

PART 4

ESSENTIAL SUPPORT INFORMATION

CIVIL PROCEEDINGS FEES ORDER 2008

S.I. 2008 No. 1053

The following sets out the Fees payable under the Order (as amended). Last amended on 18 May 2021 by S.I. 2021/588.

Citation and commencement

1.

(1) This Order may be cited as the Civil Proceedings Fees Order 2008 and shall come into force on 1st May 2008.

(2) In this Order—

(a) [*Omitted by S.I. 2021/588.*]

(b) “the CPR” means the Civil Procedure Rules 1998;

(c) “LSC” means the Legal Services Commission established under section 1 of the Access to Justice Act 1999;

(d) expressions also used in the CPR have the same meaning as in those Rules.

Fees payable

2. The fees set out in column 2 of Schedule 1 are payable in the Senior Courts of England and Wales and in the County Court in respect of the items described in column 1 in accordance with and subject to the directions specified in that column.

3. No fee is payable in respect of—

(a) non-contentious probate business;

(b) the enrolment of documents;

(c) criminal proceedings (except proceedings on the Crown side of the Queen’s Bench Division to which the fees in Schedule 1 are applicable);

(d) proceedings by sheriffs, under-sheriffs, deputy-sheriffs or other officers of the sheriff; or

(e) family proceedings in the High Court or in the County Court.

3A.—

(1) In proceedings under the Guardianship (Missing Persons) Act 2017—

(a) fee 2.4(a) (application on notice where no other fee is specified); and

(b) fee 2.5(a) (application by consent or without notice where no other fee is specified);

are not payable by the Public Guardian.

(2) For the purpose of this regulation, “Public Guardian” has the meaning given in section 57 of the Mental Capacity Act 2005.

4. Where by any convention entered into by Her Majesty with any foreign power it is provided that no fee is required to be paid in respect of any proceedings, the fees specified in this Order are not payable in respect of those proceedings.

Remissions and part remissions

5.—

(1) Subject to paragraph (2), Schedule 2 applies for the purpose of ascertaining whether a party is entitled to a remission or part remission of a fee prescribed by this Order.

(2) Schedule 2 does not apply to—

(a) fee 1.1 if the fee relates to proceedings to recover a sum of money in cases brought by Money Claim OnLine users;
or

(b) fee 8.8 (fee payable on a consolidated attached of earnings order or an administration order).

Revocations

6. The instruments listed in column 1 of the table in Schedule 3 (which have the references listed in column 2) are revoked.

Schedule 1: Fees to be taken

Column 1	Column 2
Number and description of fee	Amount of fee (or manner of calculation)
1 Starting proceedings (High Court and County Court)	
1.1 On starting proceedings (including proceedings issued after permission to issue is granted) to recover a sum of money where the sum claimed:	
(a) does not exceed £300;	£35
(b) exceeds £300 but does not exceed £500;	£50
(c) exceeds £500 but does not exceed £1,000;	£70
(d) exceeds £1,000 but does not exceed £1,500;	£80
(e) exceeds £1,500 but does not exceed £3,000;	£115
(f) exceeds £3,000 but does not exceed £5,000;	£205
(g) exceeds £5,000 but does not exceed £10,000;	£455
(h) exceeds £10,000 but does not exceed £200,000;	5% of the value of the claim
(i) exceeds £200,000 or is not limited.	£10,000
1.2 [Omitted by S.I. 2021/588.]	
Fee 1.1. Where the claimant does not identify the value of the claim when starting proceedings to recover a sum of money, the fee payable is the one applicable to a claim where the sum is not limited.	
Where the claimant is making a claim for interest on a specified sum of money, the amount on which the fee is calculated is the total amount of the claim and the interest.	
1.4 On starting proceedings for the recovery of land:	
(a) in the High Court;	£480
(b) in the County Court;	£355
1.5 On starting proceedings for any other remedy (including proceedings issued after permission to issue is granted):	
in the High Court;	£528
in the County Court.	£308
Fees 1.1, 1.4 and 1.5. Recovery of land or goods.	
Where a claim for money is additional or alternative to a claim for recovery of land or goods, only fee 1.4 or 1.5 is payable.	
Fees 1.1 and 1.5. Claims other than recovery of land or goods.	
Where a claim for money is additional to a non money claim (other than a claim for recovery of land or goods), then fee 1.1 is payable in addition to fee 1.5.	
Where a claim for money is alternative to a non money claim (other than a claim for recovery of land or goods), only fee 1.1 is payable in the High Court, and, in the County Court, whichever is greater of fee 1.1 or fee 1.5 is payable.	
Fees 1.1 and 1.5.	

Column 1	Column 2
Number and description of fee	Amount of fee
Where more than one non money claim is made in the same proceedings, fee 1.5 is payable once only, in addition to any fee which may be payable under fee 1.1.	
Fees 1.1 and 1.5 are not payable where fee 1.8(b), fee 1.9(a), fee 3 or fee 10.1 applies.	
Fees 1.1 and 1.5. Amendment of claim or counterclaim.	
Where the claim or counterclaim is amended, and the fee paid before amendment is less than that which would have been payable if the document, as amended, had been so drawn in the first instance, the party amending the document must pay the difference.	
1.6 On the filing of proceedings against a party or parties not named in the proceedings.	£55
Fee 1.6 is payable by a defendant who adds or substitutes a party or parties to the proceedings or by a claimant who adds or substitutes a defendant or defendants.	
1.7 On the filing of a counterclaim.	The same fee as if the remedy sought were the subject of separate proceedings
No fee is payable on a counterclaim which a defendant is required to make under rule 57.8 of the CPR (requirement to serve a counterclaim	
if a defendant makes a claim or seeks a remedy in relation to a grant of probate of a will, or letters of administration of an estate, of a deceased person).	
1.8(a) On an application for permission to issue proceedings.	£55
(b) On an application for an order under Part 3 of the Solicitors Act 1974 for the assessment of costs payable to a solicitor by a client or on starting costs-only proceedings.	£55
1.9(a) For permission to apply for judicial review.	£154
1.9(b) On applying for a request to reconsider at a hearing a decision on permission.	£385
Where the court has made an order giving permission to proceed with a claim for judicial review, there is payable by the claimant within 7 days of service on the claimant of that order:	
1.9(c) if the proceedings have been started by an application for permission to apply for judicial review.	£770
Where fee 1.9(b) has been paid and permission has been granted at a hearing, the amount payable under fee 1.9(c) is £385.	
1.9(d) if the claim for judicial review was started otherwise than by an application for permission to apply for judicial review.	£154
2 General Fees (High Court and County Court)	
2.1 On the court fixing a trial date or trial period for a case allocated to:	
(a) the multi-track;	£1,090
(b) the fast track;	£545
(c) the small claims track where the sum claimed:	
(i) does not exceed £300;	£25
(ii) exceeds £300 but does not exceed £500;	£55
(iii) exceeds £500 but does not exceed £1,000;	£80
(iv) exceeds £1,000 but does not exceed £1,500;	£115
(v) exceeds £1,500 but does not exceed £3,000;	£170

Column 1	Column 2
Number and description of fee	Amount of fee
(vi) exceeds £3,000.	£335
Where notice of trial date or trial period is given by the court 36 days or more before the trial date or the Monday of the first week of the notified trial period, fee 2.1 is payable at least 28 days prior to the trial date or the Monday of the first week of the notified trial period.	
Where notice of trial date or trial period is given by the court less than 36 days before the trial date or the Monday of the first week of the notified trial period, fee 2.1 is payable within 7 days after the date on which such notice is given.	
Where the court gives notice of both a trial date and a trial period, the fee is payable by reference to the Monday of the first week of the notified trial period.	
Written notice is given on the date on which the notice is sent out from the court. Oral notice is given on the date on which the notice is communicated by the court. Where notice is both in written form and given orally, the notice is given on the date that the written notice is sent out from the court.	
Where an application for fee remission is refused in whole or in part, fee 2.1 (or the amount of the fee which remains unremitted) is payable either:	
(a) within 7 days after the court giving notice of refusal of fee remission (or refusal in part); or	
(b) at least 28 days prior to the trial date or the Monday of the first week of the notified trial period,	
whichever is latest.	
Fee 2.1 is payable by the claimant except where the action is proceeding on the counterclaim alone, when it is payable by the defendant.	
Fee 2.1 is not payable in respect of a case where the court fixed the trial date on the issue of the claim.	
2.2 In the High Court on filing:	£240
an appellant's notice: or	
a respondent's notice where the respondent is appealing or wishes to ask the appeal court to uphold the order of the lower court for reasons different from or additional to those given by the lower court.	
2.3 In the County Court on filing:	
an appellant's notice, or	
a respondent's notice where the respondent is appealing or wishes to ask the appeal court to uphold the order of the lower court for reasons different from or additional to those given by the lower court:	
(a) in a claim allocated to the small claims track;	£120
(b) in all other claims.	£140
Fees 2.2 and 2.3 do not apply on appeals against a decision made in detailed assessment proceedings.	
2.4(a) On an application on notice where no other fee is specified, except for applications referred to in fee 2.4(b).	£255
2.4(b) On an application on notice where no other fee is specified made—	£155
(i) under section 3 of the Protection from Harassment Act 1997; or	
(ii) for a payment out of funds deposited in court.	

Column 1	Column 2
Number and description of fee	Amount of fee
2.5(a) On an application by consent or without notice where no other fee is specified, except for applications referred to in fee 2.5(b).	£100
2.5(b) On an application made by consent or without notice where no other fee is specified made—	£50
(i) under section 3 of the Protection from Harassment Act 1997; or	
(ii) for a payment out of funds deposited in court.	
For the purpose of fee 2.5 a request for a judgment or order on admission or in default does not constitute an application and no fee is payable.	
Fee 2.5 is not payable in relation to an application by consent for an adjournment of a hearing where the application is received by the court at least 14 days before the date set for that hearing.	
Fees 2.4(a) and 2.5(b) are not payable in proceedings to which fees 3.11 and 3.12 apply.	
2.6 On an application for a summons or order for a witness to attend court to be examined on oath or an order for evidence to be taken by deposition, other than an application for which fee 7.2 or 8.3 is payable.	£21
2.7 On an application to vary a judgment or suspend enforcement, including an application to suspend a warrant of possession.	£14
Where more than one remedy is sought in the same application only one fee is payable.	
2.8 Register of judgments, orders and fines kept under section 98 of the Courts Act 2003:	
On a request for the issue of a certificate of satisfaction.	£14
3 Companies Act 1985, Companies Act 2006 and Insolvency Act 1986 (High Court and County Court)	
3.1 On entering a bankruptcy petition:	
(a) if presented by a debtor or the personal representative of a deceased debtor;	£180
(b) if presented by a creditor or other person.	£280
3.2 On entering a petition for an administration order.	£280
3.3 On entering any other petition.	£280
One fee only is payable where more than one petition is presented in relation to a partnership.	
3.4(a) On a request for a certificate of discharge from bankruptcy;	£70
(b) after the first certificate, for each copy.	£10
3.5 On an application under the Companies Act 1985, the Companies Act 2006 or the Insolvency Act 1986 other than one brought by petition and where no other fee is specified.	£280
Fee 3.5 is not payable where the application is made in existing proceedings.	
3.6 On the conversion of insolvency proceedings into a different type of insolvency proceedings under Article 51 of Regulation (EU) 2015/848 of the European Parliament and of the Council.	£160
3.7 On an application, for the purposes of Regulation (EU) 2015/848 of the European Parliament and of the Council, for an order confirming creditors' voluntary winding up (where the company has passed a resolution for voluntary winding up, and no declaration under section 89 of the Insolvency Act 1986 has been made).	£50
3.8 On filing:	£50
a notice of intention to appoint an administrator under paragraph 14 of Schedule B1 to the Insolvency Act 1986 or in accordance with paragraph 27 of that Schedule; or	

Column 1	Column 2
Number and description of fee	Amount of fee
a notice of appointment of an administrator in accordance with paragraphs 18 or 29 of that Schedule.	
Where a person pays fee 3.8 on filing a notice of intention to appoint an administrator, no fee is payable on that same person filing a notice of appointment of that administrator.	
3.9 On submitting a nominee's report under section 2(2) of the Insolvency Act 1986.	£35
3.10 On filing documents in accordance with paragraph 7(1) of Schedule A1 to the Insolvency Act 1986.	£35
3.11 On an application by consent or without notice within existing proceedings where no other fee is specified.	£25
3.12 On an application with notice within existing proceedings where no other fee is specified.	£95
3.13 On a search in person of the bankruptcy and companies records, in the County Court.	£45
Requests and applications with no fee:	
No fee is payable on a request or on an application to the Court by the Official Receiver when applying only in the capacity of Official Receiver to the case (and not as trustee or liquidator), or on an application to set aside a statutory demand.	
4 Copy Documents (Court of Appeal, High Court and County Court)	
4.1 On a request for a copy of a document (other than where fee 4.2 applies):	
(a) for ten pages or less;	£10
(b) for each subsequent page.	50p
Note: The fee payable under fee 4.1 includes:	
where the court allows a party to fax to the court for the use of that party a document that has not been requested by the court and is not intended to be placed on the court file;	
where a party requests that the court fax a copy of a document from the court file; and	
where the court provides a subsequent copy of a document which it has previously provided.	
4.2 On a request for a copy of a document on a computer disk or in other electronic form, for each such copy.	£10
5 Determination of costs (Senior Court and County Court)	
Fee 5 does not apply to the determination in the Senior Courts of costs incurred in the Court of Protection.	
5.1 On the filing of a request for detailed assessment where the party filing the request is legally aided, is funded by the Legal Aid Agency or is a person for whom civil legal services have been made available under arrangements made by the Lord Chancellor under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and no other party is ordered to pay the costs of the proceedings.	£220
5.2 On the filing of a request for detailed assessment in any case where fee 5.1 does not apply, or on the filing of a request for a hearing date for the assessment of costs payable to a solicitor by a client pursuant to an order under Part 3 of the Solicitors Act 1974, where (in either case) the amount of costs claimed:	
(a) does not exceed £15,000;	£369
(b) exceeds £15,000 but does not exceed £50,000;	£743
(c) exceeds £50,000 but does not exceed £100,000;	£1,106
(d) exceeds £100,000 but does not exceed £150,000;	£1,480

Column 1	Column 2
Number and description of fee	Amount of fee
(e) exceeds £150,000 but does not exceed £200,000;	£1,848
(f) exceeds £200,000 but does not exceed £300,000;	£2,772
(g) exceeds £300,000 but does not exceed £500,000;	£4,620
(h) exceeds £500,000.	£6,160
Where there is a combined assessment of costs: party and party costs and legal aid costs; party and party costs and Legal Aid Agency costs; party and party costs and Lord Chancellor costs; or party and party costs and one or more of legal aid costs, Legal Aid Agency costs or Lord Chancellor determination of costs, fee 5.2 must be attributed proportionately to the party and party, legal aid, Legal Aid Agency or Lord Chancellor (as the case may be) portions of the bill on the basis of the amount allowed.	
5.3 On a request for the issue of a default costs certificate.	£66
5.4 On commencing an appeal against a decision made in detailed assessment proceedings.	£231
5.5 On a request or application to set aside a default costs certificate.	£121
6 Determination in the Senior Courts of costs incurred in the Court of Protection	
6.1 On the filing of a request for detailed assessment.	£85
6.2 On an appeal against a decision made in detailed assessment proceedings.	£65
6.3 On a request or application to set aside a default costs certificate.	£65
7 Enforcement in the High Court	
7.1 On sealing a writ of control/possession/delivery.	£66
Where the recovery of a sum of money is sought in addition to a writ of possession and delivery, no further fee is payable.	
7.2 On an application for an order requiring a judgment debtor or other person to attend court to provide information in connection with enforcement of a judgment or order.	£55
7.3(a) On an application for a third party debt order or the appointment of a receiver by way of equitable execution.	£110
Fee 7.3(a) is payable in respect of each third party against whom the order is sought.	
(b) On an application for a charging order.	£110
Fee 7.3(b) is payable in respect of each charging order applied for.	
7.4 On an application for a judgment summons.	£110
7.5 On a request or application to register a judgment or order, or for permission to enforce an arbitration award, or for a certificate or a certified copy of a judgment or order for use abroad.	£66
8 Enforcement in the County Court	
8.1 On an application for or in relation to enforcement of a judgment or order of the County Court or through the County Court, by the issue of a warrant of control against goods except a warrant to enforce payment of a fine:	£83
8.2 On a request for a further attempt at execution of a warrant at a new address following a notice of the reason for non-execution (except a further attempt following suspension).	£33
8.3 On an application for an order requiring a judgment debtor or other person to attend court to provide information in connection with enforcement of a judgment or order.	£55
8.4(a) On an application for a third party debt order or the appointment of a receiver by way of equitable execution.	£110
Fee 8.4(a) is payable in respect of each third party against whom the order is sought.	

Column 1	Column 2
Number and description of fee	Amount of fee
(b) On an application for a charging order.	£110
Fee 8.4(b) is payable in respect of each charging order applied for.	
8.5 On an application for a judgment summons.	£110
8.6 On the issue of a warrant of possession or a warrant of delivery.	£121
Where the recovery of a sum of money is sought in addition, no further fee is payable.	
8.7 On an application for an attachment of earnings order (other than a consolidated attachment of earnings order) to secure payment of a judgment debt.	£110
Fee 8.7 is payable for each defendant against whom an order is sought.	
Fee 8.7 is not payable where the attachment of earnings order is made on the hearing of a judgment summons.	
8.8 On a consolidated attachment of earnings order or on an administration order.	For every £1 or part of a £1 of the money paid into court in respect of debts due to creditors – 10p
Fee 8.8 is calculated on any money paid into court under any order at the rate in force at the time when the order was made (or, where the order has been amended, at the time of the last amendment before the date of payment).	
8.9 On an application for the enforcement of an award for a sum of money or other decision made by any court, tribunal, body or person other than the High Court or the County Court.	£44
8.10 On a request for an order to recover a sum that is:	
a specified debt within the meaning of the Enforcement of Road Traffic Debts Order 1993; or	£8
pursuant to an enactment, treated as a specified debt for the purposes of that Order.	
No fee is payable on:	
an application for an extension of time to serve a statutory declaration or a witness statement in connection with any such order; or	
a request to issue a warrant of control to enforce any such order.	
8A Service in the County Court	
8A.1 On a request for service by a bailiff of an order to attend court for questioning.	£110
9 Sale (County Court only)	
9.1 For removing or taking steps to remove goods to a place of deposit.	The reasonable expenses incurred
Fee 9.1 is to include the reasonable expenses of feeding and caring for any animals.	
9.2 For the appraisalment of goods.	5p in the £1 or part of a £1 of the appraised value

Column 1	Column 2
Number and description of fee	Amount of fee
9.3 For the sale of goods (including advertisements, catalogues, sale and commission and delivery of goods).	15p in the £1 or part of a £1 on the amount realised by the sale or such other sum as the district judge may consider to be justified in the circumstances
9.4 Where no sale takes place by reason of an execution being withdrawn, satisfied or stopped.	(a) 10p in the £1 or part of a £1 on 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 in the circumstances; and in addition (b) any sum payable under fee 9.1 and 9.2.
FEES PAYABLE IN HIGH COURT ONLY	
10 Miscellaneous proceedings or matters	
Bills of Sale	
10.1 On filing any document under the Bills of Sale Act 1878 and the Bills of Sale Act (1878) Amendment Act 1882 or on an application under section 15 of the Bills of Sale Act 1878 for an order that a memorandum of satisfaction be written on a registered copy of the bill.	£28
Searches	
10.2 For an official certificate of the result of a search for each name, in any register or index held by the court; or in the Court Funds Office, for an official certificate of the result of a search of unclaimed balances for a specified period of up to 50 years.	£50
10.3 On a search in person of the court's records, including inspection, for each 15 minutes or part of 15 minutes.	£11
Judge sitting as arbitrator	
10.4 On the appointment of an eligible High Court judge as an arbitrator or umpire under section 93 of the Arbitration Act 1996.	£610
10.5 For every day or part of a day (after the first day) of the hearing before an eligible High Court judge, so appointed as arbitrator or umpire.	£610
Where fee 10.4 has been paid on the appointment of an eligible High Court judge as an arbitrator or umpire but the arbitration does not proceed to a hearing or an award, the fee will be refunded.	
11 Fees payable in Admiralty matters	
In the Admiralty Registrar and Marshal's Office:	

Column 1	Column 2
Number and description of fee	Amount of fee
11.1 On the issue of a warrant for the arrest of a ship or goods.	£18
11.2 On the sale of a ship or goods	
Subject to a minimum fee of £205:	
(a) for every £100 or fraction of £100 of the price up to £100,000;	£1
(b) for every £100 or fraction of £100 of the price exceeding £100,000.	50p
Where there is sufficient proceeds of sale in court, fee 11.2 will be payable by transfer from the proceeds of sale in court.	
11.3 On entering a reference for hearing by the Registrar.	£70
FEES PAYABLE IN HIGH COURT AND COURT OF APPEAL ONLY	
12 Affidavits	
12.1 On taking an affidavit or an affirmation or attestation upon honour in lieu of an affidavit or a declaration except for the purpose of receipt of dividends from the Accountant General and for a declaration by a shorthand writer appointed in insolvency proceedings:	
for each person making any of the above.	£12
12.2 For each exhibit referred to in an affidavit, affirmation, attestation or declaration for which fee 12.1 is payable.	£2
FEES PAYABLE IN COURT OF APPEAL ONLY	
13 Fees payable in appeals to the Court of Appeal	
13.1(a) Where in an appeal notice, permission to appeal or an extension of time for appealing is applied for (or both are applied for):	£528
on filing an appellant's notice; or	
where the respondent is appealing, on filing a respondent's notice.	
13.1(b) Where permission to appeal is not required or has been granted by the lower court:	£1,199
on filing an appellant's notice, or	
on filing a respondent's notice where the respondent is appealing.	
13.1(c) On the appellant filing an appeal questionnaire (unless the appellant has paid fee 13.1(b), or the respondent filing an appeal questionnaire (unless the respondent has paid fee 13.1(b)).	£1,199
13.2 On filing a respondent's notice where the respondent wishes to ask the appeal court to uphold the order of the lower court for reasons different from or additional to those given by the lower court.	£528
13.3 On filing an application notice.	£528
Fee 13.3 is not payable for an application made in an appeal notice.	

Schedule 2: Remissions and part remissions

Interpretation

1.—

(1) In this Schedule—

“child” means a person—

(a) whose main residence is with a party and who is aged—

(i) under 16 years; or

(ii) 16 to 19 years; and is—

- (aa) not married or in a civil partnership; and
 - (bb) enrolled or accepted in full-time education that is not advanced education, or approved training; or
- (b) in respect of whom a party or their partner pays child support maintenance or periodic payments in accordance with a maintenance agreement,
- and “full-time education”, “advanced education” and “approved training” have the meaning given by the Child Benefit (General) Regulations 2006;
- “child support maintenance” has the meaning given in section 3(6) of the Child Support Act 1991;
- “couple” has the meaning given in section 3(5A) of the Tax Credits Act 2002;
- “disposable capital” has the meaning given in paragraph 5;
- “excluded benefits” means any of the following—
- (a) any of the following benefits payable under the Social Security Contributions and Benefits Act 1992 or the corresponding provisions of the Social Security Contributions and Benefits (Northern Ireland) Act 1992—
 - (i) attendance allowance under section 64;
 - (ii) severe disablement allowance;
 - (iii) carer’s allowance;
 - (iv) disability living allowance;
 - (v) constant attendance allowance under section 104 as an increase to a disablement pension;
 - (vi) any payment made out of the social fund;
 - (vii) housing benefit;
 - (viii) widowed parents allowance;
 - (b) any of the following benefit payable under the Tax Credits Act 2002—
 - (i) any disabled child element or severely disabled child element of the child tax credit;
 - (ii) any childcare element of the working tax credit;
 - (c) any direct payment made under the Community Care, Services for Carers and Children’s Services (Direct Payments) (England) Regulations 2009, the Community Care, Services for Carers and Children’s Services (Direct Payments) (Wales) Regulations 2011, the Carers and Direct Payments Act (Northern Ireland) 2002, section 12B(1) of the Social Work (Scotland) Act 1968 or the Social Care (Self-directed Support) (Scotland) Act 2013;
 - (d) a back to work bonus payable under section 26 of the Jobseekers Act 1995, or article 28 of the Jobseekers (Northern Ireland) Order 1995;
 - (e) any exceptionally severe disablement allowance paid under the Personal Injuries (Civilians) Scheme 1983;
 - (f) any payments from the Industrial Injuries Disablement Benefit;
 - (g) any pension paid under the Naval, Military and Air Forces etc. (Disablement and Death) Service Pension Order 2006;
 - (h) any payment made from the Independent Living Funds;
 - (i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;
 - (j) any financial support paid under an agreement for the care of a foster child;
 - (k) any housing credit element of pension credit;
 - (l) any armed forces independence payment;
 - (m) any personal independence payment payable under the Welfare Reform Act 2012;
 - (n) any payment on account of benefit as defined in the Social Security (Payments on Account of Benefit) Regulations 2013;
 - (o) any of the following amounts, as defined by the Universal Credit Regulations 2013, that make up an award of universal credit—
 - (i) an additional amount to the child element in respect of a disabled child;
 - (ii) a housing costs element;
 - (iii) a childcare costs element;

- (iv) a carer element;
- (v) a limited capability for work or limited capacity for work and work-related activity element.

“family help (higher)” has the meaning given in paragraph 15(3) of the Civil Legal Aid (Merits Criteria) Regulations 2013;

“family help (lower)” has the meaning given in paragraph 15(2) of the Civil Legal Aid (Merits Criteria) Regulations 2013;

“gross monthly income” has the meaning given in paragraph 13;

“Independent Living Funds” means the funds listed at regulation 20(2)(b) of the Criminal Legal Aid (Financial Resources) Regulations 2013;

“legal representation” has the meaning given in paragraph 18(2) of the Civil Legal Aid (Merits Criteria) Regulations 2013;

“maintenance agreement” has the meaning given in subsection 9(1) of the Child Support Act 1991;

“partner” means a person with whom the party lives as a couple and includes a person with whom the party is not currently living but from whom the party is not living separate and apart;

“party” means the individual who would, but for this Schedule, be liable to pay a fee under this Order;

“restraint order” means—

- (a) an order under section 42(1A) of the Senior Courts Act 1981;
- (b) an order under section 33 of the Employment Tribunals Act 1996;
- (c) a civil restraint order made under rule 3.11 of the Civil Procedure Rules 1998, or a practice direction made under that rule; or
- (d) a civil restraint order under rule 4.8 of the Family Procedure Rules 2010, or the practice direction referred to in that rule.

(2) References to remission of a fee are to be read as including references to a part remission of a fee as appropriate and remit and remitted shall be construed accordingly.

Fee remission

2. If a party satisfies the disposable capital test, the amount of any fee remission is calculated by applying the gross monthly income test.

Disposable capital test

3.—

(1) Subject to paragraph 4, a party satisfies the disposable capital test if—

- (a) the fee payable by the party and for which an application for remission is made, falls within a fee band set out in column 1 of Table 1; and
- (b) the party’s disposable capital is less than the amount in the corresponding row of column 2.

Table 1

Column 1 (fee band)	Column 2 (disposable capital)
Up to and including £1,000	£3,000
£1,001 to £1,335	£4,000
£1,336 to £1,665	£5,000
£1,666 to £2,000	£6,000
£2,001 to £2,330	£7,000
£2,331 to £4,000	£8,000
£4,001 to £5,000	£10,000
£5,001 to £6,000	£12,000
£6,001 to £7,000	£14,000
£7,001 or more	£16,000

4. Subject to paragraph 14, if a party or their partner is aged 61 or over, that party satisfies the disposable capital test if that party's disposable capital is less than £16,000.

Disposable capital

5. Subject to paragraph 14, disposable capital is the value of every resource of a capital nature belonging to the party on the date on which the application for remission is made, unless it is treated as income by this Order, or it is disregarded as excluded disposable capital.

Disposable capital – non-money resources

6. The value of a resource of a capital nature that does not consist of money is calculated as the amount which that resource would realise if sold, less—

- (a) 10% of the sale value; and
- (b) the amount of any borrowing secured against that resource that would be repayable on sale.

Disposable capital – resources held outside the United Kingdom

7.—

- (1) Capital resources in a country outside the United Kingdom count towards disposable capital.
- (2) If there is no prohibition in that country against the transfer of a resource into the United Kingdom, the value of that resource is the amount which that resource would realise if sold in that country, in accordance with paragraph 6.
- (3) If there is a prohibition in that country against the transfer of a resource into the United Kingdom, the value of that resource is the amount that resource would realise if sold to a buyer in the United Kingdom.

Disposable capital – foreign currency resources

8. Where disposable capital is held in currency other than sterling, the cost of any banking charge or commission that would be payable if that amount were converted into sterling, is deducted from its value.

Disposable capital – jointly owned resources

9. Where any resource of a capital nature is owned jointly or in common, there is a presumption that the resource is owned in equal shares, unless evidence to the contrary is produced.

Excluded disposable capital

10. The following things are excluded disposable capital—

- (a) a property which is the main or only dwelling occupied by the party;
- (b) the household furniture and effects of the main or only dwelling occupied by the party;
- (c) articles of personal clothing;
- (d) any vehicle, the sale of which would leave the party, or their partner, without motor transport;
- (e) tools and implements of trade, including vehicles used for business purposes;
- (f) the capital value of the party's or their partner's business, where the party or their partner is self-employed;
- (g) the capital value of any funds or other assets held in trust, where the party or their partner is a beneficiary without entitlement to advances of any trust capital;
- (h) a jobseeker's back to work bonus;
- (i) a payment made as a result of a determination of unfair dismissal by a court or tribunal, or by way of settlement of a claim for unfair dismissal;
- (j) any compensation paid as a result of a determination of medical negligence or in respect of any personal injury by a court, or by way of settlement of a claim for medical negligence or personal injury;
- (k) the capital held in any personal or occupational pension scheme;
- (l) any cash value payable on surrender of a contract of insurance;
- (m) any capital payment made out of the Independent Living Funds;
- (n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);
- (o) any capital insurance or endowment lump sum payments that have been paid as a result of illness, disability or death;
- (p) any student loan or student grant;
- (q) any payments under the criminal injuries compensation scheme.

Remission of fees – gross monthly income**11.—**

- (1) If a party satisfies the disposable capital test, no fee is payable under this Order if, at the time when the fee would otherwise be payable, the party or their partner has the number of children specified in column 1 of Table 2 and—
- (a) if the party is single, their gross monthly income does not exceed the amount set out in the appropriate row of column 2; or
- (b) if the party is one of a couple, the gross monthly income of that couple does not exceed the amount set out in the appropriate row of column 3.

Table 2

Column 1	Column 2	Column 3
Number of children of party	Single	Couple
No children	£1,085	£1,245
1 child	£1,330	£1,490
2 children	£1,575	£1,735

- (2) If a party or their partner has more than 2 children, the relevant amount of gross monthly income is the appropriate amount specified in Table 2 for 2 children, plus the sum of £245 for each additional child.
- (3) For every £10 of gross monthly income received above the appropriate amount in Table 2, including any additional amount added under sub-paragraph (2), the party must pay £5 towards the fee payable, up to the maximum amount of the fee payable.
- (4) This paragraph is subject to paragraph 12.

Gross monthly income cap**12.—**

- (1) No remission is available if a party or their partner has the number of children specified in column 1 of Table 3 and—
- (a) if the party is single, their gross monthly income exceeds the amount set out in the appropriate row of column 2 of Table 3; or
- (b) if the party is one of a couple, the gross monthly income of that couple exceeds the amount set out in the appropriate row of column 3 of Table 3.

Table 3

Column 1	Column 2	Column 3
Number of children of party	Single	Couple
No children	£5,085	£5,245
1 child	£5,330	£5,490
2 children	£5,575	£5,735

- (2) If a party or their partner has more than 2 children, the relevant amount of gross monthly income is the appropriate amount specified in Table 3 for 2 children, plus the sum of £245 for each additional child.

Gross monthly income**13.—**

- (1) Subject to paragraph 14, gross monthly income means the total monthly income, for the month preceding that in which the application for remission is made, from all sources, other than receipt of any of the excluded benefits.
- (2) Income from a trade, business or gainful occupation other than an occupation at a wage or salary is calculated as—
- (a) the profits which have accrued or will accrue to the party; and
- (b) the drawings of the party;
- in the month preceding that in which the application for remission is made.

(3) In calculating profits under sub-paragraph (2)(a), all sums necessarily expended to earn those profits are deducted.

Resources and income treated as the party's resources and income

14.—

- (1) Subject to sub-paragraph (2), the disposable capital and gross monthly income of a partner of a party is to be treated as disposable capital and gross monthly income of the party.
- (2) Where the partner of a party has a contrary interest to the party in the matter to which the fee relates, the disposable capital and gross monthly income of that partner, if any, is not treated as the disposable capital and gross monthly income of the party.

Application for remission of a fee

15.—

- (1) An application for remission of a fee must be made at the time when the fee would otherwise be payable.
- (2) Where an application for remission of a fee is made, the party must—
 - (a) indicate the fee to which the application relates;
 - (b) declare the amount of their disposable capital; and
 - (c) provide documentary evidence of their gross monthly income and the number of children relevant for the purposes of paragraphs 11 and 12.
- (3) Where an application for remission of a fee is made on or before the date on which a fee is payable, the date for payment of the fee is disapplied.
- (4) Subject to sub-paragraph (5), where an application for remission is refused, or if part remission of a fee is granted, the amount of the fee which remains unremitted must be paid within the period notified in writing to the party.
- (5) Where an application for remission of fee 2.1 is refused, or if part remission of that fee is granted, the amount of the fee which remains unremitted must be paid in accordance with the directions in column 1 of the table in Schedule 1 (fees to be taken), in respect of fee 2.1.

Remission in exceptional circumstances

16. A fee specified in this Order may be remitted where the Lord Chancellor is satisfied that there are exceptional circumstances which justify doing so.

Refunds

17.—

- (1) Subject to sub-paragraph (3), where a party pays a fee at a time when that party would have been entitled to a remission if they had provided the documentary evidence required by paragraph 15, the fee, or the amount by which the fee would have been reduced as the case may be, must be refunded if documentary evidence relating to the time when the fee became payable is provided at a later date.
- (2) Subject to sub-paragraph (3), where a fee has been paid at a time when the Lord Chancellor, if all the circumstances had been known, would have remitted the fee under paragraph 15, the fee or the amount by which the fee would have been reduced, as the case may be, must be refunded to the party.
- (3) No refund shall be made under this paragraph unless the party who paid the fee applies within 3 months of the date on which the fee was paid.
- (4) The Lord Chancellor may extend the period of 3 months mentioned in sub-paragraph (3) if the Lord Chancellor considers that there is a good reason for a refund being made after the end of the period of 3 months.

Legal Aid

18. A party is not entitled to a fee remission if, under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, they are in receipt of the following civil legal services—

- (a) Legal representation; or
- (b) Family help (higher); or
- (c) Family help (lower) in respect of applying for a consent order.

Vexatious litigants

19.—

- (1) This paragraph applies where—

- (a) a restraint order is in force against a party; and
 - (b) that party makes an application for permission to—
 - (i) issue proceedings or take a step in proceedings as required by the restraint order;
 - (ii) apply for amendment or discharge of the order; or
 - (iii) appeal the order.
- (2) The fee prescribed by this Order for the application is payable in full.
- (3) If the party is granted permission, they are to be refunded the difference between—
- (a) the fee paid; and
 - (b) the fee that would have been payable if this Schedule had been applied without reference to this paragraph.

Exceptions

20. No remissions or refunds are available in respect of the fee payable for—

- (a) copy or duplicate documents;
- (b) searches.

(Not herein printed: Schedule 3: Revocations.)

CONDITIONAL FEE AGREEMENTS ORDER 2013

S.I. 2013 No. 689

Made: 19 March 2013. Coming into force: 1 April 2013. The Lord Chancellor in exercise of the powers conferred on him by sections 58(4)(a) and (c), 58(4A)(b), (4B)(c) and (d) and 120(3) of the Courts and Legal Services Act 1990, having consulted in accordance with section 58A(5) of that Act, makes the following Order, a draft of which has been laid and approved by each House of Parliament in accordance with section 120(4) of that Act.

Citation, commencement, interpretation and application

1.—

- (1) This Order may be cited as the Conditional Fee Agreements Order 2013 and will come into force on 1st April 2013.
- (2) In this Order—
- “the 1986 Act” means the Insolvency Act 1986;
 - “the 1990 Act” means the Courts and Legal Services Act 1990;
 - “claim for personal injuries” has the same meaning as in Rule 2.3 of the Civil Procedure Rules 1998;
 - “company” means a company within the meaning of section 1 of the Companies Act 2006 or a company which may be wound up under Part V of the 1986 Act;
 - “diffuse mesothelioma” has the same meaning as in section 48(2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012;
 - “news publisher” means a person who publishes a newspaper, magazine or website containing news or information about or comment on current affairs;
 - “publication and privacy proceedings” means proceedings for—
 - (a) defamation;
 - (b) malicious falsehood;
 - (c) breach of confidence involving publication to the general public;
 - (d) misuse of private information; or
 - (e) harassment, where the defendant is a news publisher.
 - “representative” means the person or persons providing the advocacy services or litigation services to which the conditional fee agreement relates.