultation paper, 'Fees in the High Court and Court of Appeal Civil Division', we put forward proposals to introduce new fee-charging points for additional applications and general applications.
105. Additional applications are applications made within an appellant's notice or by way of an application notice; these can be appended to the main application and treated as part of the same case, meaning that only one fee is paid. However, such processes involve separate administrative and, potentially, judicial time. As a result, in order to better reflect the cost of this process to the court service, the government proposes introducing an additional application fee of £465 (equal to the fee charged for permission to appeal).
106. General applications are minor applications made to the court to ask for judicial direction on matters ancillary to an appeal, and are described in detail at paragraphs 83 to 87 above. The government proposes to introduce the standard fee of £50 or £150 for general applications made in the Court of Appeal.

Questions

Question 13: Do you agree with the proposed fee levels for cases taken to the Court of Appeal? Please give reasons for your answer.

Court of Protection

107. The Court of Protection is a specialist court which makes specific decisions, or appoints other people to make decisions, on behalf of people who lack the capacity to do so for themselves.
108. Current fees are set out in the Court of Protection Fees Order. Two main fees are currently charged: one of £400 to file an application for an appeal, and one of £500 for a hearing. Hearing and appeal fees broadly achieve full-cost recovery; therefore, the government proposes to maintain them at their current level.
109. However, unlike all other court fees, the hearing fee in the Court of Protection is charged at the end of proceedings. This can make the fee difficult to collect after proceedings have concluded. In other courts, the fee is collected before the hearing. The government therefore proposes to move the point at which the hearing fee in the Court of Protection is charged to before the hearing.
110. The government also wishes to revise the fee-charging structure for application fees to better reflect the two distinct categories of application which can be made: simple and complex. Many simple applications - for example, applications to appoint a deputy for property and affairs - are dealt with by authorised court officers (appointed civil servants), whilst complex applications - for example, those involving health and welfare - are, given their complex nature, dealt with by judges. The difference in complexity means that these two processes consume different levels of resource and therefore incur different costs.

111. Therefore, in-keeping with the proposals for cost recovery outlined in this consultation paper, the government proposes to introduce two application fees which will recover the full cost of these processes: a lower fee of £220 for a simple application and the current fee of £400 for all other applications.
112. Furthermore, there are some procedures in the Court of Protection for which no fee is currently charged. One such process is applications within proceedings (made under Part 10 of the Court of Protection Rules 2007), for which the government proposes to introduce the general application fees outlined at paragraphs 83 to 87 above. This would bring the Court of Protection in line with other jurisdictions where a fee is already charged for applications made within proceedings, and would also contribute to the government's cost recovery plan.
113. The government also proposes to introduce a fee for applications to the Court of Protection objecting to the registration of Enduring or Lasting Powers of Attorney. The fee proposed is £400, which is the same as for a complex application.

Questions

Question 14: Do you agree with the government's proposed changes to the fees charged in the Court of Protection? Please give reasons for your answer.

Question 15: Do you have any further comments to make on the government's cost recovery plans?

Summary of Questions

Question 1: What do you consider to be the equality impacts of the proposed fee increases (when supported by a remissions system) on court users who have protected characteristics? Could you provide any evidence or sources of information that will help us to understand and assess those impacts?

Question 2: Do you agree with the premise of a single issue fee of £270 for non-money cases? Please give reasons for your answer.

Question 3: Do you agree with the proposed fee levels for money claims? In particular, do you agree with the proposal to charge the same fee for claims issued through the Claims Production Centre that would be charged for applications lodged online? Please give reasons for your answer.

Question 4: Do you agree with the removal of the allocation and listing fee in all cases? Please give reasons for your answer.

Question 5: Do you agree that small claims track hearing fees should be maintained at their current levels, which are below cost? Please give reasons for your answer.

Question 6: Do you agree that fast track and multi-track hearing fees should be maintained at their current levels, which are above cost? Please give reasons for your answer.

Question 7: Do you agree with proposals to abolish the refund of hearing fees when early notice is given that a hearing is not required? Please give reasons for your answer.

Question 8: Do you agree with proposals to retain the current fee levels for private law family proceedings and divorce, and the proposal to no longer charge a fee for non-molestation and occupation orders? Please comment on all or any of these processes.

Question 9: Do you agree with the standardisation of the fee for Children Act cases, and with the proposal that there should only be one up-front fee for public law family cases? Please give reasons for your answer.

Question 10: Do you agree with the standardisation of general application fees and fees for applications within family proceedings? Please give reasons for your answer.

Question 11: Do you agree with the proposed fee levels for judicial review cases? Please give reasons for your answer.

Question 12: Do you agree with proposals to increase the fee for an application for grant of probate to full-cost levels? Please give reasons for your answer.

Question 13: Do you agree with the proposed fee levels for cases taken to the Court of Appeal? Please give reasons for your answer.

Question 14: Do you agree with the government's proposed changes to the fees charged in the Court of Protection? Please give reasons for your answer.

Question 15: Do you have any further comments to make on the government's cost recovery plans?

3. Enhanced fee charging

Introduction

114. The normal rule, set out in ‘Managing Public Money’,²¹ is that when public bodies charge for providing services, the fees charged should be set at a level designed to recover the full cost, but no more, of providing those services. In Chapter 2 of this consultation paper, the government has set out its proposals for reforms to the fees charged in the civil courts to recover the costs of the service, less the value of remissions.
115. The government believes, however, that there is a strong rationale for departing from the normal policy in some cases. For certain proceedings before the courts in England and Wales, we believe that there is a strong case for setting fees at a level above the cost of the activities to which they relate (“enhanced fees”). We are seeking a general power which would allow the Lord Chancellor to do so in the *Anti-Social Behaviour, Crime and Policing Bill*, which is currently before Parliament.
116. The clause sets out the purpose of charging enhanced fees, which is to finance the efficient and effective system of courts and tribunals. When setting fees, the Lord Chancellor is under an existing duty (see s92(3) Courts Act 2003) to have regard to the principle that access to the courts must not be denied. That duty will continue - and, in addition, he would also be required to have regard to the overall financial position of the courts and tribunals and the competitiveness of legal services.

Rationale

117. In the introduction to this consultation paper, we set out the rationale for reform. This recognises the fundamental role the courts play in a free and democratic society. The courts are essential for, among other things, maintaining social order and supporting the effective functioning of markets and the economy. It is therefore essential that the courts are placed on a sound and sustainable financial footing so that access to justice is protected.
118. Our proposals for cost recovery are designed to ensure that income from the civil court system covers the cost of providing those services, less the cost of remissions, which are borne by the taxpayer. However, we need to go further to reduce the net costs of the courts to the taxpayer. In these circumstances, we believe it is reasonable that, for certain proceedings, those who use the courts should make a greater contribution to the costs of running these services where they can afford to do so.

²¹ <https://www.gov.uk/government/publications/managing-public-money> (published July 2013)

Impacts

119. The government believes that it is reasonable to charge more in court fees for certain types of proceeding, because we believe that the party bringing the case will be able to afford to pay a fee which better reflects the value of the proceedings to them.
120. Our proposals focus on four types of proceeding:
- money claims (both specified and unspecified);
 - commercial proceedings;
 - hearings (fast track and multi-track); and
 - divorce proceedings.
121. The research we have undertaken, which suggests that court fees are a secondary consideration in a decision to pursue litigation,²² provides some reassurance that this is unlikely to deter people from bringing arguable cases before the courts. Fee remissions are also available to those who qualify, so that those who cannot afford to pay the fee can have their fees remitted, either in part or in full. And in setting fees, the Lord Chancellor is under a duty to ensure that the principle of access to the courts is not denied.²³
122. However, to further minimise the risk, the government is strengthening the existing safeguards by introducing, in the legislation providing the power to charge enhanced fees,²⁴ a new duty to have regard to the financial position of the courts and tribunals. And to ensure that higher fees do not damage the competitive position of our legal services, it also includes a duty to have regard to the competitiveness of the legal services market.
123. Further research has been commissioned to explore the attitudes, knowledge and experiences of individuals and organisations based in the UK and internationally who bring commercial disputes to the London courts. This will provide further evidence to help inform an assessment of the impact of higher fees, and final decisions on the fee regime we intend to implement.

²² See the research papers published alongside this consultation document for more information. We are seeking to further understand considerations of litigants who have chosen to use our commercial court to settle legal disputes and the relative importance of fees.

²³ Section 92(3) of the Courts Act 2003.

²⁴ Clause 155 of the Anti-Social Behaviour, Crime and Policing Bill, currently before Parliament.

1. Money claims

Introduction

124. Money claims represent the large majority of the work of the civil court system. Most are specified claims, which typically seek the recovery of a debt - for example, overdue loans and balances on credit cards, as well as sums claimed in business and trade disputes. In 2012/13, around 900,000 specified money claims were issued in England and Wales, some 84% of all claims issued in the civil court system. Most of these claims do not proceed beyond the issue stage: only around 15% of claims issued proceed to a trial.
125. In 2012/13, there were also 175,000 unspecified money claims. These typically relate to personal injury claims - for example, as a result of a road traffic accident or a medical injury.

Rationale for reform

126. In these types of proceeding, the courts fulfil an important role in ensuring the effective functioning of the economy. Ready access to the courts provides businesses and entrepreneurs with the confidence to enter into commercial agreements in the knowledge that, if a party defaults, there is an effective remedy to enforce their agreements.
127. Under our proposals for cost recovery (see Chapter 2), we propose to retain the current 14 fee bands for specified money claims, as well as the discounted fees for claims issued in the Claim Production Centre and Money Claims Online. A detailed breakdown of these fees is provided at Annex A.
128. Under these arrangements, the fee to issue proceedings for the recovery of a debt of up to £300 would remain £35, or at least 11.5% of the value of the claim. However, the highest issue fee (for claims of over £300,000) would be £1,870, which represents, at most, around 0.05% of the value of the claim. Under the current arrangements, therefore, those bringing lower-value claims are required to pay a fee which represents a far higher proportion of the value of the claim than those bringing higher-value claims.
129. This is, in part, because fees are set on the basis of cost and, at the lower end of the scale, these costs form a higher proportion of the value of the claim. Nevertheless, the government believes that those pursuing higher-value claims should make a greater contribution to the overall costs of the service. The government is therefore proposing to move to a fee-charging regime for specified money claims under which the fees charged better reflect the value of proceedings to the user.

Evidence

130. To help with the development of specific proposals to achieve this outcome, we asked users²⁵ for their views on two proposals for reform:

²⁵ See 'Potential impact of changes to court fees on volumes of cases brought to the civil and family courts', published alongside this consultation paper.

- i) reducing the existing fee bands to three wider bands; and
- ii) charging a fee to issue proceedings of 5% of the value of the claim.

131. Large organisations who regularly issued specified money claims in the civil courts (including debt recovery firms) preferred the proposal to charge the fee as a proportion of the value of the claim. They said that most of the claims they pursued were of a relatively low value and they considered that this proposal was likely to have little impact on their business.

Specified money claims: proposals for reform

132. To protect access to justice and to reduce the burden on the taxpayer, the government believes that users should make a greater contribution to the cost of the court service.

133. Our proposal is to charge a fee for the issue of a specified money claim which represents 5% of the value of the claim, subject to a minimum and maximum fee. We believe that a fee of 5% of the value of the claim is the appropriate proportion to apply in these cases, as:

- at this level, the fee remains a small proportion of the overall value of the debt. Our research²⁶ suggests that this would not result in litigation becoming disproportionately expensive; and
- it results in higher fees being paid for higher-value claims.

134. We estimate that this proposal would generate £45 million per annum in additional income for the operation of the courts.²⁷

Minimum and maximum fees

135. If these proposals were applied to all money claims, certain types of claim (i.e. those of around £10,000 and below) would pay a lower fee than under the cost recovery proposals (see Chapter 2). Given the current financial climate in which there is a pressing need to reduce the net cost of the courts to taxpayers, we do not believe that it would be justifiable to reduce any fee. We therefore propose that the fee for a claim of £10,000 or less should remain unchanged from the fees proposed in our cost recovery plans.

136. The proposal could also result in very high issue fees for higher value claims and, in the very small number of very high value claims which are made, the fee charged could be substantial. For example, a claim valued at £20 million would pay an issue fee of £1 million, and a claim valued at £1 billion would result in an issue fee of £50 million. At these levels, we accept that litigation would become prohibitively expensive.

137. Our research²⁸ suggested that a cap would be required to provide certainty over the costs of litigation, and to prevent fees for high-value cases becoming too expensive.

²⁶ See '*Potential impact of changes to court fees on volumes of cases brought to the civil and family courts*', published alongside this consultation paper.

²⁷ 2013/14 prices

²⁸ See '*Potential impact of changes to court fees on volumes of cases brought to the civil and family courts*', published alongside this consultation paper.

Some debt agencies suggested that they would introduce their own internal cap on the cost of cases, above which cases would be deemed too expensive to pursue.

138. The government agrees that it is appropriate to set a cap on the fee for issuing proceedings. The majority of claims are for values of £5,000 or below, and 98% of claims have a value of under £200,000. For this reason, we believe that a maximum issue fee of £10,000 (which is equal to the fee which would apply to a claim worth £200,000) would result in most claims incurring a fee which better reflects the value of proceedings, while at the same time ensuring that costs of litigation did not become excessive.

Discounts

139. Currently, those who use the Claims Production Centre or Money Claims Online (MCOL) pay a lower fee to issue proceedings. This reflects the administrative saving to HM Courts & Tribunals Service in processing the claim through these channels. Under the proposals for cost recovery (set out at paragraph 57 above), we propose to rationalise the discounts for using these channels:
- the current discounts would continue to apply for claims issued for £1,500 or below; but
 - there would be a 10% discount for claims over £1,500 (up to the maximum value of £100,000).
140. Under our enhanced fees proposals, the fee for a claim of £10,000 or less will attract the same fee as under the cost recovery proposals (see paragraph 135 above). We propose that the same approach should be applied to the fees charged for claims issued online, and that claims of £10,000 or less issued online or through the Claims Production Centre should also attract the same discounted fee as under our cost recovery proposals.
141. Claims of more than £10,000 issued online or through the Claims Production Centre (up to the maximum of £100,000) would attract a fee of 5% of the value of the claim, less a discount of 10%.

Counterclaims

142. Under the current arrangements, the fee for issuing a counterclaim is the same as the fee for the principal claim. Our proposal is that the same enhanced fees proposed for money claims should also apply to a counterclaim to a money claim.

Conclusion

143. A schedule setting out the fees we propose to charge for money claims under both cost recovery and enhanced fee proposals is at Annex B.

Questions

Question 16: Do you agree that the fee for issuing a specified money claim should be 5% of the value of the claim?

Question 17: Do you agree that there should be a maximum fee for issuing specified money claims, and that it should be £10,000?

2. Unspecified money claims

Introduction and rationale

144. There are some 175,000 unspecified money claims issued each year in the civil courts. Under the current arrangements, the same fee regime applies to both specified and unspecified money claims. The fee to issue proceedings for an unspecified money claim is based on an estimate of the value of the claim provided by the claimant.
145. The only difference between specified and unspecified claims is that there is an element of uncertainty in the quantum being sought in an unspecified claim because, for example, it includes an element of damages to be assessed. In principle, therefore, we think that it is reasonable to apply the same approach to unspecified claims as proposed for specified claims. In particular, we do not believe that it would be reasonable or fair to distinguish between proceedings and to charge a different fee solely on the basis that the value could not be precisely determined when the proceedings were issued.

Proposals for reform

146. Our proposal is that the fee to issue an unspecified claim should be the same as for a specified money claim. On this basis, the fee to issue a claim for an unspecified money claim would be 5% of the estimated value of the claim, subject to the same maximum and minimum fees.
147. However, unspecified claims include personal injury claims, including those as a result of road traffic accidents, medical negligence and injuries at work. Some cases can involve vulnerable victims with significant, life-changing injuries.
148. Section 92(3) of the Courts Act 2003 places a duty on the Lord Chancellor to ensure that access to the courts is not denied. We are concerned to ensure that the proposed fee structure should not have the effect of discouraging or preventing victims in personal injury cases from accessing the courts.
149. There are a number of factors to take into account in determining whether the fee would be likely to deter a claimant:
- personal injury claims can be funded through conditional fee arrangements under which the fee is paid as a disbursement in litigation;
 - fee remissions are available for those who qualify;
 - costs (including court fees) are normally recoverable from the losing party; and
 - a claimant bringing a personal injury claim under a Conditional Fee Agreement can take out insurance to meet the costs of proceedings if they are unsuccessful.
150. The government believes that, for most cases, the court fee is unlikely to act as a deterrent. Nor do we believe that it is likely to diminish the value of the award in successful claims.
151. Nevertheless, the sums at stake in these cases can be significant: in 2012/13, fewer than 6,000 unspecified claims (or 3% of the total issued in local courts) were for

£100,000 or more, and around 1,400 were for £200,000 or more. We recognise that, under these proposals, some claims would be liable to pay the maximum fee of £10,000 to issue proceedings, and that there is a risk that some people may be deterred from bringing them.

152. There is, therefore, an argument that these types of proceedings should be subject to a lower maximum fee. We would welcome views from respondents on whether:
- unspecified money claims should be subject to the same fee regime as for specified money claims; or whether alternatively
 - a lower maximum fee - for example, £5,000, or the fee payable for a claim of £100,000 - would achieve a better balance between incurring a fee which better reflects the value of proceedings while ensuring that this type of litigation does not become prohibitively expensive.

Questions

Question 18: Do you believe that unspecified claims should be subject the same fee regime as specified money claims? Or do you believe that they should have a lower maximum fee of £5,000? Please give reasons for your answer.

Question 19: Is there a risk that applying a different maximum fee could have unintended consequences? Please provide details.

3. Money claims in commercial proceedings

Introduction

153. Commercial proceedings in London are heard in the Rolls Building, which brings together in one place the work of the Admiralty and Commercial Court, the Technology and Construction Court, and the Chancery Division of the High Court. In the disputes brought to these jurisdictions, particularly those heard in the Admiralty and Commercial Court, there are significant sums of money at stake. They often involve large multi-national organisations or wealthy individuals. These are parties who have chosen to have their commercial affairs governed by English law, and to have their disputes decided through the English courts.
154. The Rolls Building is the largest specialist centre for the resolution of financial, business and property litigation anywhere in the world. It is a state-of-the-art facility, with 31 court rooms and three super courts, with modern IT and video conferencing facilities and 55 consultation rooms available to litigants and their legal advisers. The cases are managed and decided by Judges who are specialists in this area of law.
155. There are around 7,000 claims issued each year in the Rolls Building, of which around 1,200 are listed for hearing, generating income of under £5 million. In 2012, in the Admiralty and Commercial Court, 76% of the proceedings issued involved at least one foreign party.

Rationale for reform

156. The government has invested heavily in the Rolls Building to provide a modern and efficient environment for resolving commercial disputes. This investment has done much to cement London's unrivalled reputation as the world's leading dispute resolution centre. A survey of corporations choosing arbitration to resolve international disputes reported a preference for London, which was the most widely-used seat.²⁹ The value of legal exports to the UK economy has been estimated to be worth some £4 billion per annum, generating a trade surplus in 2011 of £3.3 billion.³⁰
157. As set out earlier, these cases often involve significant sums of money but, under the current arrangements, these cases are subject to the same fee regime as any other money claim brought before the civil courts. Under our proposals for cost recovery, a case in the Commercial Court which proceeded to trial would attract:
- an issue fee of £1,870 (assuming the value of the claim is more than £300,000); and
 - a hearing fee of £1,090.

²⁹ Queen Mary University School of International Arbitration (2010), *'2010 International Arbitration Survey: Choices in International Arbitration'*.

³⁰ *Legal Services 2013*, The City UK. http://www.thecityuk.com/research/our-work/reports-list/legal-services-2013/?dm_i=J8I,1CBZF,6GD9X5,4JQAS,1

158. Our proposals for increasing fees for money claims would also apply to money claims in commercial proceedings, and one option would be for commercial proceedings to be subject to the same fee regime as standard money claims. However, the government believes that, for this specific group of cases, litigants obtain a much greater benefit from being able to litigate their disputes through the UK courts. We believe that it is reasonable and proportionate for those bringing these proceedings to make a greater contribution to the costs of maintaining the courts.

Questions

Question 20: Do you agree that it is reasonable to charge higher court fees for high value commercial proceedings than would apply to standard money claims?

Proposals for reform

159. The government has developed two alternative proposals to achieve this outcome for all money claims (both specified and unspecified) in commercial proceedings:
- the first proposal is for the fee for issuing proceedings to be charged on the same basis as for standard money claims (including the maximum fee of £10,000), with a separate hearing fee based on the length of the hearing;
 - the alternative proposal is to apply a higher maximum fee to issue commercial proceedings.
160. Under both proposals (detailed below), the intention is to apply the issue fee to all money claims pursued in the Rolls Building (i.e. money claims in the Commercial and Admiralty Court, the Technology and Construction Court, and the Chancery Division). They would also apply to the same proceedings where they are undertaken at regional District Registries. We seek views below on whether the proposals should apply to proceedings in the Mercantile Court (see paragraphs 182 and 183 below).
161. However, the proposed enhanced fees would not apply to other (i.e. non-money) types of proceeding – including, for example, possession claims, insolvency petitions and bankruptcy proceedings.
162. We also propose that the same fee structure should apply to all commercial money claims, both specified and unspecified.

Option 1: Hearing fee

163. Under our proposals for cost recovery (Chapter 2), the fee for listing a multi-track case for trial (which is the fee that would apply to a commercial claim) would remain at £1,090, regardless of the length of hearing. In common with most money claims, few commercial claims proceed to a trial. Those which do proceed to a trial tend to be very short: between 2009 and 2013, 40% of trials were listed for one day, and 80% were for five days or fewer. However, a small proportion of trials last much longer: one case occupied the court for 103 days.
164. There is a high cost involved in providing court facilities for commercial litigation. A day in court comprises the cost of the judiciary, support staff (for example: court associates and ushers), the cost of the Rolls Building along with related IT costs,

and an apportionment of relevant overheads (including, for example, central administration and management costs, finance, and Human Resources). We have estimated that the cost of a day of court time in the Rolls Building is £1,067.³¹

165. Our proposal is to charge a fee for a hearing, trial of a preliminary issue, or substantive trial of the claim, at a rate which broadly reflects the cost of the hearing: £1,000 per day. This would mean that those cases which take up more court time, and therefore consume more court resources, would pay more in fees. This approach is in line with the approach taken in other jurisdictions, in particular in Singapore.
166. Under our proposal, the fee would be based on an estimate provided by the parties. The estimate should be agreed between the parties but, if they cannot agree, the fee should be based on the estimate provided by the party seeking the hearing and responsible for paying the fee.
167. Hearings estimated to take half a day or less would be charged £500. Those lasting more than half a day would be charged for each day the court was occupied. If the actual hearing takes longer than estimated, an additional fee would become payable at the same rate.

Option 2: Higher maximum fee

168. An alternative approach would be to apply a higher cap to commercial proceedings.
169. For standard money claims, our proposal is to apply a maximum fee of £10,000 to specified money claims, and either £5,000 or £10,000 to unspecified claims. However, we believe that it would be fair to increase the maximum fee for commercial proceedings (whether specified or not) to reflect the fact that the sums at stake in these proceedings are typically much higher than in standard litigation.
170. Our proposal is therefore to raise the ceiling on the fee to issue a commercial money claim to either:
 - £15,000 - the fee that would apply to a claim of £300,000; or
 - £20,000 - the fee applicable to a claim of £400,000.
171. Under this option, if a money claim is issued in another jurisdiction and is transferred to a jurisdiction to which these proposals relate (i.e. the Commercial and Admiralty Court, the Technology and Construction Court, Chancery Division and (potentially) the Mercantile Court based at the Rolls Building or at District Registries), a fee representing the balance may become payable by the party bringing the proceedings.
172. A comparison of the fees typically incurred in proceedings under these alternative proposals is at Annex B.

³¹ This is based on total hearing costs in the Rolls Building divided by judicial sitting days in 2012/13.

Impact on legal services

173. The government is keen to ensure that any steps we take to increase court fees do not discourage litigants from using our courts nor damage the competitive position of our legal services. The UK legal services sector makes a valuable contribution to the economy, generating an estimated £20 billion year, including £4 billion in exports and a trade surplus of £3.3 billion in 2011.³² The intention is to ensure that these cases make a fair, but not excessive, contribution to the efficient and effective system of justice in this country.
174. We are confident that our proposals are unlikely to damage the international position of our legal services. The initial assessment of evidence which we have undertaken³³ suggests that the cost of litigation is a secondary consideration in decisions about where to litigate. While corporations generally prefer to use their own national law to govern their contracts, where this is not possible English Law is a popular choice, and England a popular seat in which to pursue and settle legal disputes. We think this is at least in part because English law is well-established and governed by precedent, so outcomes are more predictable, and our courts and judiciary are respected the world over for their quality and independence.
175. Court fees also represent a very small fraction of the overall costs of litigation. Commercial proceedings attract the highest rates in legal professional charges. For example, in his preliminary report on his review of civil litigation,³⁴ Lord Justice Jackson gathered material which suggested that the average legal costs incurred in a sample of cases were over £800,000 for each side. In comparison, the court fees that would be charged under our cost recovery proposals (just under £3,000) represent around 0.2% of the total costs of litigation, and less than 0.5% of one side's costs.
176. Annex C provides some examples of the level of enhanced fees proposed for commercial proceedings. This shows that the proposed court fees would still represent only a small fraction of the overall costs of litigation in these types of proceeding.
177. The availability of arbitration is also a relevant consideration. Most parties prefer arbitration to litigation as a means of settling their commercial disputes, and London is the most popular centre in which to undertake it. A survey by the Institute of Arbitration³⁵ suggested that parties incur legal costs of over £1.5 million in arbitration, including some £100,000 in arbitration fees. This clearly demonstrates that parties are willing to pay fees well above the rates charged by the courts to help resolve their commercial disputes.

³² *Legal Services 2013*, The City UK. http://www.thecityuk.com/research/our-work/reports-list/legal-services-2013/?dm_i=J8l,1CBZF,6GD9X5,4JQAS,1

³³ See the research papers published alongside this consultation document for more information.

³⁴ Appendix 9, *Review of Civil Litigation Costs: Preliminary Report*, May 2009.

³⁵ Chartered Institute of Arbitrators, *CI Arb Costs of International Arbitration Survey 2011* <http://www.ciarb.org/conferences/costs/2011/09/28/CIArb%20costs%20of%20International%20Arbitration%20Survey%202011.pdf>

178. For all of these reasons, we believe that it is unlikely that our proposals for increasing fees for commercial proceedings would have any material impact on the attractiveness of our courts as a destination for dispute resolution when compared to competitors.

Questions

Question 21: We would welcome views on the alternative proposals for charging higher fees for money claims in commercial proceedings. Do you think it would be preferable to charge higher fees for hearings in commercial proceedings? Please give reasons for your answer.

Question 22: Could the introduction of a hearing fee have unintended consequences? What measures might we put in place to ensure that the parties provided accurate time estimates for hearings, rather than minimise the cost? Please provide further details.

Question 23: If you prefer Option 2 (a higher maximum fee to issue proceedings), do you think the maximum fee should be £15,000 or £20,000? Please give reasons for your answer.

Question 24: Do you agree that the proposals for commercial proceedings are unlikely to damage the UK's position as the leading centre for commercial dispute resolution? Are there other factors we should take into account in assessing the competitiveness of the UK's legal services?

Scope of the proposed fees for money claims in commercial proceedings

179. Currently, proceedings in the Rolls Building comprise three separate jurisdictions: the Chancery Division, the Technology and Construction Court and the Admiralty and Commercial Court. The decision on the court for issuing proceedings is generally a matter for the party bringing them, and there is wide scope to transfer proceedings between courts once they have been issued.
180. The government's view is that the same fee arrangements should apply to all money claims in the Rolls Building, and where those same proceedings are pursued in District Registries. We believe that this would discourage any "gaming" behaviour in selecting the jurisdiction in which to issue and bring proceedings, and avoid the need for additional charges should the parties wish to transfer proceedings from one jurisdiction to another.
181. We would, however, welcome views on this proposal, in particular on whether alternative approaches (for example, through changes to procedure rules) could be implemented to target fees more effectively to high-value commercial proceedings and minimise the risk that the appropriate fee could be avoided.

The Mercantile Court

182. Some commercial cases are heard in the Mercantile Court, which is also based in the Rolls Building (as well as at eight regional centres). This specialist jurisdiction was established to deal with lower-value and less complex commercial disputes more quickly and efficiently and at a more proportionate cost. There are around 200 cases issued each year in the Mercantile Court, of which fewer than a dozen proceed to trial.
183. In view of the objectives for this jurisdiction, the government accepts that there is an argument that it would not be appropriate to apply the proposed enhanced fee regime for commercial proceedings to the Mercantile Court. Instead, they should be subject to the same enhanced fees as proposed for money claims (see paragraphs 124 to 152).

Questions

Question 25: Do you agree that the same fee structure should be applied to all money claims in the Rolls Building and at District Registries? Please give reasons for your answer.

Question 26: What other measures should we consider (for example, using the Civil Procedure Rules) to target fees more effectively to high-value commercial proceedings while minimising the risk that the appropriate fee could be avoided?

Question 27: Should the fee regime for commercial proceedings also apply to proceedings in the Mercantile Court? Please give reasons for your answer.

4. Hearing fees

184. Under our proposals for cost recovery, we propose to retain hearing fees for fast track and multi-track cases at their current level, which would result in the fee being set above the full cost of the proceedings. As set out in Chapter 2, we propose to use the power to charge enhanced fees contained in the *Anti-Social Behaviour Crime and Policing Bill* to regularise the position, as soon as Parliamentary time allows.

5. Divorce proceedings

Introduction

185. This section considers the case for charging enhanced fees for a divorce.
186. There are around 120,000 divorce petitions filed each year. Most of these, around 95%, are not defended and proceed unchallenged to the dissolution of the marriage.

Rationale and proposals for reform

187. Under the cost recovery proposals set out in Chapter 2, the fee for a divorce petition would remain unchanged at £410. However, we believe that divorcing couples would be prepared to pay a higher fee to complete the dissolution of the marriage. We believe that it is right that those who can afford to pay more should do so to ensure that the courts are properly funded. Fee remissions would continue to be available for those who qualify.
188. In Chapter 2, we estimated that the cost of an uncontested divorce was around £270. The government's view is that the fee for a divorce petition should be set at a level above costs. Our proposal is that the fee should be £750, or around three times the cost of the proceedings.

Impacts

189. We estimate that this would generate additional income of around £30 million per annum.³⁶

Questions

Question 28: Do you agree that the fee for a divorce petition should be set at £750? Please give reasons for your answer.

³⁶ 2013/14 prices

Summary of Questions

Question 16: Do you agree that the fee for issuing a specified money claim should be 5% of the value of the claim?

Question 17: Do you agree that there should be a maximum fee for issuing specified money claims, and that it should be £10,000?

Question 18: Do you believe that unspecified claims should be subject the same fee regime as specified money claims? Or do you believe that they should have a lower maximum fee of £5,000? Please give reasons for your answer.

Question 19: Is there a risk that applying a different maximum fee could have unintended consequences? Please provide details.

Question 20: Do you agree that it is reasonable to charge higher court fees for high value commercial proceedings than would apply to standard money claims?

Question 21: We would welcome views on the alternative proposals for charging higher fees for money claims in commercial proceedings. Do you think it would be preferable to charge higher fees for hearings in commercial proceedings? Please give reasons for your answer.

Question 22: Could the introduction of a hearing fee have unintended consequences? What measures might we put in place to ensure that the parties provided accurate time estimates for hearings, rather than minimise the cost? Please provide further details.

Question 23: If you prefer Option 2 (a higher maximum fee to issue proceedings), do you think the maximum fee should be £15,000 or £20,000? Please give reasons for your answer.

Question 24: Do you agree that the proposals for commercial proceedings are unlikely to damage the UK's position as the leading centre for commercial dispute resolution? Are there other factors we should take into account in assessing the competitiveness of the UK's legal services?

Question 25: Do you agree that the same fee structure should be applied to all money claims in the Rolls Building and at District Registries? Please give reasons for your answer.

Question 26: What other measures should we consider (for example, using the Civil Procedure Rules) to target fees more effectively to high-value commercial proceedings while minimising the risk that the appropriate fee could be avoided?

Question 27: Should the fee regime for commercial proceedings also apply to proceedings in the Mercantile Court? Please give reasons for your answer.

Question 28: Do you agree that the fee for a divorce petition should be set at £750? Please give reasons for your answer.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by 21/01/14 to:

Graeme Cummings
Ministry of Justice
Law and Access to Justice Group
Post Point 4.38
102 Petty France
London SW1H 9AJ
Tel: (020) 3334 4938
Fax: (020) 3334 2233
Email: mojfeespolicy@justice.gsi.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Ministry of Justice at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <http://www.justice.gov.uk/index.htm>.

Alternative format versions of this publication can be requested by emailing mojfeespolicy@justice.gsi.gov.uk.

Publication of response

A paper summarising the responses to this consultation is due to be published in Spring 2014. The response paper will be available on-line at <http://www.justice.gov.uk/index.htm>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information

we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Annex A: Full list of current and proposed fees (subdivided by fee order)

Civil Proceedings Fees Order 2008

		Current	Proposed	Further information (if required)
	MONEY CLAIMS: ISSUE FEE			
1.1(a)	Does not exceed £300	£35	£35	
1.1(b)	Exceeds £300 but does not exceed £500	£50	£50	
1.1(c)	Exceeds £500 but does not exceed £1,000	£70	£70	
1.1(d)	Exceeds £1,000 but does not exceed £1,500	£80	£80	
1.1(e)	Exceeds £1,500 but does not exceed £3,000	£95	£110	
1.1(f)	Exceeds £3,000 but does not exceed £5,000	£120	£200	
1.1(g)	Exceeds £5,000 but does not exceed £15,000	£245	£445	
1.1(h)	Exceeds £15,000 but does not exceed £50,000	£395	£595	
1.1(i)	Exceeds £50,000 but does not exceed £100,000	£685	£885	
1.1(j)	Exceeds £100,000 but does not exceed £150,000	£885	£1,085	
1.1(k)	Exceeds £150,000 but does not exceed £200,000	£1,080	£1,280	
1.1(l)	Exceeds £200,000 but does not exceed £250,000	£1,275	£1,475	
1.1(m)	Exceeds £250,000 but does not exceed £300,000	£1,475	£1,675	
1.1(n)	Exceeds £300,000, or not limited	£1,670	£1,870	
	MONEY CLAIMS (CPC): ISSUE FEE			
1.2(a)	Does not exceed £300	£15	£25	
1.2(b)	Exceeds £300 but does not exceed £500	£30	£35	
1.2(c)	Exceeds £500 but does not exceed £1,000	£55	£60	
1.2(d)	Exceeds £1,000 but does not exceed £1,500	£65	£70	
1.2(e)	Exceeds £1,500 but does not exceed £3,000	£75	£100	
1.2(f)	Exceeds £3,000 but does not exceed £5,000	£85	£180	

Court Fees: proposals for reform

		Current	Proposed	Further information (if required)
1.2(g)	Exceeds £5,000 but does not exceed £15,000	£190	£400	
1.2(h)	Exceeds £15,000 but does not exceed £50,000	£310	£535	
1.2(i)	Exceeds £50,000 but does not exceed £100,000	£550	£795	
	MONEY CLAIMS ONLINE: ISSUE FEE			
1.3(a)	Does not exceed £300	£25	£25	
1.3(b)	Exceeds £300 but does not exceed £500	£35	£35	
1.3(c)	Exceeds £500 but does not exceed £1,000	£60	£60	
1.3(d)	Exceeds £1,000 but does not exceed £1,500	£70	£70	
1.3(e)	Exceeds £1,500 but does not exceed £3,000	£80	£100	
1.3(f)	Exceeds £3,000 but does not exceed £5,000	£100	£180	
1.3(g)	Exceeds £5,000 but does not exceed £15,000	£210	£400	
1.3(h)	Exceeds £15,000 but does not exceed £50,000	£340	£535	
1.3(i)	Exceeds £50,000 but does not exceed £100,000	£595	£795	
	RECOVERY OF LAND: ISSUE FEE			
1.4(a)	High Court	£465	£465	
1.4(b)	County Court	£175	£270	
1.4(c)	County Court (online)	£100	£240	
	OTHER FEES			
1.5	Any other remedy (High Court)	£465	£465	
	Any other remedy (County Court)	£175	£270	
1.6	Filing proceedings against an unnamed party	£45	£50	
1.8(a)	Permission to issue proceedings	£45	£50	
1.8(b)	Assessment of costs (under Part 3, Solicitors Act 1974)	£45	£50	

		Current	Proposed	Further information (if required)
	JUDICIAL REVIEW			The fees proposed at 1.9(a), (b) and (c) would also apply to fees 1.1, 1.2 and 1.3 (respectively) in the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011
1.9(a)	Permission to apply	£60	£135	
1.9(b)	Permission to proceed	£215	£680	This fee would also be payable for an oral renewal. If the oral renewal was successful, no further fee would be payable.
1.9(c)	Permission to proceed (claim not started by JR procedure)	£60	£135	
	GENERAL FEES: HIGH COURT AND COUNTY COURT			
2.1(a)	Allocation fee: Small claims track (exceeding £1,500)	£40	£0	
2.1(b)	Allocation fee: Fast track and multi-track	£220	£0	
2.2	Listing fee	£110	£0	
2.3(a)	Hearing fee: Multi-track case	£1,090	£1,090	
2.3(b)	Hearing fee: Fast-track case	£545	£545	
2.3(c)(i)	Hearing fee: Small claims case (does not exceed £300)	£25	£25	
2.3(c)(ii)	Hearing fee: Small claims case (exceeds £300 but not £500)	£55	£55	
2.3(c)(iii)	Hearing fee: Small claims case (exceeds £500 but not £1,000)	£80	£80	
2.3(c)(iv)	Hearing fee: Small claims case (exceeds £1,000 but not £1,500)	£110	£110	
2.3(c)(v)	Hearing fee: Small claims case (exceeds £1,500 but not £3,000)	£165	£165	
2.3(c)(vi)	Hearing fee: Small claims case (exceeds £3,000)	£325	£325	
2.4	Appellant's/respondent's notice (High Court)	£235	£235	
2.5(a)	Appellant's/respondent's notice (County court-small claims)	£115	£115	
2.5(b)	Appellant's/respondent's notice (County court-other claims)	£135	£135	
2.6	General application (on notice)	£80	£150	
2.7	General application (by consent/without notice)	£45	£50	
2.8	Application for summons or order for witness to attend court	£40	£50	

Court Fees: proposals for reform

		Current	Proposed	Further information (if required)
2.9	Application to vary a judgement or suspend enforcement	£40	£50	
2.10	Issue of a certificate of satisfaction	£15	£15	
BANKRUPTCY/INSOLVENCY				
3.1(a)	Petition for bankruptcy (presented by debtor)	£175	£175	
3.1(b)	Petition for bankruptcy (presented by creditor/other person)	£220	£270	
3.2	Petition for an administration order	£175	£270	
3.3	Any other petition	£220	£270	
3.4(a)	Request for a certificate of discharge from bankruptcy	£70	£70	
3.4(b)	Copy of a certificate of discharge from bankruptcy	£5	£10	
3.5	Insolvency – other application	£155	£270	
3.6	Winding up fee	£155	£155	
3.7	Voluntary winding up fee	£35	£50	
3.8	Notice of intention to appoint administrator	£35	£50	
3.9	Submission of nominee’s report	£35	£50	
3.10	Filing insolvency documents	£35	£50	
3.11	Application within proceedings (by consent/without notice)	£35	£50	
3.12	Application within proceedings (with notice)	£70	£150	
3.13	Search of bankruptcy and company records (County Court)	£45	£45	
COPY DOCUMENTS				
4.1(a)	Copy of a document (10 pages or less)	£5	£10	
4.1(b)	For each subsequent page	50p	50p	
4.2	Copy of a document in electronic form (for each copy)	£5	£10	
DETERMINATION OF COSTS (Senior/County Court)				
5.1	Where the party filing the request is legally aided	£195	£195	
5.2(a)	Amount does not exceed £15,000	£325	£325	

		Current	Proposed	Further information (if required)
5.2(b)	Exceeds £15,000 but does not exceed £50,000	£655	£655	
5.2(c)	Exceeds £50,000 but does not exceed £100,000	£980	£980	
5.2(d)	Exceeds £100,000 but does not exceed £150,000	£1,310	£1,310	
5.2(e)	Exceeds £150,000 but does not exceed £200,000	£1,635	£1,635	
5.2(f)	Exceeds £200,000 but does not exceed £300,000	£2,455	£2,455	
5.2(g)	Exceeds £300,000 but does not exceed £500,000	£4,090	£4,090	
5.2(h)	Exceeds £500,000	£5,455	£5,455	
5.3	Issue of default costs certificate	£60	£60	
5.4	Appeal (detailed assessment proceedings)	£205	£205	
5.5	Request/application to set aside a default costs certificate	£105	£105	
DETERMINATION (IN THE SENIOR COURT) OF COSTS OCCURRED IN THE COURT OF PROTECTION				
6.1(a)	Where the amount of costs does not exceed £3,000	£110	£110	
6.1(b)	All other cases	£220	£220	
6.2	Appeal (detailed assessment proceedings)	£65	£65	
6.3	Request/application to set aside a default costs certificate	£65	£65	
ENFORCEMENT (HIGH COURT)				
7.1	Sealing a writ of execution/possession/delivery	£60	£60	
7.2	Application for order for debtor/other person to attend court	£50	£50	
7.3(a)	Application for third party debt order/appointment of a receiver	£100	£100	
7.3(b)	Application for a charging order	£100	£100	
7.4	Application for a judgement summons	£100	£100	
7.5	Request/application to register a judgement or order Permission to enforce an arbitration award Certified copy of a judgement or order for use abroad	£60	£60	

Court Fees: proposals for reform

		Current	Proposed	Further information (if required)
	ENFORCEMENT (COUNTY COURT)			
8.1(a)	Issue of warrant of execution against goods (non-CCBC)	£100	£100	
8.1(b)	Issue of warrant of execution against goods (CCBC cases)	£70	£70	
8.2	Request for attempt of execution of warrant at new address	£30	£30	
8.3	Application to require judgement debtor to attend court	£50	£50	
8.4(a)	Application for a third-party debt order	£100	£100	
8.4(b)	Application for a charging order	£100	£100	
8.5	Application for a judgement summons	£100	£100	
8.6	Issue of a warrant of possession/warrant of delivery	£110	£110	
8.7	Application for an attachment of earnings order	£100	£100	
8.8	Consolidated attachment of earnings/administration order	*	*	*10p in every £1 (or part of £1) of the money paid in respect of debts due to creditors
8.9	Application for enforcement of an award of a sum of money or any other decision made by any court, tribunal, body or person*	£40	£40	*(decisions taken anywhere outside the High Court or a county court)
8.10	Request for an order to recover a specified road traffic debt	£7	£7	
8A.1	Request for service by a bailiff	£100	£100	
	SALE (COUNTY COURT)			
9.1	Removing goods to a place of deposit	*	*	*The reasonable expenses incurred
9.2	Advertising a sale by public auction	*	*	*The reasonable expenses incurred
9.3	Appraisement of goods	*	*	*5p in every £1 (or part of £1) of the appraised value
9.4	Sale of goods	*	*	*15p in every £1 (or part of £1) of the amount realised by the sale, or such other sum as the district judge may consider to be justified
9.5	No sale – execution withdrawn, satisfied or stopped	*	*	*10p in every £1 (or part of £1) or the value of the goods seized, the value to be the appraised value where the goods have been appraised or such other sum as the district judge may consider to be justified

		Current	Proposed	Further information (if required)
	FEES PAYABLE IN THE HIGH COURT ONLY			
10.1	Bills of sale	£25	£25	
10.2	Official certificate of the result of a search (for each name)	£45	£45	
10.3	Search, in person, of court records (per 15 minutes)	£7	£10	
	JUDGE SITTING AS AN ARBITRATOR			
10.4(a)	Appointment of a judge of the Commercial Court	£2,390	£2,390	
10.4(b)	Appointment of a judge of the Technology & Construction Court	£1,860	£1,860	
10.5(a)	Hearing before a judge of the Commercial Court	£2,390	£2,390	
10.5(b)	Hearing before a judge of the Technology & Construction Court	£1,860	£1,860	
	ADMIRALTY			
11.1	Issue of a warrant for the arrest of a ship or goods	£220	£220	
11.2	Sale of ship or goods (minimum fee)	£200	£200	(Minimum fee)
	PLUS: for every £100/fraction of £100 up to £100,000	£1	£1	
	PLUS: for every £100/fraction of £100 exceeding £100,000	50p	50p	
11.3	Entering a reference for hearing by the Registrar	£70	£70	
	PAYABLE IN HIGH COURT AND COURT OF APPEAL ONLY			
12.1	Affidavit	£11	£11	
12.2	For each exhibit referred to	£2	£2	
	PAYABLE IN THE COURT OF APPEAL ONLY			
13.1(a)	Application - permission to appeal/extension of time	£235	£465	
13.1(b)	Permission to appeal is not required or has been granted	£465	£1,090	This fee would also be payable for a renewed application for leave to appeal. If this was successful, no further fee would be payable.
13.1(c)	Appellant/respondent filing an appeal questionnaire	£465	£1,090	
13.2	On filing a respondent's notice	£235	£465	

Court Fees: proposals for reform

		Current	Proposed	Further information (if required)
13.3	On filing an application notice	£235	£465	
	Additional application	*	£465	*New fee
	General application (on notice)	*	£150	*New fee
	General application (by consent/without notice)	*	£50	*New fee

Family Proceedings Fees Order 2008

		Current	Proposed	Further information (if required)
	ISSUE FEES			
1.1	Where no other fee is specified	£245	£245	
1.2	Application for divorce/nullity of marriage or civil partnership	£410	£410	
1.3	Application for matrimonial or civil partnership order	£365	£365	
1.4	Non-molestation/occupation order	£75	£0	
1.5	Amendment of application for matrimonial/civil partnership order	£95	£95	
1.6	Answer to application for matrimonial/civil partnership order	£245	£245	Contested divorce
1.7	Application for an order of assessment of costs	£40	£50	
1.8	Application for parental order	£215	£215	
	PROCEEDINGS UNDER THE CHILDREN ACT 1989			
2.1(a)	Parental responsibility (section 4(1)(c) or (3), 4A(1)(b) or(3))	£215	£215	
2.1(b)	Parental responsibility (section 4ZA(1)(c) or (6))	£215	£215	
2.1(c)	Guardians (section 5(1) or 6(7))	£215	£215	
2.1(d)	Section 8 orders (section 10(1) or (2))	£215	£215	
2.1(e)	Enforcement orders (section 11J(2))	£215	£215	
2.1(f)	Compensation for financial loss (section 11O(2))	£215	£215	
2.1(g)	Change of child's surname, or removal from jurisdiction while residence order in force (section 13(1))	£215	£215	
2.1(h)	Special guardianship orders (section 14A(3) or (6)(a), 14C(3) or 14D(1))	£170	£215	

		Current	Proposed	Further information (if required)
2.1(i)	Secure accommodation order (section 25)	£180	£215	
2.1(j)	Change of child's surname, or removal from jurisdiction while care order in force (section 33(7))	£180	£215	
2.1(k)	Contact with child in care (section 34(2), (3), (4) or (9))	£180	£215	
2.1(l)	Education supervision order (section 36(1))	£180	£215	
2.1(m)	Variation or discharge etc of care and supervision orders (section 39)	£180	£215	
2.1(n)	Child assessment order (section 43(1))	£180	£215	
2.1(o)	Emergency protection orders (sections 44, 45 and 46)	£180	£215	
2.1(p)	Warrant to assist person exercising powers under emergency protection order (section 48)	£180	£215	
2.1(q)	Recovery order (section 50)	£180	£215	
2.1(r)	Warrant to assist person exercising powers to search for children or inspect premises (section 102)	£180	£215	
2.1(s)	Applications in respect of enforcement orders (paragraph 4(2), 6(2), 7(2) or 9(2) of Schedule A1)	£95	£95	
2.1(t)	Amendment of enforcement order by reason of change of address (paragraph 5(2) of Schedule A1)	£95	£95	
2.1(u)	Financial provision for children (paragraph 1(1) or (4), 2(1) or (5), 5(6), 6(5), (7) or (8), 8(2), 10(2), 11 or 14(1) of Schedule 1)	£215	£215	
2.1(v)	Approval of court for child in care of local authority to live abroad (paragraph 19(1) of Schedule 2)	£180	£215	
2.1(w)	Extension of supervision order (paragraph 6 of Schedule 3)	£180	£215	
2.1(x)	Extension or discharge of education supervision order (paragraph 15(2) or 17(1) of Schedule 3)	£180	£215	
2.2(a)	Application for proceedings under Section 31 of Act	£3,320	£2,000	
2.2(b)	Hearing for proceedings under Section 31 of Act	£2,155	£0	
2.3(a)	Appeal relating to 2.1(a) to 2.1(g) and 2.1(u)	£215	£215	
2.3(b)	Appeal relating to 2.1(h)	£170	£215	
2.3(c)	Appeal relating to 2.1(i) to 2.1(r), 2.1(v) to 2.1(x) and 2.2	£180	£215	

Court Fees: proposals for reform

		Current	Proposed	Further information (if required)
2.4	Appeal against a contribution order	£180	£215	
ADOPTION AND WARDSHIP				
3.1	Application/permission to apply for adoption	£170	£170	
3.2	Application for a placement order (under Section 22)	£455	£455	
3.3	Application to the High Court	£170	£170	
APPLICATIONS IN PROCEEDINGS				
4.1	Application (without notice)	£45	£50	
4.2	Application for decree nisi, conditional order, separation order	£50	£50	
4.3	Application (on notice) (unless otherwise listed)	£80	£150	
4.4	Application for a financial order	£255	£255	Ancillary relief
5.1	Filing an appeal notice from a district judge to a judge	£125	£125	
SEARCHES				
6.1	Search of central index of decrees absolute/final orders	£65	£65	
6.2	Search of central index of parental responsibility agreements	£45	£45	
6.3	Search of index of decrees absolute/final orders	£45	£45	
COPY DOCUMENTS				
7.1(a)	Copy of a document (10 pages or less)	£5	£10	
7.1(b)	For each subsequent page	50p	50p	
7.2	Copy of a document in electronic form (for each copy)	£5	£10	
DETERMINATION OF COSTS				
8.1	Where the party filing the request is legally aided	£195	£195	
8.2	Where the amount of the costs claimed:			
8.2(a)	Amount does not exceed £15,000	£325	£325	

		Current	Proposed	Further information (if required)
8.2(b)	Exceeds £15,000 but does not exceed £50,000	£655	£655	
8.2(c)	Exceeds £50,000 but does not exceed £100,000	£980	£980	
8.2(d)	Exceeds £100,000 but does not exceed £150,000	£1,310	£1,310	
8.2(e)	Exceeds £150,000 but does not exceed £200,000	£1,635	£1,635	
8.2(f)	Exceeds £200,000 but does not exceed £300,000	£2,455	£2,455	
8.2(g)	Exceeds £300,000 but does not exceed £500,000	£4,090	£4,090	
8.2(h)	Exceeds £500,000	£5,455	£5,455	
8.3	Issue of default costs certificate	£60	£60	
8.4	Appeal (detailed assessment proceedings)	£205	£205	
8.5	Request/application to set aside a default costs certificate	£105	£105	
	REGISTRATION OF MAINTENANCE ORDERS			
9.1	Application for a maintenance order to be registered	£45	£50	
9.2	Application for a maintenance order to be sent abroad	£45	£50	
	ENFORCEMENT			
10.1	Application to question a judgement debtor or other person	£50	£50	
10.2	Application for a third party debt order/appointment of a receiver	£100	£100	
10.3	Application for a charging order	£100	£100	
10.4	Application for a judgement summons	£100	£100	
	FEES TAKEN TO A COUNTY COURT ONLY			
11.1	Request for service by a bailiff of any document	£110	£110	
	ENFORCEMENT IN THE COUNTY COURTS			
12.1	Application for enforcement of a judgement or order	£100	£100	
12.2	Request for attempt at execution of a warrant at a new address	£30	£30	
12.3	Issue for a warrant of possession or a warrant of delivery	£110	£110	

Court Fees: proposals for reform

		Current	Proposed	Further information (if required)
12.4	Application for an attachment of earnings order	£100	£100	
	SALE			
13.1	Removing goods to a place of deposit	*	*	*The reasonable expenses incurred
13.2	Advertising a sale by public auction	*	*	*The reasonable expenses incurred
13.3	Appraisement of goods	*	*	*5p in every £1 (or part of £1) of the appraised value
13.4	Sale of goods	*	*	*15p in every £1 (or part of £1) of the amount realised by the sale, or such other sum as the district judge may consider to be justified
13.5	No sale – execution withdrawn, satisfied or stopped	*	*	*10p in every £1 (or part of £1) or the value of the goods seized, the value to be the appraised value where the goods have been appraised or such other sum as the district judge may consider to be justified
	FEES TAKEN IN THE HIGH COURT ONLY			
	ENFORCEMENT			
14.1	Sealing a writ of execution/possession/delivery	£60	£60	
14.2	Request/application to register a judgement or order Permission to enforce an arbitration award Certified copy of a judgement or order for use abroad	£60	£60	
	AFFIDAVITS			
15.1	Taking an affidavit/affirmation/attestation upon honour	£10	£11	
15.2	For each exhibit referred to and required to be marked	£2	£2	

Magistrates' Courts Fees Order 2008

		Current	Proposed	Further information (if required)
1.1	Application for JP to perform function not on court premises	£50	£50	
	APPEALS			
2.1	Application to state a case for the opinion of the High Court	£500	£500	
2.2(a)	Appeal (Section 20, Child Support Act 1991)	£160	£160	
2.2(b)	Appeal (deduction from earnings order)	£95	£95	
2.3	Appeal - proceedings under Schedule 5, Licensing Act 2003	£400	£400	
2.4	Appeal (no other fee specified)	£200	£200	
	CERTIFICATES AND CERTIFIED DOCUMENTS			
3.1	Request for certificate of refusal to state a case	£100	£100	
3.2	Request for a certificate of satisfaction	£15	£15	
3.3	Request for a certified copy of a memorandum of conviction	£60	£60	
3.4	Request for certificate/certified document (no fee specified)	£60	£60	
	LIABILITY ORDERS			
4.1	Council tax proceedings	£3	£3	
4.2	Application for liability order (Child Support Act 1991)	£40	£40	For each liability order
	COPY DOCUMENTS			
5.1(a)	Copy of a document (10 pages or less)	£5	£10	
5.1(b)	For each subsequent page	50p	50p	
5.2	Copy of a document in electronic form (for each copy)	£5	£10	
6.1	Application for an order for financial provision	£215	£215	
7.1	Application for a declaration of parentage	£365	£365	

Court Fees: proposals for reform

		Current	Proposed	Further information (if required)
	PROCEEDINGS UNDER THE CHILDREN ACT 1989			
8.1(a)	Parental responsibility (section 4(1)(c) or (3), 4A(1)(b) or(3))	£215	£215	
8.1(b)	Parental responsibility (section 4ZA(1)(c) or (6))	£215	£215	
8.1(c)	Guardians (section 5(1) or 6(7))	£215	£215	
8.1(d)	Section 8 orders (section 10(1) or (2))	£215	£215	
8.1(e)	Enforcement orders (section 11J(2))	£215	£215	
8.1(f)	Compensation for financial loss (section 11O(2))	£215	£215	
8.1(g)	Change of child's surname, or removal from jurisdiction while residence order in force (section 13(1))	£215	£215	
8.1(h)	Special guardianship orders (section 14A(3) or (6)(a), 14C(3) or 14D(1))	£170	£215	
8.1(i)	Secure accommodation order (section 25)	£180	£215	
8.1(j)	Change of child's surname, or removal from jurisdiction while care order in force (section 33(7))	£180	£215	
8.1(k)	Contact with child in care (section 34(2), (3), (4) or (9))	£180	£215	
8.1(l)	Education supervision order (section 36(1))	£180	£215	
8.1(m)	Variation or discharge etc of care and supervision orders (section 39)	£180	£215	
8.1(n)	Child assessment order (section 43(1))	£180	£215	
8.1(o)	Emergency protection orders (sections 44, 45 and 46)	£180	£215	
8.1(p)	Warrant to assist person exercising powers under emergency protection order (section 48)	£180	£215	
8.1(q)	Recovery order (section 50)	£180	£215	
8.1(r)	Cancellation, variation or removal or imposition of condition of registration of child minder or day carer (section 79K)	£180	£215	
8.1(s)	Applications in respect of enforcement orders (paragraph 4(2), 6(2), 7(2) or 9(2) of Schedule A1)	£95	£95	
8.1(t)	Amendment of enforcement order by reason of change of address (paragraph 5(2) of Schedule A1)	£50	£95	

		Current	Proposed	Further information (if required)
8.1(u)	Warrant to assist person exercising powers to search for children or inspect premises (section 102)	£180	£215	
8.1(v)	Financial provision for children (paragraph 1(1) or (4), 2(1) or (5), 5(6), 6(5), (7) or (8), 8(2), 10(2), 11 or 14(1) of Schedule 1)	£215	£215	
8.1(w)	Approval of court for child in care of local authority to live abroad (paragraph 19(1) of Schedule 2)	£180	£215	
8.1(x)	Extension of supervision order (paragraph 6 of Schedule 3)	£180	£215	
8.1(y)	Extension or discharge of education supervision order (paragraph 15(2) or 17(1) of Schedule 3)	£180	£215	
8.1(z)	Appeals concerning foster parenting (paragraph 8(1) of Schedule 8)	£180	£215	
8.2(a)	Application for proceedings under Section 31 of Children Act 1989	£3,320	£2,000	
8.2(b)	Hearing for proceedings under Section 31 of Children Act 1989	£2,155	£0	
9.1	Application for a parental order	£215	£215	
	ADOPTION AND CHILDREN ACT 2002			
10.1	Application/request for permission to apply	£170	£170	
10.2	Application for a placement order (section 22)	£455	£455	
	CHILDREN AND ADOPTION ACT 2006			
11.1	Application for a warning notice to be attached to a contact order	£50	£50	
	FAMILY PROCEEDINGS			
12.1	Application (on notice) (no other fee specified)	£80	£150	
12.2	Application (without notice/by consent) (no other fee specified)	£45	£50	

Court Fees: proposals for reform

		Current	Proposed	Further information (if required)
	LICENCES			
13.1	Request for licence/consent/authority (no other fee specified)	£25	£25	
13.2	Application for renewal/variation of an existing licence	£25	£25	
13.3	Application for the revocation of licence (no other fee specified)	£25	£25	
	OATHS			
14.1	On taking attestation of a constable or special constable	£10	£10	
14.2	For every oath (etc) where no other fee is specified	£25	£25	
	OTHER CIVIL PROCEEDINGS			
15.1	Commencing proceedings where no other fee is specified	£200	£200	
15.2(a)	Application for leave/permission to commence proceedings (no other fee specified)	£100	£100	
15.2(b)	Proceedings where leave/permission has been granted	£100	£100	
15.3	Contested hearing	£500	£500	
	WARRANTS			
16.1	Application for a warrant of entry	£18	£20	
16.2	Application for any other warrant (no other fee specified)	£75	£75	
	COMMITMENT			
17.1	Application for a warrant of commitment	£240	£240	
17.2	Warrant of commitment (Child Support Act 1991)	£240	£240	
18.1	Application for non-molestation/occupation order	£75	£0	

Non-Contentious Probate Fees Order 2004

		Current	Proposed	Further information (if required)
1	Application for a grant of probate	£45	£150	
2	Personal application fee	£60	£60	
3.1	Duplicate/second grant for same deceased person	£20	£20	
3.2	Grant for an estate exempt from Inheritance Tax	£10	£10	
4	Application for the entry or extension of a caveat	£20	£20	
5	Application for a standing search	£6	£6	
6	Deposit of wills	£20	£20	
7	Inspection of will/other document retained by the registry	£20	£20	
	COPY DOCUMENTS			
8(a)	Copy of a document (10 pages or less)	£6	£10	
8(b)	For each subsequent page	£1	50p	
8(c)	Copy of a document in electronic form (for each copy)	£6	£10	
8(d)	Search of the index	£4	£4	
	OATHS			
9.1	For each deponent to each affidavit	£6	£11	
9.2	For marking each exhibit	£2	£2	
10	Determination of costs	*	*	*See Civil Courts Order Section 5
11	Settling documents	£12	£12	

Court of Protection Fees Order 2007

		Current	Proposed	Further information (if required)
	Simple application fee	*	£220	*New fee
	Application fee (all other applications)	£400	£400	
	Appeal fee	£400	£400	

Court Fees: proposals for reform

	Hearing fee	£500	£500	
	Copy of a document (10 pages or less)	£5	£10	
	For each subsequent page	50p	50p	
	General application (on notice)	*	£150	*New fee
	General application (by consent/without notice)	*	£50	*New fee

Annex B: Schedule of proposed fees (Money Claims)

Type of Fee	Current Fee	Cost recovery	Enhanced fee charging			
			£5,000 cap (Unspecified money claims only)	£10,000 cap	£15,000 cap (Commercial proceedings only)	£20,000 cap (Commercial proceedings only)
1. Money claims						
Does not exceed £300	£35	£35	£35	£35	£35	£35
Exceeds £300 but does not exceed £500	£50	£50	£50	£50	£50	£50
Exceeds £500 but does not exceed £1,000	£70	£70	£70	£70	£70	£70
Exceeds £1,000 but does not exceed £1,500	£80	£80	£80	£80	£80	£80
Exceeds £1,500 but does not exceed £3,000	£95	£110	£110	£110	£110	£110
Exceeds £3,000 but does not exceed £5,000	£120	£200	£200	£200	£200	£200
Exceeds £5,000 but does not exceed £15,000	£245	£445	N/a	N/a	N/a	N/a
Exceeds £5,000 but does not exceed £10,000	N/a	N/a	£445	£445	£445	£445
Exceeds £10,000 but does not exceed £15,000	N/a	N/a	5% of the value of the claim	5% of the value of the claim	5% of the value of the claim	5% of the value of the claim
Exceeds £15,000 but does not exceed £50,000	£395	£595				
Exceeds £50,000 but does not exceed £100,000	£685	£885				
Exceeds £100,000 but does not exceed £150,000	£885	£1085				
Exceeds £150,000 but does not exceed £200,000	£1,080	£1,280	£5,000	£10,000	£15,000	£20,000
Exceeds £200,000 but does not exceed £250,000	£1,275	£1,475	£5,000			
Exceeds £250,000 but does not exceed £300,000	£1,475	£1,675	£5,000			
Exceeds £300,000 but does not exceed £400,000	£1,670	£1,870	£5,000	£10,000	£15,000	£20,000
Exceeds £400,000	£1,670	£1,870	£5,000	£10,000	£15,000	£20,000

Court Fees: proposals for reform

Type of Fee	Current Fee		Cost recovery fee	Enhanced fee charging
	CPC	MCOL		
2. Claims issued through the production centre and Money Claims Online				
Does not exceed £300	£15	£25	£25	£25
Exceeds £300 but does not exceed £500	£30	£35	£35	£35
Exceeds £500 but does not exceed £1,000	£55	£60	£60	£60
Exceeds £1,000 but does not exceed £1,500	£65	£70	£70	£70
Exceeds £1,500 but does not exceed £3,000	£75	£80	£100	£100
Exceeds £3,000 but does not exceed £5,000	£85	£100	£180	£180
Exceeds £5,000 but does not exceed £15,000	£190	£210	£400	N/a
Exceeds £5,000 but does not exceed £10,000	N/a	N/a	N/a	£400
Exceeds £10,000 but does not exceed £15,000	N/a	N/a	N/a	5% of the value of the claim, less 10% discount
Exceeds £15,000 but does not exceed £50,000	£310	£340	£535	
Exceeds £50,000 but does not exceed £100,000	£550	£595	£795	

Annex C: Examples of comparative fees for commercial proceedings

	1 day trial £	5 day trial £	10 day trial £
Current fees³⁷			
Issue	1,870	1,870	1,870
Hearing	<u>1,090</u>	<u>1,090</u>	<u>1,090</u>
	<u>2,960</u>	<u>2,960</u>	<u>2,960</u>
Option 1: £10k maximum fee with hearing fee			
Issue (up to)	10,000	10,000	10,000
Hearing	<u>1,000</u>	<u>5,000</u>	<u>10,000</u>
	<u>11,000</u>	<u>15,000</u>	<u>20,000</u>
	1 day trial £	5 day trial £	10 day trial £
Option 2(i): £15 k maximum fee			
Issue (up to)	15,000	15,000	15,000
Hearing	<u>1,090</u>	<u>1,090</u>	<u>1,090</u>
	<u>16,090</u>	<u>16,090</u>	<u>16,090</u>
Option 2(ii): £20 k maximum fee			
Issue (up to)	20,000	20,000	20,000
Hearing	<u>1,090</u>	<u>1,090</u>	<u>1,090</u>
	<u>21,090</u>	<u>21,090</u>	<u>21,090</u>

³⁷ Assumes cost recovery proposals are implemented



Published by TSO (The Stationery Office) and available from:

Online

www.tsoshop.co.uk

Mail, telephone, fax and email

TSO
PO Box 29, Norwich, NR3 1GN
Telephone orders/general enquiries 0870 600 5522
Order through the Parliamentary Hotline Lo-Call 0845 7 023474
Fax orders: 0870 600 5533
Email: customer.services@tso.co.uk
Textphone: 0870 240 3701

The Houses of Parliament Shop

12 Bridge Street, Parliament Square,
London SW1A 2JX
Telephone orders/general enquiries: 020 7219 3890
Fax orders: 020 7219 3866
Email: shop@parliament.uk
Internet: <http://www.shop.parliament.uk>

TSO@Blackwell and other accredited agents

ISBN 978-0-10-187512-7

