

**EXPLANATORY MEMORANDUM TO  
THE CIVIL PROCEEDINGS FEES (AMENDMENT) ORDER 2014**

**2014 No. 874 (L. 17)**

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

- 2.1 This instrument changes existing fees in the Civil Proceedings Fees Order 2008. The fee changes are being brought as part of a wider review of fees across the civil court system to ensure that the income they generate more closely matches the cost of the service being provided. The instrument changes the wording for some fees to reflect changes resulting from the creation of the single County Court on 22 April 2014.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 References in the Order to “a county court” or “county courts” have been changed to “the County Court” or “County Court” as applicable to reflect the creation of the single County Court on 22 April 2014.
- 3.2 At fees 1.1 and 1.2 references to the “Claims Production Centre” or “CPC” have been amended to “CCBC” which now stands for “County Court Business Centre” in accordance with changes in the terminology of civil procedure.
- 3.3 The fees for judicial review (1.9) have been increased to cover the full cost of the process (see further detail in section 7 below on the full cost policy). If a case is granted following an oral renewal hearing, only half of fee 1.9(c) is payable for the full hearing. This change implements the policy decision that, if an applicant is refused permission on the papers but is subsequently granted a full hearing following an oral renewal, they should pay no more in total than an applicant to whom permission was granted on the papers.
- 3.4 The instrument removes the fees currently found at 2.1(a), 2.1(b) (allocation fees) and 2.2 (listing fee) following a policy decision that a fee will no longer be charged at these points to reduce administrative processes for the courts and the court users. The cost of the allocation process has now been included in the issue fees and the cost of the listing process in the hearing fees.

- 3.5 The fee 9.2 in the existing order has been removed as section 97 of the County Courts Act 1984 was repealed by paragraph 74 of Schedule 13 of the Tribunal Courts and Enforcement Act 2007, which was commenced on 6 April 2014.
- 3.6 Changes to some fee levels are intended to ensure that the fees for similar processes across all courts are aligned, to provide greater clarity for court users and staff. Therefore the fee for copy documents (either paper or electronic) is standardised at £10 (an increase from £5), the fee for affidavits standardised at £11 (an increase from £6) and the fee for applications without notice or by consent and for applications on notice is standardised at £50 (increase from £45) and £155 (increase from £80) respectively.
- 3.7 Many fees have increased to ensure that the fee charged reflects the full cost of the type of proceedings to which it relates. The cost is calculated by adding the actual cost of the staff and judicial time to process this type of application, and a portion of the costs of the overheads (e.g. IT and estates) of the civil court system. For the purpose of setting fees we have grouped together similar activities across the courts (e.g. issuing a case, or hearings) to give an average cost. Some fees, which were at full cost, have been increased by a rate of 2.7% (the consumer price index rate of inflation) to reflect anticipated increases to the overall cost base from 12/13 to 13/14. Enforcement fees remain unchanged as these will be subject to a separate review. While the Government has announced its intention to increase fees in the Court of Appeal, those fee changes will not be made in this instrument as some Civil Procedure Rule changes are necessary before the fee changes can be made. (See paragraph 7 below for further policy background).
- 3.8 The table at annex A sets out in full the changes to fee levels resulting from this instrument.

#### **4. Legislative context**

- 4.1 The Civil Proceedings Fees (Amendment) Order 2014 amends the Civil Proceedings Fees Order 2008 (S.I. 2008/1053).

#### **5. Territorial Extent and Application**

- 5.1 This instrument applies to England and Wales.

#### **6. European Convention on Human Rights**

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. Policy background

- 7.1 Changes to Fees: The civil court system includes the civil, family and probate jurisdictions, the Court of Protection and the Court of Appeal (Civil Division). For many years, fees have been charged to access these courts. In recent years it has been the government's aim that the revenue from court fees should meet the costs of providing the civil courts system, excluding the cost of the remissions system, which provides a full or partial fee waiver for those unable to afford fees. In 2012/2013 the Ministry of Justice recovered only four-fifths of the cost of the civil court system, with a deficit of £125m<sup>1</sup>. At a time when the Government has made reducing the fiscal deficit a top priority, and when the Ministry of Justice is committed to reducing its budget by a third in real terms by 2014/15, the Government felt it vital that options for reducing public spending were considered.
- 7.2 It is within this context that part one of the Government's public consultation, *Court Fees: Proposals for reform*, entitled "Cost recovery" set out proposals to recover close to the full cost of the civil court system through fees, transferring more of the cost to the user and reducing the cost to the general taxpayer. It also sought to continue to simplify and rationalise the fees charged across the courts, so that similar processes attracted similar fees, making the fee system easier for users of the courts, and for court staff, to understand. The consultation ran from 3 December 2013 to 21 January 2014 and its response was published on 1 April 2014 <https://consult.justice.gov.uk/digital-communications/court-fees-proposals-for-reform>. The consultation followed a wide-ranging review of the costs of the civil court system and contained detailed proposals for fee changes to recover more of the cost of the courts. This Order implements those fee changes for fees charged in civil proceedings in the County Court and Senior Courts of England and Wales.
- 7.3 The Government continues to offer a system of fee remissions (full or partial fee waivers) for those unable to afford fees to ensure that those with limited financial means are not denied access to the justice system. The Government consulted on changes to the fee remission system in operation in the courts and most tribunals in 2013, introducing a scheme which operated across a wide range of fee levels on 7 October 2013.
- 7.4 Creation of the single County Court: In January 2008, the Judicial Executive Board ("JEB"), chaired by the then Lord Chief Justice, commissioned Sir Henry Brooke to conduct an inquiry into the question of civil court unification. Following extensive consultation with the judiciary and Her Majesty's Courts and Tribunals Service (HMCTS), in August 2008, Sir Henry published his report entitled: "*Should the Civil Courts Be Unified?*" The Brooke report did not recommend civil court unification, but instead made a number of recommendations to improve the

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<sup>1</sup> Re-stated figure from 2012/13 HMCTS annual accounts using revised costing approach set out in consultation document and uplifted to 2013/14 prices so as to align with the accompanying Impact Assessment.

administration of civil justice and to provide a more efficient use of judicial resources. One of the principal recommendations invited the JEB to consider establishing a single County Court for England and Wales. The JEB accepted the recommendation.

- 7.5 The MoJ subsequently consulted on the proposal to establish a single County Court, in its March 2011 consultation paper entitled: "*Solving disputes in the County Courts: creating a simpler, quicker and more proportionate system.*" With 84% support from respondents, the Government, in a written ministerial statement (House of Commons, Official Report, column 53WS), published its response to the consultation (CM 8274), announcing its intention to establish a single County Court with a national jurisdiction for England and Wales.
- 7.6 Section 17(1) and (2) of the Crime and Courts Act 2013 accordingly provides for the removal of geographical jurisdictional boundaries of county courts to establish "the County Court" which will consist of a wholly civil jurisdiction as family proceedings will be in the new Family Court. Section 17 is planned for implementation on 22nd April, bringing the County Court into force on that day.
- 7.7 The County Court will have a single seal and a single identity to reflect its national jurisdiction and will sit at locations directed by the Lord Chancellor after consulting with the Lord Chief Justice. County Court business will take place at County Court hearing centres and the locations of these hearing centres will correspond to the locations of the current county courts and their administrative offices. The aim is to contribute to the Government's commitment on efficiency and public service reforms by simplifying the task of allocating cases before a judge and transferring cases between court centres

## **8. Consultation**

- 8.1 Before making this instrument, the Lord Chancellor has consulted those persons and bodies required by section 92(5) and (6) of the Courts Act 2003 (c. 39). Their responses are considered, alongside others received to the public consultation, in the consultation response.
- 8.2 The MoJ consulted on the proposal to establish a single County Court, in its March 2011 consultation paper entitled: "*Solving disputes in the County Courts: creating a simpler, quicker and more proportionate system.*" With 84% support from respondents, the Government, in a written ministerial statement (House of Commons, Official Report, column 53WS), published its response to the consultation (CM 8274), announcing its intention to establish a single County Court with a national jurisdiction for England and Wales.
- 8.3 The Government has not carried out a separate consultation on the changes resulting from the introduction of the single County Court as they do not alter the nature of the fees charged.

## **9. Guidance**

9.1 Her Majesty's Courts and Tribunal Service will update its guidance on fees payable in line with these amendments.

## **10. Impact**

10.1 The impacts of the combined fee changes being implemented across the civil court system are set out in the attached impact assessment. The combined fee changes across the civil court system are expected to deliver additional income of around £105m per annum. This income estimate is net of remissions, is presented in 2013/14 prices and assumes no behavioural changes as a result of fee changes.

10.2 This instrument changes the fees payable by the public sector where they use the civil courts, for example in recovering unpaid debts. The overall impact of the proposals on civil court users is set out in the impact assessment.

## **11. Regulating small business**

11.1 This instrument will impact on small businesses that use the courts, for example to recover debts. The impact on small businesses is considered in the impact assessment. The impact assessment has been granted a "fit for purpose" rating by the Regulatory Policy Committee.

## **12. Monitoring & review**

12.1 Fees and the impact of any changes are constantly monitored by way of feedback from courts and their customers and the monitoring of fee income and volumes.

## **13. Contact**

13.1 Jane Sigley, Head of Fees Policy at the MOJ Fees Policy Team Tel: 020 3334 5442 or email: [jane.sigley@justice.gsi.gov.uk](mailto:jane.sigley@justice.gsi.gov.uk) can answer any queries regarding the instrument.

## Annex A

		Current	New	Further information
	<b>MONEY CLAIMS: ISSUE FEE</b>			
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	£115	
1.1(f)	Exceeds £3,000 but does not exceed £5,000	£120	£205	
1.1(g)	Exceeds £5,000 but does not exceed £15,000	£245	£455	
1.1(h)	Exceeds £15,000 but does not exceed £50,000	£395	£610	
1.1(i)	Exceeds £50,000 but does not exceed £100,000	£685	£910	
1.1(j)	Exceeds £100,000 but does not exceed £150,000	£885	£1,115	
1.1(k)	Exceeds £150,000 but does not exceed £200,000	£1,080	£1,315	
1.1(l)	Exceeds £200,000 but does not exceed £250,000	£1,275	£1,515	
1.1(m)	Exceeds £250,000 but does not exceed £300,000	£1,475	£1,720	
1.1(n)	Exceeds £300,000, or not limited	£1,670	£1,920	
	<b>MONEY CLAIMS (CCBC): ISSUE FEE</b>			
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	£105	
1.2(f)	Exceeds £3,000 but does not exceed £5,000	£85	£185	
1.2(g)	Exceeds £5,000 but does not exceed £15,000	£190	£410	
1.2(h)	Exceeds £15,000 but does not exceed £50,000	£310	£550	
1.2(i)	Exceeds £50,000 but does not exceed £100,000	£550	£815	
	<b>MONEY CLAIMS ONLINE: ISSUE FEE</b>			
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	£105	
1.3(f)	Exceeds £3,000 but does not exceed £5,000	£100	£185	
1.3(g)	Exceeds £5,000 but does not exceed £15,000	£210	£410	
1.3(h)	Exceeds £15,000 but does not exceed £50,000	£340	£550	
1.3(i)	Exceeds £50,000 but does not exceed £100,000	£595	£815	
	<b>RECOVERY OF LAND: ISSUE FEE</b>			
1.4(a)	High Court	£465	£480	

1.4(b)	County Court	£175	£280	
1.4(c)	County Court (online)	£100	£250	
<b>OTHER FEES</b>				
1.5	Any other remedy (High Court)	£465	£480	
	Any other remedy (County Court)	£175	£280	
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	
<b>JUDICIAL REVIEW</b>				
1.9(a)	Permission to apply	£60	£140	
1.9(b)	On request to reconsider at a hearing a decision on permission	£215	£350	
1.9(c)	Permission to proceed	£215	£700	Where fee 1.9(b) has been paid and permission is granted at a hearing, only £350 of fee 1.9(c) is payable
1.9(d)	Permission to proceed (claim not started by JR procedure)	£60	£140	
<b>GENERAL FEES: HIGH COURT AND COUNTY COURT</b>				
	Allocation fee: Small claims track (exceeding £1,500)	£40	£0	Fee removed
	Allocation fee: Fast track and multi-track	£220	£0	Fee removed
	Listing fee	£110	£0	Fee removed
2.1(a)	Hearing fee: Multi-track case	£1,090	£1,090	
2.1(b)	Hearing fee: Fast-track case	£545	£545	
2.1(c)(i)	Hearing fee: Small claims case (does not exceed £300)	£25	£25	
2.1(c)(ii)	Hearing fee: Small claims case (exceeds £300 but not £500)	£55	£55	
2.1(c)(iii)	Hearing fee: Small claims case (exceeds £500 but not £1,000)	£80	£80	
2.1(c)(iv)	Hearing fee: Small claims case (exceeds £1,000 but not £1,500)	£110	£115	
2.1(c)(v)	Hearing fee: Small claims case (exceeds £1,500	£165	£170	

	but not £3,000)			
2.1(c)(vi)	Hearing fee: Small claims case (exceeds £3,000)	£325	£335	
2.2	Appellant's/respondent's notice (High Court)	£235	£240	
2.3(a)	Appellant's/respondent's notice (County court-small claims)	£115	£120	
2.3(b)	Appellant's/respondent's notice (County court-other claims)	£135	£140	
2.4	General application (on notice)	£80	£155	
2.5	General application (by consent/without notice)	£45	£50	
2.6	Application for summons or order for witness to attend court	£40	£50	
2.7	Application to vary a judgement or suspend enforcement	£40	£50	
2.8	Issue of a certificate of satisfaction	£15	£15	
	<b>BANKRUPTCY/INSOLVENCY</b>			
3.1(a)	Petition for bankruptcy (presented by debtor)	£175	£180	
3.1(b)	Petition for bankruptcy (presented by creditor/other person)	£220	£280	
3.2	Petition for an administration order	£175	£280	
3.3	Any other petition	£220	£280	
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	£280	
3.6	Winding up fee	£155	£160	
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	
3.1	Filing insolvency documents	£35	£50	
3.11	Application within proceedings (by consent/without notice)	£35	£50	
3.12	Application within proceedings (with notice)	£70	£155	
3.13	Search of bankruptcy and company records (County Court)	£45	£45	
	<b>COPY DOCUMENTS</b>			
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	
	<b>DETERMINATION OF COSTS</b>			



	<b>(Senior/County Court)</b>			
5.1	Where the party filing the request is legally aided	£195	£200	
5.2(a)	Amount does not exceed £15,000	£325	£335	
5.2(b)	Exceeds £15,000 but does not exceed £50,000	£655	£675	
5.2(c)	Exceeds £50,000 but does not exceed £100,000	£980	£1,005	
5.2(d)	Exceeds £100,000 but does not exceed £150,000	£1,310	£1,345	
5.2(e)	Exceeds £150,000 but does not exceed £200,000	£1,635	£1,680	
5.2(f)	Exceeds £200,000 but does not exceed £300,000	£2,455	£2,520	
5.2(g)	Exceeds £300,000 but does not exceed £500,000	£4,090	£4,200	
5.2(h)	Exceeds £500,000	£5,455	£5,600	
5.3	Issue of default costs certificate	£60	£60	
5.4	Appeal (detailed assessment proceedings)	£205	£210	
5.5	Request/application to set aside a default costs certificate	£105	£110	
	<b>DETERMINATION (IN THE SENIOR COURT) OF COSTS OCCURRED IN THE COURT OF PROTECTION</b>			
6.1(a)	Where the amount of costs does not exceed £3,000	£110	£115	
6.1(b)	All other cases	£220	£225	
6.2	Appeal (detailed assessment proceedings)	£65	£65	
6.3	Request/application to set aside a default costs certificate	£65	£65	
	<b>ENFORCEMENT (HIGH COURT)</b>			
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	
	<b>ENFORCEMENT (COUNTY COURT)</b>			
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)
8.1	Request for an order to recover a specified road traffic debt	£7	£7	
8A.1	Request for service by a bailiff	£100	£100	
<b>SALE (COUNTY COURT)</b>				
9.1	Removing goods to a place of deposit	*	*	*The reasonable expenses incurred
	Advertising a sale by public auction			Fee removed
9.2	Appraisement of goods	*	*	*5p in every £1 (or part of £1) of the appraised value was 9.3
9.3	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
9.4	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
<b>FEES PAYABLE IN THE HIGH COURT ONLY</b>				
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	
<b>JUDGE SITTING AS AN ARBITRATOR</b>				
10.4(a)	Appointment of a judge of the Commercial Court	£2,390	£2,455	
10.4(b)	Appointment of a judge of the Technology & Construction Court	£1,860	£2,455	
10.5(a)	Hearing before a judge of the Commercial Court	£2,390	£2,455	
10.5(b)	Hearing before a judge of the Technology & Construction Court	£1,860	£2,455	
<b>ADMIRALTY</b>				
11.1	Issue of a warrant for the arrest of a ship or goods	£220	£225	
11.2	Sale of ship or goods (minimum fee)	£200	£205	(Minimum fee)
	<b>PLUS:</b> for every £100/fraction of £100 up to £100,000	£1	£1	
	<b>PLUS:</b> for every £100/fraction of £100 exceeding £100,000	50p	50p	
11.3	Entering a reference for hearing by the Registrar	£70	£70	
<b>PAYABLE IN HIGH COURT AND COURT OF APPEAL ONLY</b>				
12.1	Affidavit	£11	£11	
12.2	For each exhibit referred to	£2	£2	
<b>PAYABLE IN THE COURT OF APPEAL ONLY</b>				
13.1(a)	Application - permission to appeal/extension of	£235	£235	

	time			
13.1(b)	Permission to appeal is not required or has been granted	£465	£465	
13.1(c)	Appellant/respondent filing an appeal questionnaire	£465	£465	
13.2	On filing a respondent's notice	£235	£235	
13.3	On filing an application notice	£235	£235	