

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 30 September 2021 by S.I. 2021/985.

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;	£569
in the County Court.	£332
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.	

Column 1	Column 2
Number and description of fee	Amount of fee
Fees 1.1 and 1.5.	
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.	£59
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.	£59
(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.	£59
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;	£1,175
(b) the fast track;	£545
(c) the small claims track where the sum claimed:	
(i) does not exceed £300;	£27
(ii) exceeds £300 but does not exceed £500;	£59
(iii) exceeds £500 but does not exceed £1,000;	£85
(iv) exceeds £1,000 but does not exceed £1,500;	£123

Column 1	Column 2
Number and description of fee	Amount of fee
(v) exceeds £1,500 but does not exceed £3,000;	£181
(vi) exceeds £3,000.	£346
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:	£259
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;	£129
(b) in all other claims.	£151
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).	£275
2.4(b) On an application on notice where no other fee is specified made—	£167
(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).	£108
2.5(b) On an application made by consent or without notice where no other fee is specified made—	£54
(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.	£302
3.2 On entering a petition for an administration order.	£302
3.3 On entering any other petition.	£302
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;	£75
(b) after the first certificate, for each copy.	£11
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.	£26
3.12 On an application with notice within existing proceedings where no other fee is specified.	£99
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;	£11
(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.	£11
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.	£237
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;	£398
(b) exceeds £15,000 but does not exceed £50,000;	£801
(c) exceeds £50,000 but does not exceed £100,000;	£1,192
(d) exceeds £100,000 but does not exceed £150,000;	£1,595

Column 1	Column 2
Number and description of fee	Amount of fee
(e) exceeds £150,000 but does not exceed £200,000;	£1,992
(f) exceeds £200,000 but does not exceed £300,000;	£2,988
(g) exceeds £300,000 but does not exceed £500,000;	£4,980
(h) exceeds £500,000.	£6,640
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.	£71
5.4 On commencing an appeal against a decision made in detailed assessment proceedings.	£249
5.5 On a request or application to set aside a default costs certificate.	£130
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.	£87
6.2 On an appeal against a decision made in detailed assessment proceedings.	£70
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.	£71
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.	£59
7.3(a) On an application for a third party debt order or the appointment of a receiver by way of equitable execution.	£119
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.	£119
Fee 7.3(b) is payable in respect of each charging order applied for.	
7.4 On an application for a judgment summons.	£119
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.	£71
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.	£59
8.4(a) On an application for a third party debt order or the appointment of a receiver by way of equitable execution.	£119
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.	£119
Fee 8.4(b) is payable in respect of each charging order applied for.	
8.5 On an application for a judgment summons.	£119
8.6 On the issue of a warrant of possession or a warrant of delivery.	£130
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.	£119
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.	£47
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	£9
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.	£119
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.	£30
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.	£54
10.3 On a search in person of the court's records, including inspection, for each 15 minutes or part of 15 minutes.	£12
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.	£13
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):	£569
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:	£1,292
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)).	£1,292
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.	£569
13.3 On filing an application notice.	£569
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	£1,170	£1,345
1 child	£1,435	£1,610
2 children	£1,700	£1,875

- (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 £265 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	£5,170	£5,345
1 child	£5,435	£5,610
2 children	£5,700	£5,875

- (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 £265 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.

Agreements providing for a success fee

2. All proceedings which, under section 58 of the Act, can be the subject of an enforceable conditional fee agreement, except proceedings under section 82 of the Environmental Protection Act 1990, are proceedings specified for the purpose of section 58(4)(a) of the Act.

Amount of success fee

3. In relation to all proceedings specified in article 2, the percentage specified for the purposes of section 58(4)(c) of the Act is 100%.

Specified proceedings

4. A claim for personal injuries shall be proceedings specified for the purpose of section 58(4A)(b) of the Act.

Amount of success fee in specified proceedings

5.—

(1) In relation to the proceedings specified in article 4, the percentage prescribed for the purposes of section 58(4B)(c) of the Act is—

- (a) in proceedings at first instance, 25%; and
- (b) in all other proceedings, 100%.

(2) The descriptions of damages specified for the purposes of section 58(4B)(d) of the Act are—

- (a) general damages for pain, suffering, and loss of amenity; and
- (b) damages for pecuniary loss, other than future pecuniary loss, net of any sums recoverable by the Compensation Recovery Unit of the Department for Work and Pensions.

Transitional and saving provisions

6.—

(1) Articles 4 and 5 do not apply to a conditional fee agreement which is entered into before the date upon which this Order comes into force if—

- (a) the agreement was entered into specifically for the purposes of the provision to a person (“P”) of advocacy or litigation services in connection with the matter which is the subject of the proceedings; or
- (b) advocacy or litigation services were provided to P under the agreement in connection with those proceedings before that date.

(2) Articles 4 and 5 do not apply to any conditional fee agreement entered into in relation to—

- (a) proceedings relating to a claim for damages in respect of diffuse mesothelioma;
- (b) publication and privacy proceedings;
- (c) proceedings in England and Wales brought by a person acting in the capacity of—
 - (i) a liquidator of a company which is being wound up in England and Wales or Scotland under Parts IV or V of the 1986 Act; or
 - (ii) a trustee of a bankrupt’s estate under Part IX of the 1986 Act;
- (d) proceedings brought by a person acting in the capacity of an administrator appointed pursuant to the provisions of Part II of the 1986 Act;
- (e) proceedings in England and Wales brought by a company which is being wound up in England and Wales or Scotland under Parts IV or V of the 1986 Act; or
- (f) proceedings brought by a company which has entered administration under Part II of the 1986 Act.

Revocation of 2000 Order

7. The Conditional Fee Agreements Order 2000 is revoked.

CONSULAR FEES ORDER 2012*S.I. 2012 No. 798*

Made: 14 March 2012. Coming into force: 6 April 2012.

1. This Order may be cited as the Consular Fees Order 2012 and comes into force on 6th April 2012.

2. In this Order—

“consular officer” means any person authorised by the Secretary of State to exercise consular functions, or functions in the United Kingdom which correspond with consular functions (including persons who are not, as well as persons who are, consular officers);

“consular employee” means any person in the administrative or technical service of the consular post or diplomatic mission;

“consular premises” means the building or parts of buildings used for the purposes of the consular post or diplomatic mission;

“direct costs” means expenses that are incidental to the performance of a service, such as the cost of posting documents to a customer’s home address or travel costs;

“fast-track service” means an application made in person, either by the applicant or another person acting on behalf of the applicant, which is to be processed within seven days of that application having been made;

“fast-track collect service” means an application made in person, either by the applicant or by another person acting on behalf of the applicant, which is to be processed within seven days of that application having been made, and which permits the applicant or another person acting on behalf of the applicant to collect the passport in person;

“overseas service” in relation to legalisation means the service for the processing by consular officers at consular posts of applications made in person;

“premium service” in relation to legalisation means the same day service for the processing by a London legalisation office dedicated for companies, solicitors and notaries of applications made in person;

“premium service” in relation to passport applications means an application made in person, either by the applicant or another person acting on behalf of the applicant, which is to be processed within twenty-four hours of that application having been made;

“standard service” in relation to legalisation means the twenty-four hours service for the processing by the main legalisation office at Milton Keynes, of applications made in person at that office and the processing by that office of postal applications within a reasonable time period.

3. The fees set forth in the table in Parts 1 and 2 of Schedule 1 to this Order are prescribed to be levied by consular officers and by marriage officers under the Foreign Marriage Act 1892 and the Marriage with Foreigners Act 1906 in the execution of each of their functions specified in those tables.

Schedule 1 (Article 3)*Part 1: Table of general consular fees*

Fee	I. Legalisation	£
1.	Legalising a signature or seal—	
	(i) Standard service (in addition to direct costs, if any)	30.00
	(ii) Premium service (in addition to direct costs, if any)	75.00
	(iii) Overseas service (in addition to direct costs, if any)	30.00
	II. Notarial and related matters	
2.	Preparing any certificate, declaration or document not listed elsewhere in this table	
	(i) in English	50.00
	(ii) in any other language	50.00
3.	Signing a declaration of existence (except if required by a department of Her Majesty’s Government in the United Kingdom)	25.00

4.	Administering an oath, declaration or affirmation	50.00
5.	Witnessing a signature	25.00
6.	Certifying a copy of a document	25.00
7.	Uniting documents and Marking of Exhibits	25.00
8.	Supplying certified copies of documents which form part of the records of a court which is, or was formerly, established under the Foreign Jurisdiction Acts 1890 and 1913, for each page	50.00
	III. Nationality	
9.	Administering an oath of British Citizenship under the British Nationality Act 1981	100.00
	IV. Births, marriages, civil partnerships and deaths	
10.	Receiving notice of an intended marriage, civil partnership or overseas relationship	50.00
11.	Issuing a certificate that no impediment to an intended marriage or civil partnership has been shown to exist, or issuing any local equivalent document for an intended marriage or overseas relationship in accordance with local law	
	(i) in English	50.00
	(ii) in any other language	50.00
12.	Solemnising and administering oaths for consular marriage; or registering or converting a civil partnership into marriage	150.00
13.	Administering an application for the registration of a birth or a death	150.00
14.	Making an addition to or correction in the consular register as necessary	25.00
15.	Issuing a certified copy of an entry in the consular register	50.00
16.	Making a search in	
	(i) the consular register of births, deaths, marriages or civil partnerships where the number or date of entry is not provided	50.00
	(ii) the naturalisation, registration or renunciation records kept by a consular officer	50.00
	V. Legal proceedings	
17.	Forwarding a request to a local authority for the taking of evidence or the service of a document (including effecting service of a document in relation to proceedings in which state immunity is in issue), and returning any evidence received of service or attempted service of a document (provided by the Foreign and Commonwealth Office in proceedings where state immunity is in issue)	150.00
	VI. Maritime services	
18.	Providing or administering a service not otherwise covered in this Schedule in relation to shipping, seamen and related matters, for each hour or part hour (to include travel time if performed away from the consular premises) and in addition to direct costs, if any	150.00
	VII. Emergency assistance	
19.	Administering an application for, and, if successful providing, an Emergency Travel Document	100.00
20.	Exceptionally, administering an application for, and, if successful, providing an Emergency Passport, on occasions when it is not possible to provide an Emergency Travel Document	75.00
21.	Arranging, exceptionally, for currency to be made available against the deposit of funds	
	(i) £0.01–£99.99	10.00
	(ii) £100.00–£499.99	25.00
	(iii) £500.00 or more	50.00

	VIII. Other services	
22.	Providing the services of a consular officer or a consular employee in relation to any other service which the consular post or diplomatic mission has agreed to undertake, for each hour or part hour (to include travel time if performed away from the consular premises) and in addition to direct costs, if any	150.00

Part 2: Table of consular fees relating to passport services

Fee	I. Passport application made overseas	£
A.	Administering an application made abroad, including applications for replacing an expired passport, replacing a passport of restricted validity with a new passport of full validity, issuing a new passport with amended personal details and replacing a lost or stolen passport and, if the application is successful, providing a 32 page passport—	
	(a) unless (d) or (e)(i) applies, where the applicant is aged 16 years or over, but born after 2nd September 1929 (in addition to direct costs if any, other than delivery costs to the extent that these fall within paragraphs C to F, and in addition to any fee relevant to the application set out in paragraphs C to F)	83.00
	(b) where the applicant was born on or before 2nd September 1929 (in addition to direct costs if any, other than delivery costs to the extent that these fall within paragraphs C to F)	Nil
	(c) unless (e)(ii) applies, where the applicant is under 16 years old (for a passport valid for 5 years) (in addition to direct costs if any, other than delivery costs to the extent that these fall within paragraphs C to F, and in addition to any fee relevant to the application set out in paragraphs C to F)	53.00
	(d) where the applicant is aged 16 years or over, but born after 2nd September 1929 and is—	
	(i) a member of or attached to Her Majesty's Diplomatic Service, and the passport is issued to the applicant in his or her official capacity,	72.50
	(ii) an officer of Her Majesty's Government, and the passport is issued to the applicant in his or her official capacity	72.50
	(iii) a member of or attached to Her Majesty's Armed Forces, and the application is made in accordance with the procedure whereby applications are checked and submitted to Her Majesty's Passport Office by Armed Forces personnel who are nominated for that purpose.	72.50
	(e) where a passport is issued to the applicant in his or her capacity as a dependant of a person falling within sub-paragraph (d) and the applicant is—	
	(i) aged 16 years or over, but born after 2nd September 1929	72.50
	(ii) under 16 years old (for a passport valid for 5 years)	46.00
B.	Administering an application made abroad, including applications for replacing an expired passport, replacing a passport of restricted validity with a new passport of full validity, issuing a new passport with amended personal details and replacing a lost or stolen passport and, if the application is successful, providing a 48 page passport—	
	(a) where the applicant does not fall within paragraph A(d)(iii) (Armed Forces passports) and is not a dependant of such a person (in addition to direct costs if any, other than delivery costs to the extent that these fall within paragraphs C to F, and in addition to any fee relevant to the application set out in paragraphs C to F)	91.00
	(b) where the applicant falls within paragraph A(d)(iii) or is a dependant of such a person (in addition to direct costs if any, other than delivery costs to the extent that these fall within paragraphs C to F, and in addition to any fee relevant to the application set out in paragraphs C to F)	85.00
Fee	I. Passport application made overseas	£

C.	Arranging delivery of a passport for an application made abroad for a 32 or 48 page passport and if the application is successful, delivering the passport—	
	(a) to a British Forces Post Office address where the applicant is a member of or attached to Her Majesty's Armed Forces or a dependant of such a person and the application is made in accordance with the procedure whereby applications are checked and submitted to Her Majesty's Passport Office by Armed Forces personnel who are nominated for that purpose.	Nil
	(b) to a British Forces Post Office address or a United Kingdom address, where the applicant is a member of or attached to Her Majesty's Diplomatic Service, or a dependant of such a person, and the application has been made in that official capacity	Nil
	(c) to a British Forces Post Office address or a United Kingdom address, where the applicant is an officer of Her Majesty's Government, or a dependant of such a person, and the application has been made in that official capacity.	Nil
	(d) to an overseas or United Kingdom address where the applicant was born on or before 2nd September 1929	Nil
	(e) to a United Kingdom address (including a British Forces Post Office address where (a) to (d) do not apply)	3.00
	(f) to a United Kingdom embassy, High Commission or consulate by diplomatic channels where (a) to (d) do not apply	11.41
	(g) to an address specified by the applicant or the Secretary of State, where (a) to (f) do not apply	9.70
D.	Arranging the return of supporting documents accompanying an application or applications (up to a maximum of four applications) made abroad for a 32 or 48 page passport—	
	(a) to a United Kingdom address	Nil
	(b) to an overseas address where the applicant (or all of the applicants) was born on or before 2nd September 1929	Nil
	(c) to an overseas address specified by the applicant or the Secretary of State, where the applicant (or one of the applicants) was born after 2nd September 1929	10.16
E.	Arranging for return of supporting documents accompanying an application made abroad for a 32 or 48 page passport to an address in the United Kingdom by secure delivery, at the applicant's request	3.00
F.	Forwarding an application or applications (up to a maximum of four) made abroad for a 32 or 48 page passport to a Regional Passport Processing Centre or Application Processing Centre for consideration—	
	(a) where the applicant (or one of the applicants) was born after 2nd September 1929	13.31
	(b) where the applicant (or all of the applicants) was born on or before 2nd September 1929	Nil
Fee	II. Passport application made in the United Kingdom	£
G.	Administering an application made in the United Kingdom, including applications for replacing an expired passport, replacing a passport of restricted validity with a new passport of full validity, issuing a new passport with amended personal details and replacing a lost or stolen passport and, if the application is successful, issuing a 32 page passport—	
	(a) for applications made by post—	
	(i) where the applicant is aged 16 years and over but was born after 2nd September 1929	72.50
	(ii) where the applicant is under 16 years old (for a passport valid for 5 years)	46.00
	(iii) where the applicant was born on or before 2nd September 1929	Nil
	(b) for applications made in person—	
	(i) using the fast-track service	

	(aa) where the applicant is aged 16 years or over but was born after 2nd September 1929	103.00
	(bb) where the applicant is under 16 years old (for a passport valid for 5 years)	87.00
	(cc) where the applicant was born on or before 2nd September 1929	30.50
	(ii) using the fast-track collect service—	
	(aa) where the applicant is aged 16 years or over but was born after 2nd September 1929	123.00
	(bb) where the applicant is under 16 years old (for a passport valid for 5 years)	103.50
	(cc) where the applicant was born on or before 2nd September 1929	50.50
	(iii) using the premium service—	
	(aa) where the applicant is aged 16 years or over but was born after 2nd September 1929	128.00
	(bb) where the applicant is under 16 years old (for a passport valid for 5 years)	106.00
	(cc) where the applicant was born on or before 2nd September 1929	55.50
H.	Administering an application made in the United Kingdom, including applications for replacing an expired passport, replacing a passport of restricted validity with a new passport of full validity, issuing a new passport with amended personal details and replacing a lost and stolen passport and, if the application is successful, issuing a 48 page passport—	
	(a) for applications made by post	85.00
	(b) for applications made in person—	
	(i) using the fast-track service	111.00
	(ii) using the fast-track collect service	123.00
	(iii) using the premium service	137.00
Fee	II. Passport application made in the United Kingdom	£
I.	Administering an application made in the United Kingdom and, if the application is successful, issuing a collective passport—	
	(a) for applications made by post	39.00
	(b) for applications made in person	54.00
J.	Arranging for return of supporting documents accompanying an application made in the United Kingdom for a 32 or 48 page passport to an address in the United Kingdom by secure delivery, at the applicant's request	3.00

CORONERS ALLOWANCES, FEES AND EXPENSES REGULATIONS 2013

S.I. 2013 No. 1615

PART 1: INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Coroners Allowances, Fees and Expenses Regulations 2013 and shall come into force on 25th July 2013.

Interpretation

2. In these Regulations—

“copy” means in relation to a document, anything on which information recorded in a document has been copied, by whatever means and whether directly or indirectly;

“coroner” means:

- (a) a senior coroner, area coroner or assistant coroner;
- (b) the Chief Coroner when conducting an investigation under paragraph 1 of Schedule 10 to the Coroners and Justice Act 2009; and
- (c) a judge, former judge or former coroner conducting an investigation under paragraph 3 of Schedule 10 to the Coroners and Justice Act 2009,

unless a provision of these Regulations specifically provides otherwise;

“document” means any medium in which information of any description is recorded or stored;

“expert witness” means a person of any calling, profession or trade who gives evidence at an inquest because of his or her expertise, other than a professional witness;

“ordinary witness” means any person who gives evidence at an inquest and is not an expert or professional witness;

“professional witness” means any person who is practising as a member of the medical profession or as a dentist who gives medical evidence at an inquest;

“relevant authority” means the local authority designated as such in accordance with the Coroners and Justice Act 2009 for a particular coroner area; and

“witness” means an expert witness, ordinary witness or professional witness.

Delegation of administrative functions

3. A coroner may delegate administrative functions to coroner’s officers and other staff.

PART 2: CALCULATION, DETERMINATION AND PAYMENT OF ALLOWANCES, FEES AND EXPENSES

Calculation and payment by the coroner

4. Any allowance, fee or expense payable to a person under these Regulations is to be calculated by the coroner or the coroner’s relevant authority, and paid by the coroner or the coroner’s relevant authority.

Determination by the coroner

5. A coroner may require a person claiming an expense under these Regulations to provide receipts, invoices or other documents proving the expense incurred before determining and making any payment under these Regulations.

Explanation by the coroner

6. A coroner must, if requested to do so by a person claiming an allowance, fee or expense under these Regulations, provide that person with information on how his or her particular allowance, fee or expense has been calculated.

Unusual allowance, fee or expense

7.—

- (1) A coroner must report any unusual allowance, fee or expense likely to be incurred in relation to an investigation to his or her relevant authority before it is incurred.
- (2) Where it is not possible to report the unusual allowance, fee or expense before it is incurred under paragraph (1), the coroner must—
 - (a) report the unusual allowance, fee or expense on the date it is incurred; or
 - (b) as soon as reasonably practicable after that date.

PART 3: ALLOWANCES, FEES AND EXPENSES

Provision of allowances, fees and expenses

8. The Schedule to these Regulations provides for the allowances, fees and expenses that are payable by or on behalf of a coroner.

Expert witness fee for preparatory work

9. A coroner may pay an expert witness who has carried out preparatory work directly related to the giving of evidence at

an inquest a fee that the coroner considers reasonable having regard to the nature and complexity of the preparatory work carried out.

Expert witness fee for attending an inquest

10.—

- (1) A coroner may pay an expert witness a fee that the coroner considers reasonable for attending and giving expert evidence at an inquest.
- (2) When considering a fee which is reasonable under paragraph (1) the coroner shall have regard to the nature and complexity of the evidence provided by the expert witness.

Additional expenses

11. A coroner may reimburse a suitable practitioner, juror or witness for any additional expenses, other than those prescribed by these Regulations, which the coroner believes have been reasonably incurred.

Fee for disclosure after an inquest

12.—

- (1) This regulation applies where a coroner discloses a document to an interested person after an inquest.
- (2) No fee shall be payable where a document is disclosed by email by a coroner to an interested person.
- (3) Where a document is disclosed by a coroner as a paper copy, a fee of £5 for a document of 10 pages or less shall be payable, with an additional 50p payable for each subsequent page.
- (4) A fee of £5 per document shall be payable where a document is disclosed in any other medium, other than by email or as a paper copy.
- (5) The fee for a transcription of an inquest hearing shall be as follows—
 - (a) for a copy consisting of 360 words or less, £6.20;
 - (b) for a copy consisting of between 361 words and up to and including 1439 words, £13.10; and
 - (c) for a copy consisting of 1440 words or more, £13.10 for the first 1440 words and 70p for each additional 72 words or part thereof.

PART 4: RECORD KEEPING AND INDEMNITIES

Providing accounts to the relevant authority

13.—

- (1) A coroner must provide his or her relevant authority with an account of all allowances, fees and expenses paid under these Regulations at time intervals agreed with that relevant authority.
- (2) An account provided to the relevant authority under paragraph (1) shall include any receipt, invoice or other document that proves the sum incurred.
- (3) A relevant authority shall, on being satisfied that an account submitted under paragraph (1) is correct, reimburse the coroner in respect of the payments to which the account relates.

Record of allowances, fees and expenses

14.—

- (1) A coroner and his or her relevant authority must each keep a record of all allowances, fees and expenses paid under these Regulations for 3 years.
- (2) A coroner and his or her relevant authority must, if so requested by the Chief Coroner, provide the Chief Coroner with a copy of any records held under this Part.

15. A coroner and his or her relevant authority must, if so requested by a person, return any receipts, invoices or other documents submitted by that person.

16. A coroner must retain all receipts, invoices or other documents (or copies of such if the original documents are to be returned to a person under regulation 15) submitted under these Regulations, in a format and for a period agreed by that coroner's relevant authority.

Indemnity

17.—

- (1) A coroner shall be indemnified by his or her relevant authority in respect of—
- any costs which the coroner reasonably incurs in or in connection with proceedings in respect of anything done or omitted in the exercise (or purported exercise) of the coroner's duty;
 - any costs which the coroner reasonably incurs in taking steps to dispute any claim which might have been made in such proceedings;
 - any damages awarded against or ordered to be paid by the coroner in any such proceedings;
 - any sums payable by the coroner in connection with any reasonable settlement of any such proceedings or claim.
- (2) Paragraph (1) applies in relation to proceedings brought by a coroner only if and to the extent that the relevant authority for that coroner area agrees in advance to indemnify the coroner.
- (3) A coroner may appeal to the Lord Chancellor or any person appointed by the Lord Chancellor for the purpose, from any decision of the relevant authority made under paragraph (2).

Schedule: Tables of allowances, fees and expenses (Regulation 8)

Overnight allowance

1. A suitable practitioner, juror, or witness who is necessarily absent from his or her place of residence overnight for the purposes of serving at or attending an inquest hearing shall be paid up to a maximum allowance per night of—

Within a 5 mile radius of Charing Cross	£100.70
Elsewhere in England and Wales	£69.20

Travel expenses

2.—

- (1) A suitable practitioner, juror or witness shall have his or her travel expenses reimbursed as follows—
- where travel is by public transport the coroner may reimburse the actual fare paid (in the case of railway or air, the economy fare only, unless the coroner otherwise directs);
 - where travel is by taxi or other privately hired vehicle, such costs may only be reimbursed where the coroner believes that such transport was reasonable;
 - where travel is by private transport an allowance per mile each way may be paid as follows—

Car / motorcycle public transport rate	25p
Car / motorcycle standard rate	45p
Bicycle rate	20p

- (2) Public transport rate must be paid unless the coroner is satisfied that no adequate public transport was available on the date on which the journey was made.
- (3) Any parking fees reasonably incurred may be reimbursed.
- (4) The allowances set out in paragraph (1) for car travel may be increased by 2p per mile each way if a passenger is carried to whom an allowance would otherwise have been payable for travel to and from an inquest, and by an additional 1p per mile for any further additional passenger so carried.

Subsistence allowance

3.—

- (1) A juror who is necessarily absent from his or her place of residence or work for the purpose of serving at an inquest hearing, may be paid a daily subsistence up to a maximum of—

Attendance of up to and including 10 hours	£5.71
Attendance of more than 10 hours	£12.17

- (2) An ordinary witness who is necessarily absent from his or her place of residence or work for the purpose of providing evidence at an inquest hearing, may be paid a daily subsistence allowance up to a maximum of—

Attendance of up to and including 5 hours	£2.25
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Attendance of more than 5 hours up to and including 10 hours	£4.50
Attendance of more than 10 hours	£9.75

Financial loss allowance

4. A juror or ordinary witness who loses earnings or benefits or incurs expenses as a direct result of serving at or attending an inquest hearing, may be paid a maximum allowance of—

Length of attendance at the inquest hearing		
Time spent each day		Maximum daily allowance
Up to and including 10 days	Up to and including 4 hours	£32.47
	More than 4 hours	£64.95
On the 11th and all subsequent days	Up to and including 4 hours	£64.95
	More than 4 hours	£129.91

Professional witness allowance

5. A professional witness who attends an inquest hearing to give evidence, shall be paid a maximum daily fee of—

If the professional witness does not employ a person to take care of his or her practice during his or her absence:

Up to and including 2 hours	£83.50
More than 2 hours up to and including 4 hours	£117.00
More than 4 hours up to and including 6 hours	£174.00
More than 6 hours	£234.00

Or: If the professional witness necessarily incurs expense in the provision of a person to take care of his or her practice during his or her absence:

Up to and including 2 hours	£89.00
More than 2 hours up to and including 4 hours	£125.00
More than 4 hours	£250.00

Fee for making a post-mortem examination

6. A suitable practitioner is to be paid a fee of—

For making a post-mortem examination and reporting the result to the Coroner	£96.80
For making a post-mortem examination involving additional skills and reporting the result to the coroner	£276.90

COURT OF PROTECTION FEES ORDER 2007

S.I. 2007 No. 1745

The following sets out the Fees payable under the Order (as amended). Last amended on 30 September 2021 by S.I. 2021/985.

Citation and commencement

1. This Order may be cited as the Court of Protection Fees Order 2007 and comes into force on 1 October 2007.

Interpretation

2. In this Order—

“the Act” means the Mental Capacity Act 2005;

“appellant” means the person who brings or seeks to bring an appeal;

“court” means the Court of Protection;

“P” means any person (other than a protected party) who lacks or, so far as consistent with the context, is alleged to lack capacity to make a decision or decisions in relation to any matter that is the subject of an application to the court and references to a person who lacks capacity are to be construed in accordance with the Act;

“protected party” means a party or an intended party (other than P or a child) who lacks capacity to conduct the proceedings;

“the Regulations” means the Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007; and

“the Rules” means the Court of Protection Rules 2007.

Schedule of fees

3. The fees set out in Schedule 1 to this Order shall apply in accordance with the following provisions of this Order.

Application fee

4.

(1) An application fee shall be payable by the applicant on making an application under Part 9 of the Rules (how to start proceedings) in accordance with the following provisions of this article.

(2) Where permission to start proceedings is required under Part 8 of the Rules (permission), the fee prescribed by paragraph (1) shall be payable on making an application for permission.

(3) The fee prescribed by paragraph (1) shall not be payable where the application is made under—

(a) rule 67 of the Rules (applications relating to lasting powers of attorney) by—

(i) the donee of a lasting power of attorney, or

(ii) a person named in a statement made by the donor of a lasting power of attorney in accordance with paragraph 2(1)(c)(i) of Part 1 of Schedule 1 to the Act,

and is solely in respect of an objection to the registration of a lasting power of attorney; or

(b) rule 68 of the Rules (applications relating to enduring powers of attorney) by—

(i) a donor of an enduring power of attorney,

(ii) an attorney under an enduring power of attorney, or

(iii) a person listed in paragraph 6(1) of Part 3 of Schedule 4 to the Act,

and is solely in respect of an objection to the registration of an enduring power of attorney.

(4) The fee prescribed by paragraph (1) shall not be payable where the application is made by the Public Guardian.

(5) Where a fee has been paid under paragraph (1) it shall be refunded where P dies within five days of the application being filed.

Appeal fee

5.

(1) An appeal fee shall be payable by the appellant on the filing of an appellant’s notice under Part 20 of the Rules (appeals) in accordance with the following provisions of this article.

(2) The fee prescribed by paragraph (1) shall not be payable where the appeal is—

(a) brought by the Public Guardian; or

(b) an appeal against a decision of a nominated officer made under rule 197 of the Rules (appeal against a decision of a nominated officer).

(3) The fee prescribed by paragraph (1) shall be refunded where P dies within five days of the appellant’s notice being filed.

Hearing fees

6.

- (1) A hearing fee shall be payable by the applicant where the court has—
- (a) held a hearing in order to determine the case; and
 - (b) made a final order, declaration or decision.
- (2) A hearing fee shall be payable by the appellant in relation to an appeal where the court has—
- (a) held a hearing in order to determine the appeal; and
 - (b) made a final order, declaration or decision in relation to the appeal.
- (3) The fees prescribed by paragraphs (1) and (2) shall not be payable where the hearing is in respect of an application or appeal brought by the Public Guardian.
- (4) The fee prescribed by paragraph (2) shall not be payable where the hearing is in respect of an appeal against a decision of a nominated officer made under rule 197 of the Rules (appeal against a decision of a nominated officer).
- (5) The fee prescribed by paragraph (1) shall not be payable where the applicant was not required to pay an application fee under Article 4(1) by virtue of Article 4(3).
- (6) The fees prescribed by paragraphs (1) and (2) shall be payable by the applicant or appellant as the case may be within 30 days of the date of the invoice for the fee.

Fee for request for copy of court document

7.

- (1) A fee for a copy of a court document shall be payable by the person requesting the copy of the document.
- (2) [Omitted.]
- (3) The fee prescribed by paragraph (1) shall be payable at the time the request for the copy is made to the court.

Exemptions and part remissions

8. 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.

9. [Omitted.]

Transitional provision

10.

- (1) In this article “Court of Protection” means the office of the Supreme Court called the Court of Protection which ceases to exist under section 45(6) of the Act.
- (2) Where a hearing that takes place on or after 1 October 2007 was listed by the Court of Protection before 1 October 2007, no hearing fee shall be payable under Article 6.

Schedule 1: Fees to be taken (Article 3)

Column 1	Column 2
Application fee (Article 4)	£371.00
Appeal fee (Article 5)	£234.00
Hearing fees (Article 6)	£494.00
Copy of a document fee (Article 7(1))	£5.00

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, or section 12B(1) of the Social Work (Scotland) Act 1968;
 - (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	£1,170	£1,345
1 child	£1,435	£1,610
2 children	£1,700	£1,875

- (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 £265 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	£5,170	£5,345
1 child	£5,435	£5,610
2 children	£5,700	£5,875

- (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 £265 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-paragraphs (2) to (5), the disposable capital and gross monthly income of a partner is to be treated as disposable capital and gross monthly income of the party.
- (2) Where the partner of the 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 is not treated as the disposable capital and gross monthly income of the party.
- (3) Where proceedings are brought concerning the property and affairs of 'P', for the purpose of determining whether a party is entitled to a remission or part remission of a fee in accordance with this Schedule—
 - (a) the disposable capital and gross monthly income of the person bringing those proceedings is not treated as the disposable capital and gross monthly income of the party;
 - (b) the disposable capital and gross monthly income of 'P' is to be treated as the disposable capital of the party; and
 - (c) the disposable capital and gross monthly income of the partner of 'P', if any, is not treated as the disposable capital and gross monthly income of the party.
- (4) Where proceedings are brought concerning the personal welfare of 'P', for the purpose of determining whether a party is entitled to a remission or part remission of a fee in accordance with this Schedule, the disposable capital and gross monthly income of a partner, if any, is not treated as the disposable capital and gross monthly income of the party, where that partner is 'P' who is the subject of those proceedings in which the fee is payable.
- (5) Where proceedings concern both the property and affairs of 'P' and their personal welfare, their disposable capital and gross monthly income shall be treated in accordance with sub-paragraph (3).

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) 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.

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 of the order of the court which finally disposed of the proceedings.
- (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.

CROWN OFFICE FEES ORDER 2013

S.I. 2013 No. 986

Made: 23 April 2013. Coming into force: 20 May 2013. The Lord Chancellor, with the concurrence of the Treasury, makes the following Order in exercise of the power conferred by section 9 of the Great Seal (Offices) Act 1874:

Citation and commencement

- 1. This Order may be cited as the Crown Office Fees Order 2013 and comes into force on 20th May 2013.

Fees to be taken in the office of the clerk of the Crown in Chancery

- 2. The fees set out in column 2 of the table in the Schedule are to be taken in the office of the clerk of the Crown in Chancery in respect of the matters described in column 1.

Revocation

- 3. The Crown Office Fees Order 2008 is revoked.

Schedule (Article 2)

Column 1	Column 2
Matter	Fee to be taken
Letters Patent under the Great Seal for the grant of title of City	£1,764
Letters Patent under the Great Seal for the grant of title of Lord Mayor	£1,764
Letters Patent under the Great Seal for a Charter of Incorporation or Supplemental Charter (England and Wales)	£594

Letters Patent under the Great Seal for the appointment of Heralds	£249
Letters Patent under the Great Seal promulgating amendments to Canon law (inclusive of one printed sheet of vellum)	£799
Each additional printed sheet of vellum needed to produce Letters Patent under the Great Seal promulgating amendments to Canon law	£100
Letters Patent under the Great Seal for appointment as Queen's Counsel (England and Wales)	£264
Issue of certificate confirming appointment as Queen's Counsel (England and Wales)	£44
Determination of an abeyance of a Barony	£209

DAMAGES-BASED AGREEMENTS REGULATIONS 2013

S.I. 2013 No. 609

Made: 13 March 2013. Coming into force: 1 April 2013. The Lord Chancellor in exercise of the powers conferred by sections 58AA(4) and (5) and 120(3) of the Courts and Legal Services Act 1990, having consulted in accordance with section 58AA(6) of that Act, makes the following Regulations, a draft of which has been laid before and approved by resolution of each House of Parliament in accordance with section 120(4) of that Act.

Citation, commencement, interpretation and application

1.—

(1) These Regulations may be cited as the Damages-Based Agreements Regulations 2013 and come into force on 1st April 2013.

(2) In these Regulations—

“the 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;

“client” means the person who has instructed the representative to provide advocacy services, litigation services (within section 119 of the Act) or claims management services (within the meaning of section 4(2)(b) of the Compensation Act 2006) and is liable to make a payment for those services;

“costs” means the total of the representative's time reasonably spent, in respect of the claim or proceedings, multiplied by the reasonable hourly rate of remuneration of the representative;

“employment matter” means a matter that is, or could become, the subject of proceedings before an employment tribunal;

“expenses” means disbursements incurred by the representative, including the expense of obtaining an expert's report and, in an employment matter only, counsel's fees;

“payment” means that part of the sum recovered in respect of the claim or damages awarded that the client agrees to pay the representative, and excludes expenses but includes, in respect of any claim or proceedings to which these regulations apply other than an employment matter, any disbursements incurred by the representative in respect of counsel's fees;

“representative” means the person providing the advocacy services, litigation services or claims management services to which the damages-based agreement relates.

(3) Subject to paragraphs (4), (5) and (6), these Regulations shall apply to all damages-based agreements entered into on or after the date on which these Regulations come into force.

(4) Subject to paragraph (6), these Regulations shall not apply to any damages-based agreement to which section 57 of the Solicitors Act 1974 (non-contentious business agreements between solicitor and client) applies.

(5) In these Regulations—

(a) regulation 4 does not apply; and

(b) regulations 5, 6, 7 and 8 only apply,

to any damages-based agreement in respect of an employment matter.

- (6) Where these Regulations relate to an employment matter, they apply to all damages-based agreements signed on or after the date on which these Regulations come into force.

Revocation of 2010 Regulations and transitional provision

2.—

- (1) Subject to paragraph (2), the Damages-Based Agreements Regulations 2010 (“the 2010 Regulations”) are revoked.
- (2) The 2010 Regulations shall continue to have effect in respect of any damages-based agreement to which those Regulations applied and which was signed before the date on which these Regulations come into force.

Requirements of an agreement in respect of all damages-based agreements

3. The requirements prescribed for the purposes of section 58AA(4)(c) of the Act are that the terms and conditions of a damages-based agreement must specify—

- (a) the claim or proceedings or parts of them to which the agreement relates;
- (b) the circumstances in which the representative’s payment, expenses and costs, or part of them, are payable; and
- (c) the reason for setting the amount of the payment at the level agreed, which, in an employment matter, shall include having regard to, where appropriate, whether the claim or proceedings is one of several similar claims or proceedings.

Payment in respect of claims or proceedings other than an employment matter

4.—

(1) In respect of any claim or proceedings, other than an employment matter, to which these Regulations apply, a damages-based agreement must not require an amount to be paid by the client other than—

- (a) the payment, net of—
 - (i) any costs (including fixed costs under Part 45 of the Civil Procedure Rules 1998); and
 - (ii) where relevant, any sum in respect of disbursements incurred by the representative in respect of counsel’s fees, that have been paid or are payable by another party to the proceedings by agreement or order; and
- (b) any expenses incurred by the representative, net of any amount which has been paid or is payable by another party to the proceedings by agreement or order.

(2) In a claim for personal injuries—

- (a) the only sums recovered by the client from which the payment shall be met are—
 - (i) general damages for pain, suffering and loss of amenity; and
 - (ii) damages for pecuniary loss other than future pecuniary loss, net of any sums recoverable by the Compensation Recovery Unit of the Department for Work and Pensions; and
- (b) subject to paragraph (4), a damages-based agreement must not provide for a payment above an amount which, including VAT, is equal to 25% of the combined sums in paragraph (2)(a)(i) and (ii) which are ultimately recovered by the client.

(3) Subject to paragraph (4), in any other claim or proceedings to which this regulation applies, a damages-based agreement must not provide for a payment above an amount which, including VAT, is equal to 50% of the sums ultimately recovered by the client.

(4) The amounts prescribed in paragraphs (2)(b) and (3) shall only apply to claims or proceedings at first instance.

Information required to be given before an agreement is made in an employment matter

5.—

(1) In an employment matter, the requirements prescribed for the purposes of section 58AA(4)(d) of the Act are to provide—

- (a) information to the client in writing about the matters in paragraph (2); and
- (b) such further explanation, advice or other information about any of those matters as the client may request.

(2) Those matters are—

- (a) the circumstances in which the client may seek a review of costs and expenses of the representative and the procedure for doing so;

- (b) the dispute resolution service provided by the Advisory, Conciliation and Arbitration Service (ACAS) in regard to actual and potential claims;
- (c) whether other methods of pursuing the claim or financing the proceedings, including—
 - (i) advice under the Community Legal Service,
 - (ii) legal expenses insurance,
 - (iii) pro bono representation, or
 - (iv) trade union representation,are available, and, if so, how they apply to the client and the claim or proceedings in question; and
- (d) the point at which expenses become payable; and
- (e) a reasonable estimate of the amount that is likely to be spent upon expenses, inclusive of VAT.

Additional causes of action in an employment matter

6. In an employment matter, any amendment to a damages-based agreement to cover additional causes of action must be in writing and signed by the client and the representative.

Payment in an employment matter

7. In an employment matter, a damages-based agreement must not provide for a payment above an amount which, including VAT, is equal to 35% of the sums ultimately recovered by the client in the claim or proceedings.

Terms and conditions of termination in an employment matter

8.—

- (1) In an employment matter, the additional requirements prescribed for the purposes of section 58AA(4)(c) of the Act are that the terms and conditions of a damages-based agreement must be in accordance with paragraphs (2), (3) and (4).
- (2) If the agreement is terminated, the representatives may not charge the client more than the representative's costs and expenses for the work undertaken in respect of the client's claim or proceedings.
- (3) The client may not terminate the agreement—
 - (a) after settlement has been agreed; or
 - (b) within seven days before the start of the tribunal hearing.
- (4) The representative may not terminate the agreement and charge costs unless the client has behaved or is behaving unreasonably.
- (5) Paragraphs (3) and (4) are without prejudice to any right of either party under general law of contract to terminate the agreement.

ECCLESIASTICAL JUDGES, LEGAL OFFICERS AND OTHERS (FEES) ORDER 2020

S.I. 2020 No. 1539

Made: 27 October 2020. Laid before Parliament: 17 December 2020. Coming into force: 1 January 2021. In accordance with section 86(11) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, this Order has been laid before, and approved by, the General Synod. The Fees Advisory Commission, in exercise of the powers conferred by section 86(3) of that Measure, makes the following Order:

Citation, commencement and interpretation

1.—

- (1) This Order may be cited as the Ecclesiastical Judges, Legal Officers and Others (Fees) Order 2020.
- (2) This Order comes into operation on 1st January 2021.
- (3) In the application of this Order to the diocese of Canterbury—
 - (a) a reference to the consistory court is to be read as a reference to the commissary court of that diocese, and
 - (b) a reference to the chancellor is, accordingly, to be read as a reference to the Commissary General.

(4) In this Order, “the 2018 Measure” means the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.

Direction as to fee

2. Where in this Order there is a reference in any article to a specified amount of any fee payable to the chancellor or registrar (as the case may be), the chancellor or the registrar (as the case may be) may determine that a fee should be paid up to the amount specified in any case.

Faculty fees payable to diocesan boards of finance

3.—

- (1) This article applies in relation to a petition for a faculty in respect of a building or part of a building, a curtilage of a building or an object or structure fixed to a building or part of a building or within its curtilage, which is subject to the faculty jurisdiction by virtue of section 43(1) of the 2018 Measure.
- (2) On the submission of the petition, a fee of £209 is payable to the diocesan board of finance in respect of work done in relation to the petition (before or after it is submitted) by the diocesan advisory committee or an archdeacon in the diocese.
- (3) But the diocesan board of finance may waive the whole or part of that fee, having regard to any financial contribution made to the funds of the diocese by—
 - (a) those responsible for the building concerned, or
 - (b) any other person who has a substantial interest in or connection with the building.
- (4) No fee is payable under this article in the case of—
 - (a) a building of the kind specified in section 38(2)(e) of the 2018 Measure (building subject to a sharing agreement), or
 - (b) a chapel forming part of Lambeth Palace.
- (5) In this article, “diocesan board of finance”, in relation to a diocese, means the board of that name constituted under the Diocesan Boards of Finance Measure 1925.

The register of patrons under Part 1 of the Patronage (Benefices) Measure 1986

4.—

- (1) This article applies in relation to work done by a diocesan registrar in connection with—
 - (a) a search in the register of patrons maintained under Part 1 of the Patronage (Benefices) Measure 1986,
 - (b) the making of an extract from that register, or
 - (c) the supply of a certified copy of an entry in that register.
- (2) The fee payable for the work is a fee of the amount calculated in accordance with the Solicitors’ (Non-Contentious Business) Remuneration Order 2009, except in so far as the work is within the scope of any annual fee for the time being payable to the diocesan registrar by virtue of section 86(1) and (3) of the 2018 Measure.
- (3) The fee is payable by the person making the search or extract or requesting the copy.

Proceedings before the consistory court

5.—

- (1) This article applies in relation to proceedings in a consistory court.
- (2) In the case of each matter specified in the first column of Table 1, the fee specified in the second or third column is payable to the chancellor or the registrar (as the case may be).

Table 1

		Chancellor	Registrar
		£	£
1.	Submission of petition for a faculty.	51	212
2.	Application for an injunction or restoration order under section 71 or 72 of the 2018 Measure.	51	212
3.	The making of an injunction or restoration order under section 71 or 72 of the 2018 Measure on the court’s own initiative.	51	212

4.	Application for an order under section 63 of the 2018 Measure.	66	152
5.	Application for a determination under section 68(12) of the Mission and Pastoral Measure 2011.	108	108
6.	Commencement of any other proceedings which a consistory court has jurisdiction to hear and determine.	66	152
7.	Application for security for costs (otherwise than at a hearing in respect of which a fee is payable under item 8)—		
	(a) at a hearing	269	212
	(b) without a hearing.	133	106
8.	The giving of directions or the making of an interlocutory order—		
	(a) at a hearing	269	212
	(b) without a hearing.	133	109
9.	The making of an order that proceedings are to be determined on the consideration of written representations (including the giving of directions for the purpose of determining proceedings on such a consideration).	–	106
10.	Consideration of written representations (per hour).	133	–
11.	The holding of a hearing (other than a hearing solely for giving directions or making an interlocutory order)—		
	(a) for each period of half a day or less;	333	266
	(b) for each period of more than half a day and up to a whole day.	668	530
12.	Inspection of a location, a church or other building or anything else (except where the inspection takes place on the same occasion as a hearing) (per hour).	133	106
13.	Preparation of written judgment or form of order (per hour).	133	–
14.	Application for assessment of costs by the registrar.	–	212
15.	Lodging an appeal to the chancellor against an assessment of costs by the registrar.	222	–
16.	Application to set aside or amend a faculty, judgment, order or decree.	165	56
17.	Application to vary a lease or any term of a lease under section 68(7) of the Mission and Pastoral Measure 2011.	66	152
18.	Preparatory or ancillary work, including sending correspondence (per hour).	–	147

- (3) In the case of a matter which comes within item 10, 12, 13 or 18, the chancellor or the registrar (as the case may be) must certify the number of hours spent.
- (4) In the case of a matter which comes within item 18, a fee is payable only in exceptional circumstances and if the chancellor so directs.
- (5) In the case of a matter for which no fee is specified in Table 1, a fee is payable to the registrar of the amount for the time being prescribed under section 92 of the Courts Act 2003 in the case of the equivalent matter in the High Court.
- (6) Where the Vicar-General's court of the Province of Canterbury exercises the faculty jurisdiction of the consistory court by virtue of section 43(3) of the 2018 Measure—
- (a) a reference in this article to the chancellor is to be read as a reference to the Vicar-General, and
- (b) a reference in this article to the registrar is to be read as a reference to the registrar of the province of Canterbury acting as registrar of the Vicar-General's court.

Appeals from consistory court and intervention by provincial court

6.—

- (1) This article applies in relation to proceedings on an appeal from a consistory court and where a provincial court gives any directions for the further conduct of proceedings which are pending in a consistory court.

(2) In the case of each matter specified in the first column of Table 2, the fee specified in the second or third column is payable to the judge or the registrar (as the case may be).

Table 2

		Judge	Registrar
		£	£
1.	Application to the chancellor for a certificate under section 18(4) of the 2018 Measure and (if needed) for leave to appeal.	130	42
2.	Application to the Dean of the Arches and Auditor for leave to appeal.	248	135
3.	The holding of a hearing by the chancellor or the Dean of the Arches and Auditor on an application for leave to appeal.	449	337
4.	Lodging notice of appeal with the Arches Court of Canterbury, the Chancery Court of York or the Court of Ecclesiastical Causes Reserved.	–	135
5.	Application for security for costs (otherwise than at a hearing in respect of which a fee is payable under item 6)—		
	(a) at a hearing;	360	272
	(b) without a hearing.	182	135
6.	The giving of directions or the making of an interlocutory order—		
	(a) at a hearing;	360	272
	(b) without a hearing.	178	132
7.	The holding of a hearing (other than a hearing solely for giving directions or making an interlocutory order)—		
	(a) for each period of half a day or less;	449	337
	(b) for each period of more than half a day and up to a whole day.	900	674
8.	Preparation of written judgment or form of order (per hour).	182	–
9.	Application for assessment of costs by the registrar.	–	272
10.	Preparatory or ancillary work, including sending correspondence (per hour).	–	266

(3) In the case of the Arches Court of Canterbury or the Chancery Court of York—

- (a) a fee under item 6 is payable to each member of the Court who joins in the giving of the directions or the making of the order concerned;
- (b) a fee under item 7 is payable to each member of the Court involved in the hearing;
- (c) a fee under item 8 is payable to each member of the Court who prepares a separate written judgment or is principally responsible for drafting the form of order.

(4) In the case of the Court of Ecclesiastical Causes Reserved, no fee is payable under items 6 to 8 to members of the Court.

(5) In the case of a matter which comes within item 8 or 10, the judge or the registrar (as the case may be) must certify the number of hours spent.

(6) In this article, “judge” means the person presiding over the court concerned.

Proceedings on review by Commission of Review

7.—

(1) This article applies in relation to proceedings on a review under section 11 or 14 of the Care of Cathedrals Measure 2011 (“the 2011 Measure”) by a Commission of Review constituted under section 11 of that Measure.

(2) In the case of each matter specified in the first column of Table 3, the fee specified in the second or third column is payable to the judge or the registrar (as the case may be).

Table 3

		Judge	Registrar
		£	£
1.	The making of a request under section 11(1) or (2) or 14(1) of the 2011 Measure.	–	135
2.	The giving of directions or the making of an interlocutory order—		
	(a) at a hearing;	360	272
	(b) without a hearing.	182	132
3.	The holding of a hearing (other than a hearing solely for giving directions or making an interlocutory order)—		
	(a) for each period of half a day or less;	449	337
	(b) for each period of more than half a day and up to a whole day.	900	674
4.	Inspection of a location, a cathedral or other building or anything else (except where the inspection takes place on the same occasion as a hearing) (per hour).	182	135
5.	Preparation of written judgment or form of order (per hour).	182	–
6.	Preparatory or ancillary work, including sending correspondence (per hour).	–	266

(3) In the case of a matter which comes within item 4, 5 or 6, the judge or the registrar (as the case may be) must certify the number of hours spent.

(4) In this article, “judge” means the person who is a member of the Commission of Review by virtue of section 11(3)(a) of the 2011 Measure.

Proceedings in Vicar-General’s court

8.—

(1) This article applies in relation to proceedings before the Vicar-General’s court of either province under the Care of Cathedrals Measure 2011 (“the 2011 Measure”).

(2) In the case of each matter specified in the first column of Table 4, the fee specified in the second or third column is payable to the Vicar-General or the registrar (as the case may be).

Table 4

		Vicar-General	Registrar
		£	£
1.	Institution of proceedings for an injunction or restoration order under section 18 of the 2011 Measure.	51	147
2.	The giving of directions or the making of an interlocutory order—		
	(a) at a hearing;	269	212
	(b) without a hearing.	133	106
3.	The holding of a hearing (other than a hearing solely for giving directions or making an interlocutory order)—		
	(a) for each period of half a day or less;	334	266
	(b) for each period of more than half a day and up to a whole day.	668	530
4.	Inspection of a location, a cathedral or other building or anything else (except where the inspection takes place on the same occasion as a hearing) (per hour).	133	106
5.	Preparation of written judgment or form of order (per hour).	133	–
6.	Application for assessment of costs by the registrar.	–	212

7.	Preparatory or ancillary work, including sending correspondence (per hour).	–	266
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(3) A fee under this article is payable by the Archbishops' Council under section 20B of the 2011 Measure.

(4) In the case of a matter which comes within item 4, 5 or 7, the Vicar-General or the registrar (as the case may be) must certify the number of hours spent.

Proceedings on certain ecclesiastical offences

9.—

(1) This article applies in relation to proceedings before the Court of Ecclesiastical Causes Reserved under section 10(1)(a) of the Ecclesiastical Jurisdiction Measure 1963 (offences against the laws ecclesiastical involving matter of doctrine, ritual or ceremonial).

(2) In the case of each matter specified in the first column of Table 5, the fee specified in the second column is payable to the registrar.

Table 5

		Registrar
		£
1.	The giving of directions or the making of an interlocutory order—	
	(a) at a hearing;	272
	(b) without a hearing.	135
2.	The holding of a hearing (other than a hearing solely for giving directions or making an interlocutory order)—	
	(a) for each period of half a day or less;	272
	(b) for each period of more than half a day and up to a whole day.	135
3.	Inspection of a location, building or anything else (except where the inspection takes place on the same occasion as a hearing) (per hour).	135
4.	Preparation of form of order (per hour).	135
5.	Preparatory or ancillary work, including sending correspondence (per hour).	266

(3) A fee under this article is payable by the Archbishops' Council under section 62 of the Ecclesiastical Jurisdiction Measure 1963.

(4) In the case of a matter which comes within item 3, 4 or 5, the registrar must certify the number of hours spent.

Proceedings on review of finding of Court of Ecclesiastical Causes Reserved

10.—

(1) This article applies in relation to proceedings on a review by a Commission of Review under section 11 of the Ecclesiastical Jurisdiction Measure 1963 (“the 1963 Measure”) or section 19 of the 2018 Measure (review of a finding of the Court of Ecclesiastical Causes Reserved) where the provincial registrar is appointed as registrar of the Commission of Review.

(2) In the case of each matter specified in the first column of Table 6, the fee specified in the second column is payable to the registrar.

Table 6

		Registrar
		£
1.	The giving of directions or the making of an interlocutory order—	
	(a) at a hearing;	272
	(b) without a hearing.	135

2.	The holding of a hearing (other than a hearing solely for giving directions or making an interlocutory order)—	
	(a) for each period of half a day or less;	337
	(b) for each period of more than half a day and up to a whole day.	674
3.	Preparation of form of order (per hour).	135
4.	Preparatory or ancillary work, including sending correspondence (per hour).	266

(3) A fee under this article is payable—

(a) in proceedings on a case of the kind referred to in section 11(2)(a) of the 1963 Measure, by the Archbishops' Council under section 62 of that Measure;

(b) in proceedings under section 19 of the 2018 Measure, by the person whom the Commission of Review orders to pay the fee.

(4) In the case of a matter which comes within item 3 or 4, the registrar must certify the number of hours spent.

Disciplinary proceedings under the Clergy Discipline Measure 2003

11.—

(1) This article applies in relation to proceedings instituted under section 10 of the Clergy Discipline Measure 2003.

(2) In the case of each matter specified in the first column of Table 7, the fee specified in the second or third column is payable to the judge or the registrar (as the case may be).

Table 7

		Registrar	Judge
		£	£
1.	The giving of directions or the making of an interlocutory order—		
	(a) at a hearing;	269	212
	(b) without a hearing.	133	106
2.	The holding of a hearing (other than a hearing solely for giving directions or making an interlocutory order)—		
	(a) for each period of half a day or less;	333	266
	(b) for each period of more than half a day and up to a whole day.	668	530
3.	Inspection of a location, building or anything else (except where the inspection takes place on the same occasion as a hearing) (per hour).	133	106
4.	Preparation of written judgment or form of order (per hour).	133	—
5.	Application for assessment of costs by the registrar.	—	106
6.	Preparatory or ancillary work, including sending correspondence (per hour).	—	266

(3) A fee under this article is, by virtue of section 35 of the Clergy Discipline Measure 2003, payable by the Archbishops' Council under section 62 of the Ecclesiastical Jurisdiction Measure 1963.

(4) In the case of a matter which comes within item 3, 4 or 6, the judge or the registrar (as the case may be) must certify the number of hours spent.

(5) In this article, “judge” means the person presiding over the tribunal or court concerned.

Appeals under the Clergy Discipline Measure 2003

12.—

(1) This article applies in relation to proceedings under section 20 of the Clergy Discipline Measure 2003 (right of appeal).

(2) In the case of each matter specified in the first column of Table 8, the fee specified in the second or third column is payable to the Dean of the Arches and Auditor or the registrar (as the case may be).

Table 8

		Dean of the Arches and Auditor	Registrar
		£	£
1.	Application for leave to appeal under section 20(1A) of the Clergy Discipline Measure 2003.	248	135
2.	The giving of directions or the making of an interlocutory order—		
	(a) at a hearing;	360	272
	(b) without a hearing.	182	135
3.	The holding of a hearing (other than a hearing solely for giving directions or making an interlocutory order)—		
	(a) for each period of half a day or less;	449	337
	(b) for each period of more than half a day and up to a whole day.	900	674
4.	Preparation of written judgment or form of order (per hour).	182	–
5.	Application for assessment of costs by the registrar.	–	294
6.	Preparatory or ancillary work, including sending correspondence (per hour).	–	266

(3) A fee under this article is payable by the Archbishops' Council under section 62 of the Ecclesiastical Jurisdiction Measure 1963.

(4) In the case of a matter which comes within item 4 or 6, the Dean of the Arches and Auditor or the registrar (as the case may be) must certify the number of hours spent.

Miscellaneous annual fees etc.

13.—

(1) In the case of each matter specified in the first column of Table 9, the fee specified in the second column is payable to the person concerned.

Table 9

		£
1.	Application to the provincial registrar for permission under the Overseas Clergy (Ministry and Ordination) Measure 1967.	132
2.	Issue by the provincial registrar of the Archbishop's licence for service chaplains.	62
3.	Annual fee for the Vicar-General of the Province of Canterbury.	2,788
4.	Annual fee for the Vicar-General of the Province of York.	2,262
5.	Annual fee for the President of Tribunals.	8,000
6.	Annual fee for the Deputy President of Tribunals.	8,000
7.	Fee for a person appointed under section 4(4) of the Clergy Discipline Measure 2003 (fee payable on each such appointment).	200

(2) In the case of a matter which comes within items 1 to 4, a fee under this article is payable by the Archbishop; but see section 86(6) of the 2018 Measure (which requires the Church Commissioners to reimburse the Archbishop).

(3) In the case of a matter which comes within items 5 to 7, a fee under this article is, by virtue of section 35 of the Clergy Discipline Measure 2003, payable by the Archbishops' Council under section 62 of the Ecclesiastical Jurisdiction Measure 1963.

Travel, subsistence, accommodation and court hearings

14. A fee provided for by this Order (other than the fee provided for under article 2) is to be increased by a sum for reasonable expenses of travel, subsistence, accommodation and the holding of court hearings.

Value Added Tax

15. Where Value Added Tax is chargeable in respect of the provision of a service for which a fee is provided for by this Order, the amount of the Value Added Tax chargeable is payable in addition to that fee.

Revocation

16. The Ecclesiastical Judges, Legal Officers and Others (Fees) Order 2019 is revoked.

FAMILY PROCEEDINGS FEES ORDER 2008

S.I. 2008 No. 1054

The following sets out the Fees payable under the Order (as amended). Last amended on 30 September 2021 by S.I. 2021/985.

Citation and commencement

1.

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

(2) In this Order—

- (a) “LSC” means the Legal Services Commission established under section 1 of the Access to Justice Act 1999;
- (b) “the FPR 2010” means the Family Proceedings Rules 2010; and
- (c) expressions also used in the FPR 2010 have the same meaning as in those FPR 2010;
- (d) “EU Regulation 606/2013” means Regulation (EU) No. 606/2013 of the European Parliament and of the Council of June 2013 on mutual recognition of protection measures in civil matters; and
- (e) “protection measure” and “protected person” have the same meaning as in EU Regulation 606/2013.

Fees payable

2. The fees set out in column 2 of Schedule 1 are payable in family proceedings in the High Court and in the family court in respect of the items described in column 1 in accordance with and subject to the directions specified in that column.

3. 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.

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

- (a) in any proceedings relating to protection measures under EU Regulation 606/2013 if the person who would otherwise be liable to pay the fee is the protected person;
- (b) in proceedings for—
 - (i) a non-molestation order;
 - (ii) an occupation order; or
 - (iii) a forced marriage protection order,
 under Part 4 or 4A of the Family Law Act 1996; or
- (bb) in proceedings for a female genital mutilation protection order under Part 1 of Schedule 2 to the Female Genital Mutilation Act 2003; or
- (c) in proceedings issued by the person who commenced proceedings referred to in sub-paragraphs (b) or (bb), where that person applies to vary or discharge an order made in those proceedings.

3B.—

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

- (a) fee 5.1 (application in existing proceedings without notice or by consent); and
- (b) fee 5.3 (application in existing proceedings on notice);

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.

Remissions and part remissions

4. 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.

Revocations

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

Transitional provision

6. Fees 2.2(b) and (c) are not payable in respect of an issues resolution hearing, pre-hearing review or final hearing which has been listed on any day between 1st May 2008 and 14th May 2008 inclusive.

Schedule 1: Fees to be taken

Column 1	Column 2
Number and description of fee	Amount of fee
1 Commencement of proceedings	
1.1 On filing an application to start proceedings where no other fee is specified.	£245
1.2 On presenting an application for— (a) a decree of divorce made under section 1 of the Matrimonial Causes Act 1973; (b) a decree of nullity made under sections 11 or 12 of the Matrimonial Causes Act 1973; (b) a dissolution order or nullity order made under section 37 of the Civil Partnership Act 2004.	£593
1.3 On presenting an application for— (a) a matrimonial or civil partnership order, other than an application for a decree of divorce, a decree of nullity, a dissolution order, nullity order or to which rule 7.7(1)(b) of the Family Procedure Rules 2010 applies, or (b) a declaration to which Chapter 5 of Part 8 of the Family Procedure Rules 2010 applies.	£365
Note: Fee 1.3 is payable only once for each declaration to which Chapter 5 of Part 8 of the Family Procedure Rules 2010 applies.	
1.5 On amending an application for a matrimonial or civil partnership order, amending an application for a declaration to which Chapter 5 of Part 8 of the Family Procedure Rules 2010 applies, or making an application to which rule 7.7(1)(b) of the Family Procedure Rules 2010 applies.	£95
1.6 On filing an answer to an application for a matrimonial or civil partnership order.	£245
1.7 On applying 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 the commencement of costs-only proceedings.	£50
1.8 On an application under section 54 (parental order) of the Human Fertilisation and Embryology Act 2008.	£232
2 Proceedings under the Children Act 1989 or, where specified, the Social Services and Well-being (Wales) Act 2014	
2.1 On an application for an order under the following provisions of the Children Act 1989 or, where specified, the Social Services and Well-being (Wales) Act 2014—	
(a) section 4(1)(c) or (3), 4A(1)(b) or (3) (parental responsibility);	£232
(b) section 4ZA (1)(c) or (6) (parental responsibility);	£232
(c) section 5(1) or 6(7) (guardians);	£232
(d) section 10(1) or (2) (section 8 orders);	£232
(e) section 11J(2) (enforcement orders);	£232

Column 1	Column 2
Number and description of fee	Amount of fee
(f) section 11O(2) (compensation for financial loss);	£232
(g) section 13(1) (change of child's surname or removal from jurisdiction while child arrangements order in force);	£232
(h) section 14A(3) or (6)(a), 14C(3) or 14D(1) (special guardianship orders);	£232
(i) section 25 (secure accommodation order);	£232
(ia) section 119 of the Social Services and Well-being (Wales) Act 2014 (secure accommodation order);	£232
(j) section 33(7) (change of child's surname or removal from jurisdiction while care order in force);	£232
(k) section 34(2), (3), (4) or (9) (contact with child in care);	£232
(l) section 36(1) (education supervision order);	£232
(m) section 39 (variation or discharge etc of care and supervision orders);	£232
(n) section 43(1) (child assessment order);	£232
(o) sections 44, 45 and 46 (emergency protection orders);	£232
(p) section 48 (warrant to assist person exercising powers under emergency protection order);	£232
(q) section 50 (recovery order);	£232
(r) section 79K (cancellation, variation or removal or imposition of condition of registration of child minder or day carer);	£215
(s) section 102 (warrant to assist person exercising powers to search for children or inspect premises);	£232
(t) paragraph 4(2), 6(2), 7(2) or 9(2) of Schedule A1 (applications in respect of enforcement orders);	£102
(u) paragraph 5(2) of Schedule A1 (amendment of enforcement order by reason of change of address);	£70
(v) 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 (financial provision for children);	£232
(w) paragraph 19(1) of Schedule 2 (approval of court for child in care of local authority to live abroad);	£232
(wa) section 124(1) of the Social Services and Well-being (Wales) Act 2014 (approval of court for child in care of local authority to live abroad);	£232
(x) paragraph 6 of Schedule 3 (extension of supervision order);	£232
(y) paragraph 15(2) or 17(1) of Schedule 3 (extension or discharge of education supervision order).	£232
(z) paragraph 8(1) of Schedule 8 (appeals concerning foster parenting).	£232
2.2 On an application under section 31 of the Children Act 1989 (care and supervision orders).	£2,215
Notes to fees 2.1 and 2.2	
Where an application requires the permission of the court, the relevant fee is payable when permission is sought but no further fee will be charged if permission is granted and the application is made.	

Column 1	Column 2
Number and description of fee	Amount of fee
Where an application is made, permission is sought or an appeal is commenced under or relating to provisions of the Children Act 1989 or, where specified, the Social Services and Well-being (Wales) Act 2014 which are listed in two or more different numbered fees, or require two or more different numbered forms, only one fee is payable, and if those fees are different, only the highest fee is payable.	
Where an application is made, permission is sought or an appeal is commenced under or relating to two or more provisions of the Children Act 1989 or, where specified, the Social Services and Well-being (Wales) Act 2014 which are listed in the same numbered fee, that fee is payable only once.	
Where the same application is made, permission is sought or an appeal is commenced in respect of two or more children, who are siblings or children of the family, at the same time, only one fee is payable in respect of each numbered fee.	
Note to fee 2.2 only	
Where proceedings are consolidated with other proceedings, any fee which falls to be paid after the date on which the proceedings are consolidated is payable only once.	
Where fee 2.2, as it stood immediately before this Order came into force, has been paid before 22nd April 2014 and subsequently a final order is made at a case management conference or case management hearing, £1,360 shall be refunded.	
2.3 On commencing an appeal in relation to proceedings to which the fees listed as 2.1 (a) to (s), (v) to (y) and 2.2 apply.	£215
2.4 On commencing an appeal under paragraph 23(11) of Schedule 2 to the Children Act 1989 (appeal against contribution order).	£215
2.5 On commencing appeal under paragraph 3(11) of Schedule 1 to the Social Services and Well-being (Wales) Act 2014 (appeal against contribution order).	£215
3 Adoption and wardship applications	
3.1 On applying or requesting permission to apply under any provision in Part 1 of the Adoption and Children Act 2002, other than an application under section 22 of that Act.	£183
3.2 On applying under section 22 of the Adoption and Children Act 2002 (placement order).	£490
3.3 On applying for the exercise by the High Court of its inherent jurisdiction with respect to children.	£183
Notes to fees 3.1, 3.2 and 3.3	
Fee 3.1 is payable where an application requires the permission of the court when permission is sought, but no further fee will be charged if permission is granted and the application is made.	
Where an application is made or permission is sought at the same time under or relating to two or more provisions in Part 1 of the Adoption and Children Act 2002, other than an application under section 22 of that Act, fee 3.1 is payable only once.	
In relation to fees 3.1 and 3.2, where an application is made or permission is sought at the same time under or relating to provisions of the Adoption and Children Act 2002, only one fee is payable and, if those fees are different, the higher fee 3.2 is payable.	
In relation to fees 3.1, 3.2 and 3.3, where the same application is made or permission is sought at the same time in respect of two or more children who are siblings or children of the same family, only one fee is payable in respect of each numbered fee.	
4 Proceedings under the Children and Adoption Act 2006	
4.1 On an application for a warning notice to be attached to a contact order.	£54

Column 1	Column 2
Number and description of fee	Amount of fee
Notes: Where an application is made or permission is sought under or relating to provisions of the Children Act 1989 or, where specified, the Social Services and Well-being (Wales) Act 2014 and the Children and Adoption Act 2006 which are listed in two or more different numbered fees, only one fee is payable.	
Where the same application is made or permission is sought in respect of two or more children at the same time, and those children are siblings or children of the family, only one fee is payable in respect of each numbered fee.	
5 Applications in existing proceedings	
5.1 On an application in existing proceedings without notice or by consent, except where separately listed in this Schedule.	£53
Notes: Fee 5.1 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.	
Fee 5.1 is not payable on an application to make a decree or order absolute or final, as the case may be, where the applicant has paid fee 1.2.	
Fee 5.1 is payable in proceedings under the Children Act 1989 or, where specified, under the Social Services and Well-being (Wales) Act 2014 to which the fees listed at 2.1 apply.	
5.2 On an application under rule 7.19 of the Family Procedure Rules 2010 for the court to consider the making of a decree nisi, conditional order, a decree of judicial separation or a separation order (other than in an undefended case where no fee is payable).	£54
5.3 On an application in existing proceedings on notice, except where separately listed in this Schedule.	£167
Note: Fee 5.3 is payable in proceedings under the Children Act 1989 or, where specified, under the Social Services and Well-being (Wales) Act 2014 to which the fees listed at 2.1 apply, except for those at 2.1(t) and (u), where the application fee of £95 is payable.	
5.4 On the filing of— (a) a notice of intention to proceed with an application for a financial order to which rule 9.4(a) of the Family Procedure Rules 2010 applies; or (b) an application for a financial order to which rule 9.4(b) of the Family Procedure Rules 2010 applies, other than an application for a consent order.	£275
6 Appeal	
6.1 On filing an appeal notice from a district judge, one or more lay justices or a justices' legal adviser.	£125
6.2 On commencing an appeal under section 20 in proceedings under the Child Support Act 1991	£165
7 Searches	
7.1 On making a search in the central index of decrees absolute or of final orders kept at the Principal Registry of the Family Division for any specified period of ten calendar years or, if no such period is specified, for the ten most recent years, and, if appropriate, providing a certificate of decree absolute or of final order, as the case may be.	£65
7.2 On making a search in the central index of parental responsibility agreements kept at the Principal Registry of the Family Division in accordance with regulations made under section 4(2) of the Children Act 1989 and, if appropriate, providing a copy of the agreement.	£45

Column 1	Column 2
Number and description of fee	Amount of fee
7.3 On making a search in the index of decrees absolute or of final orders kept at any designated family court or district registry for any specified period of ten calendar years or, if no period is specified, for the ten most recent years, and if appropriate, providing a certificate of decree absolute or of final order, as the case may be.	£45
8 Copy documents	
8.1 On a request for a copy document (other than where fee 8.2 applies)—	
(a) for ten pages or less; and	£11
(b) for each subsequent page.	50p
Note: The fee payable under fee 9.1 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. – where the court provides a subsequent copy of a document which it has previously provided.	
8.2 On a request for a copy of a document on a computer disk or in other electronic form, for each such copy.	£11
9 Determination of costs	
9.1 On filing a request for detailed assessment where the party filing the request is legally aided, is funded by the Legal Services Commission or is a person for whom civil legal services have been made available under arrangements made by the Lord Chancellor under Part of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and no other party is ordered to pay the costs of the proceedings.	£94
9.2 On filing a request for detailed assessment in any case where fee 9.1 does not apply; or on filing 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 the amount of the costs claimed—	
(a) does not exceed £15,000;	£335
(b) exceeds £15,000 but does not exceed £50,000;	£675
(c) exceeds £50,000 but does not exceed £100,000;	£1,005
(d) exceeds £100,000 but does not exceed £150,000;	£1,345
(e) exceeds £150,000 but does not exceed £200,000;	£1,680
(f) exceeds £200,000 but does not exceed £300,000;	£2,520
(g) exceeds £300,000 but does not exceed £500,000;	£4,200
(h) exceeds £500,000.	£5,600
Where there is a combined standard basis and legal aid, or a combined standard basis and Legal Services Commission, or a combined standard basis and Lord Chancellor, or a combined standard basis, and one or more of legal aid, Legal Services Commission or Lord Chancellor determination of costs, fee 9.2 will be attributed proportionately to the standard basis, legal aid, Legal Services Commission or Lord Chancellor (as the case may be) portions of the bill on the basis of the amount allowed.	
9.3 On a request for the issue of a default costs certificate.	£65
9.4 On commencing an appeal against a decision made in detailed assessment proceedings.	£210
9.5 On an application to set aside a default costs certificate.	£110
10 Registration of maintenance orders	

Column 1	Column 2
Number and description of fee	Amount of fee
10.2 On an application for a maintenance order to be registered under the Maintenance Orders Act 1950 or the Maintenance Orders Act 1958.	£50
11 Financial Provision	
11.1 Proceedings under the Domestic Proceedings and Magistrates' Courts Act 1978 or Schedule 6 to the Civil Partnership Act 2004 on an application for an order for financial provision (other than an application to vary or revoke such an order, or an application for an order for financial provision made for the benefit of, or against, a person residing outside the United Kingdom).	£215
12 Enforcement	
12.1 On an application to question a judgment debtor or other person on oath in connection with enforcement of a judgment, or on an application to which rule 33.3(2)(b) of the Family Procedure Rules 2010 applies.	£54
12.2 On an application for a third party debt order or the appointment of a receiver by way of equitable execution.	£77
Note: Fee 12.2 is payable in respect of each third party against whom the order is sought.	
12.3 On an application for a charging order.	£38
Note: Fee 12.3 is payable in respect of each charging order applied for.	
12.4 On an application for a judgment summons.	£73
12.5 On an application for an attachment of earnings order to secure money due under an order made in family proceedings.	£34
Fee 12.5 is payable in respect of each defendant against whom an order is sought.	
Fee 12.5 is not payable where the attachment of earnings order is made on the hearing of a judgment summons.	
13 Enforcement in the family court	
13.1 On an application for or in relation to enforcement of a judgment or order by the issue of a warrant of control against goods except a warrant to enforce payment of a fine.	£100
13.2 On a request for further attempt at execution of a warrant at a new address where the warrant has been returned to the court not executed (except where the warrant has been returned after it has been suspended by the court).	£30
13.3 On the issue of a warrant of possession or a warrant of delivery.	£119
Note on fee 13.3: Where the recovery of a sum of money is sought in addition, no further fee is payable.	
14 Enforcement in the High Court	
14.1 On sealing a writ of control/possession/delivery.	£60
Note on fee 14.1: Where the recovery of a sum of money is sought in addition to a writ of possession and delivery, no further fee is payable.	
14.2 On a request or application to register a judgment or order; or for permission to enforce an arbitration award; or for a certified copy of a judgment or order for use abroad.	£60
15 Service	
15.1 On a request for service by bailiff of any document except—	£45
(a) an order for a debtor to attend the adjourned hearing of a judgment summons;	
(b) a claim to controlled, executed or exempt goods;	

Column 1	Column 2
Number and description of fee	Amount of fee
(c) an order made under section 23 of the Attachment of Earnings Act 1971 (enforcement provisions);	
(d) an order for a debtor to attend an adjourned oral examination of means; or	
(e) an application for (and accompanying documentation), or an order for, or an application to vary, extend or discharge—	
(i) a non-molestation order;	
(ii) an occupation order; or	
(iii) a forced marriage protection order, under Part 4 or Part 4A of the Family Law Act 1996; or	
(f) an application for (and accompanying documentation), or an order for, or an application to vary or discharge a female genital mutilation protection order under Part 1 of Schedule 2 to the Female Genital Mutilation Act 2003.	
16 Sale	
16.1 For removing or taking steps to remove goods to a place of deposit.	The reasonable expenses incurred.
Fee 16.1 is to include the reasonable expenses of feeding and caring for animals.	
16.2 For the appraisalment of goods.	5p in the £1 or part of a £1 of the appraised value.
16.3 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.
16.4 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 16.1 and 16.2.
17 Affidavits in the High Court only	

Column 1	Column 2
Number and description of fee	Amount of fee
17.1 On taking an affidavit or an affirmation or attestation upon honour in lieu of an affidavit or a declaration.	£11
17.2 For each exhibit referred to and required to be marked.	£2

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
	Single	Couple
no children	£1,170	£1,345
1 child	£1,435	£1,610
2 children	£1,700	£1,875

- (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 £265 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	£5,170	£5,345
1 child	£5,435	£5,610
2 children	£5,700	£5,875

(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 £265 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) 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.

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.)

FIRST-TIER TRIBUNAL (IMMIGRATION AND ASYLUM CHAMBER) FEES ORDER 2011

S.I. 2011 No. 2841

Made: 18 December 2011. Coming into force in accordance with article 1. Last amended on 30 September 2021 by S.I. 2021/985.

Citation and commencement

1. This Order may be cited as the First-tier Tribunal (Immigration and Asylum Chamber) Fees Order 2011 and shall come into force on the day after the date on which it is made.

Interpretation

2. In this Order—

“an immigration or asylum matter” means a matter in respect of which functions are allocated to the Immigration and Asylum Chamber of the First-tier Tribunal under article 5 of the First-tier Tribunal and Upper Tribunal (Chambers) Order 2010;

“appealable decision” means a decision from which there is a right of appeal to the Immigration and Asylum Chamber of the First-tier Tribunal;

“appellant” means any person identified in the notice of appeal as appealing in relation to an immigration and asylum matter to the First-tier Tribunal;

“BACS” means the method of payment known as “Banks Automated Clearing System” by which money is transferred from one bank in the United Kingdom to another by means of an automated system;

“international money transfer” means a method of payment by which money is transferred from a bank account outside the United Kingdom to a bank account in the United Kingdom by means of an automated system;

“respondent” has the meaning given by article 1(4) of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014;

“the 1971 Act” means the Immigration Act 1971;

“the 1999 Act” means the Immigration and Asylum Act 1999;

“the 2002 Act” means the Nationality, Immigration and Asylum Act 2002;

“the 2018 Regulations” means the Immigration and Nationality (Fees) Regulations 2018.

Fees for appeals

3.—

- (1) A fee is payable in respect of an appeal to the First-tier Tribunal where the appeal relates to an immigration or asylum matter and the decision against which the appeal is made was taken on or after the coming into force of this Order.
- (2) The fee is payable by or in respect of each appellant on the date on which the Notice of Appeal is given.
- (3) The fee payable is—
 - (a) where the appellant consents to the appeal being determined without a hearing, £80; or
 - (b) where the appellant does not consent to the appeal being determined without a hearing, £140.
- (4) Subject to paragraph (5), where after making payment in accordance with paragraph (3)(a), the appellant withdraws their consent to the appeal being determined without a hearing, the difference between the amounts specified in subparagraphs (a) and (b) of paragraph (3) (“the balance”) becomes payable on the withdrawal of that consent.
- (5) The balance referred to in paragraph (4) ceases to be payable if the Tribunal decides that the appeal can be justly determined without a hearing.
- (5A) Where a notice of decision against which the appellant is appealing contains more than one appealable decision, one fee is payable in respect of each appealable decision that is not exempt under article 5.
- (6) This article is subject to articles 5, 6 and 7.

Method of paying fee

4.—

- (1) The fee payable must be paid by one of the following methods—
 - (a) credit card;
 - (b) debit card;
 - (c) BACS; or
 - (d) international money transfer.
- (2) For the purposes of enabling payment to be made by or in respect of the appellant—
 - (a) authorisation to take payment and details of the credit or debit card, or
 - (b) an undertaking by or on behalf of each appellant to pay by BACS or an international money transfer,must be provided at the same time as the giving of the notice of appeal or the subsequent withdrawal of their consent to the appeal being determined without a hearing (as the case may be).

Exemption from fees

5.—

- (1) No fee is payable for—
 - (a) an appeal against a decision made under—

- (i) section 40 of the British Nationality Act 1981 (deprivation of citizenship);
 - (ii) regulation 19(3) of the Immigration (European Economic Area) Regulations 2006 (exclusion and removal from the United Kingdom);
- (b) an appeal under section 82(1)(c) of the Nationality, Asylum and Immigration Act 2002 (revocation of protection status).
- (1A) No fee is payable for a relevant appeal brought by an appellant who has been excepted from the requirement to pay an application fee under the 2018 Regulations in accordance with the following exceptions—
- (a) exception 4.4.1 (application by person physically present in UK but liable to immigration detention where the requirement to pay the fee would be incompatible with the person’s Convention rights) in Table 4 of paragraph (2) of Schedule 1 to those Regulations; or
 - (b) exception 9.4 (specified human rights applications) in Table 9 of paragraph (2) of Schedule 2 to those Regulations.
- (1B) For the purposes of this article, a “relevant appeal” is an appeal against a decision to refuse the application in respect of which the appellant was excepted from the requirement to pay a fee under the 2018 Regulations.
- (2) No fee is payable where, at the time the fee would otherwise become payable, the appellant is, under the 1999 Act—
- (a) a “supported person” as defined in section 94(1); or
 - (b) provided with temporary support under section 98.
- (3) No fee is payable where, for the purpose of proceedings before the Tribunal, the appellant is in receipt of—
- (a) funding provided by the Legal Services Commission, established under section 1 of the Access to Justice Act 1999, as part of the Community Legal Service;
 - (b) legal aid under Part 2 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981; or
 - (c) civil legal aid or advice and assistance under the Legal Aid (Scotland) Act 1986.
- (4) No fee is payable where the appellant is—
- (a) a child for whose benefit services are provided by a local authority under—
 - (i) section 17 of the Children Act 1989 (provision of services for children in need, their families and others);
 - (ii) section 22 of the Children (Scotland) Act 1995 (promotion of welfare of children in need); or
 - (iii) article 18 of the Children (Northern Ireland) Order 1995 (general duty of authority to provide personal social services for children in need, their families and others);
 - (b) a child for whom provision is being made by a local authority for the purpose of meeting the child’s needs under section 37 of the Social Services and Well-being (Wales) Act 2014 (duty to meet care and support needs of a child);
 - (c) a person who has parental responsibility for a child described in sub-paragraph (a) or (b); or
 - (d) a child for whom accommodation is provided under—
 - (i) section 20 of the Children Act 1989 (provision of accommodation for children: general);
 - (ii) section 76 of the Social Services and Well-being (Wales) Act 2014 (accommodation for children without parents or who are lost or abandoned etc.);
 - (iii) section 25 of the Children (Scotland) Act 1995 (provision of accommodation for children, etc.); or
 - (iv) article 21 of the Children (Northern Ireland) Order 1995 (provision of accommodation for children: general).
- (5) Where by any convention, treaty or other instrument 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.

Power to defer payment in certain cases

6. The Lord Chancellor may defer payment of a fee where the appeal is brought on the grounds that the removal of the appellant from, or a requirement for the appellant to leave, the United Kingdom would breach the United Kingdom’s obligations under either—

- (a) the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 and the Protocol to the Convention; or
- (b) article 21 of Directive 2004/83/EC of the European Parliament and Council of 29 April 2004.

Reduction or remission of fees

7.—

- (1) Subject to paragraph (2), the Schedule applies for the purpose of ascertaining whether an appellant is entitled to a remission or reduction of a fee specified in this Order.
- (2) The Schedule does not apply to an appellant who is not in the United Kingdom on the date on which the Notice of Appeal is given.
- (3) A fee specified in this Order may be remitted or reduced where the Lord Chancellor is satisfied that there are exceptional circumstances which justify doing so.

Certificate of fee satisfaction

8.—

- (1) The Lord Chancellor must issue a certificate of fee satisfaction if satisfied that—
 - (a) the appropriate fee payable under article 3 has been paid;
 - (b) in view of an undertaking given by or on behalf of the appellant, payment will be promptly made by BACS or an international money transfer;
 - (c) no fee is payable;
 - (d) payment is to be deferred in accordance with article 6; or
 - (e) the appellant has, at the time a fee would otherwise be payable under article 3, applied for the fee to be reduced or remitted in accordance with article 7.
- (2) The issuing of such a certificate is without prejudice to the power to recover the amount of any payable fee or part of such fee which remains unpaid and unremitted.
- (3) The Lord Chancellor may revoke a certificate of fee satisfaction and if a certificate is revoked, the Tribunal shall be notified accordingly.

Refunds

9.—

- (1) Subject to paragraph (2)—
 - (a) where the fee payable under article 3(3)(b) has been paid but the appeal is determined without a hearing, the difference between the amounts specified in article 3(3)(a) and 3(3)(b) may be refunded; and
 - (b) where a fee has been paid which the Lord Chancellor, if all the circumstances had been known, would have reduced or remitted under article 7(3), the fee or the amount by which the fee would have been reduced, as the case may be, shall be refunded.
- (1A) For the purposes of this article an appeal is only “determined without a hearing” if—
 - (a) the respondent has consented to, or has not objected to, the matter being decided without a hearing; or
 - (b) the First-tier Tribunal has considered that it can justly determine the matter without a hearing in accordance with rule 25(1)(g) of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014.
- (2) No refund will be made under this article unless the appellant applies in writing to the Lord Chancellor within 6 months of the date the fee becomes payable.
- (3) The Lord Chancellor may extend the period of 6 months mentioned in paragraph (2) if the Lord Chancellor considers there is a good reason for the application being made after the end of the period of 6 months.

Schedule: Remissions and reductions (Article 7)**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 39(1) of the Welfare Reform Act 2012;
- “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 benefits 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 Carers and Direct Payments Act (Northern Ireland) 2002, section 12B(1) of the Social Work (Scotland) Act 1968, the Social Care (Self-directed Support) (Scotland) Act 2013 or under regulations made under sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014;
- (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 in accordance with sections 103 to 105, paragraphs 2 and 3, and Parts II and III of Schedule 7 to the Social Security Contributions and Benefits Act 1992;
- (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 listed in regulation 20(2)(b) of the Criminal Legal Aid (Financial Resources) Regulations 2013;
- (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;

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

“maintenance agreement” has the meaning given in section 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 reduction 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

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;
- (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.

*Gross monthly income test****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	£1,170	£1,345
1 child	£1,435	£1,610
2 children	£1,700	£1,875

- (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 £265 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	£5,170	£5,345
1 child	£5,435	£5,610
2 children	£5,700	£5,875

- (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 £265 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) Where an application for remission is refused, or if reduction 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.

Refunds

16.—

- (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) 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.
- (3) The Lord Chancellor may extend the period of 3 months mentioned in sub-paragraph (2) 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.

Vexatious litigants

17.—

- (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.

FIRST-TIER TRIBUNAL (PROPERTY CHAMBER) FEES ORDER 2013

S.I. 2013 No. 1179

Coming into force: 1 July 2013. Last amended on 30 September 2021 by S.I. 2021/985. The Lord Chancellor makes this Order in exercise of the powers conferred by section 42(1)(a) and (2) and 49(3) of the Tribunals, Courts and Enforcement Act 2007. The Lord Chancellor has consulted the Senior President of Tribunals and the Administrative Justice and Tribunals

Council in accordance with section 42(5) before making this Order and has obtained the consent of the Treasury in accordance with section 42(6).

Citation, commencement, extent, and application

1. This Order may be cited as the First-tier Tribunal (Property Chamber) Fees Order 2013 and comes into force on 1st July 2013.
2. This Order extends to England and applies to proceedings in the Tribunal.

Definitions

3. In this Order—

- “the 2013 Rules” means the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013;
- “lead case” means a case which is directed to be a lead case under rule 23 (lead cases) of the 2013 Rules;
- “leasehold case” has the meaning given in rule 1(3) of the 2013 Rules;
- “related case” means a case which is directed to be a related case under that rule; and
- “residential property case” has the meaning given in rule 1(3) of the 2013 Rules;
- “Tribunal” means the Property Chamber of the First-tier Tribunal.

Fees payable

4.—

- (1) Proceedings where fees are payable in accordance with the provisions of this Order are listed in column 1 of Schedule 1 to this Order.
- (2) The fee due is set out in column 2 of that Schedule.
- (3) Any fee payable for an application under fees 1.1 to 1.6 is due at the same time as the application is made.
- (4) Any fee payable under fee 2 is due within 14 days of an applicant receiving notice of the hearing date under rule 32 of the 2013 Rules.

Fees: transferred proceedings

5. Where an issue in proceedings in court has been transferred to the Tribunal and a fee payable under Schedule 1 to this Order is due, the fee payable shall be the fee due less the total amount of any fees previously paid by the applicant to the court in respect of the court proceedings.

Fees: split hearings

6.—

- (1) Paragraph (2) applies where the Tribunal has directed that an issue in a related case is to be determined at the hearing of a lead case and the remaining issues are to be determined at a separate hearing.
- (2) The fee payable in respect of the hearing of the remaining issues shall be the fee payable under Schedule 1 to this Order less the amount of any fee paid by the applicant in accordance with article 7.

Fees: lead cases

7. A hearing fee for a lead case shall be payable in equal proportions by—

- (a) the applicant in the lead case;
- (b) an applicant in a related case; and
- (c) an applicant whose application is heard with the lead case.

Fees: apportionment of liability for fees in cases involving more than one applicant

8.—

- (1) This article applies where a fee is payable under Schedule 1 to this Order.
- (2) Subject to paragraph (3) and article 9 (remissions), any fee payable shall be payable in equal proportions by the applicants.
- (3) Where proceedings are brought by a tenant or landlord of premises and the tenant is more than one person or the landlord is more than one person, the tenant shall be treated as one person and the landlord shall be treated as one person for the purposes of paragraph (2).

Remissions

9. Schedule 2, which provides for remissions, has effect.

Schedule 1: Fees to be taken (Article 4)

Column 1 Number and description of fee	Column 2 Amount of fee
1. Application Fee	
1.1 Where no other fee is specified, on filing an application to commence proceedings in any leasehold case or on filing an appeal or an application to commence proceedings in a residential property case.	£100
1.2 On filing proceedings for approval of the exercise of a power of entry, made under paragraph 6B of Schedule 9 to the Local Government Finance Act 1988 or under section 25A of the Local Government Finance Act 1992.	£100
1.3 On filing an application under Schedule 1, Part 1, Chapter 2, paragraph 16(b) to the Mobile Homes Act 1983 (determination of the amount of the pitch fee other than on Local Authority and County Council Gypsy and Traveller Sites).	£20
1.4 On filing an application under Schedule 1, Part 1, Chapter 2, paragraph 18(1)(a)(iii) of the Mobile Homes Act 1983 (determination to take into account sums expended by the owner since the last review date on improvements).	£20
1.5 On filing an application under Schedule 1, Part 1, Chapter 4, paragraph 14(b) of the Mobile Homes Act 1983 (determination of the amount of the pitch fee on Local Authority or County Council Gypsy and Traveller sites).	£20
1.6 On filing an application under Schedule 1, Part 1, Chapter 4, paragraph 16(1)(a)(iii) of the Mobile Homes Act 1983 (determination to take into account sums expended by the owner since the last review date on improvements).	£20
Where an application is made under two or more provisions, the fee payable in respect of the application is the highest fee which would have been payable if a separate application had been made under each of the provisions.	
2. Hearing Fee	£200
On receiving notice of a hearing date.	
Fee 2.1 only applies to an application which attracts fee 1.1 or 1.2.	
Where a number of applications are joined together for the purposes of a hearing, fee 2 is payable only once in respect of that hearing.	

Schedule 2: Remissions and part remissions (Article 9)**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, or section 12B(1) of the Social Work (Scotland) Act 1968;

(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	£1,170	£1,345
1 child	£1,435	£1,610
2 children	£1,700	£1,875

- (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 £265 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	£5,170	£5,345
1 child	£5,435	£5,610
2 children	£5,700	£5,875

- (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 £265 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) 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.

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.

Apportionment of liability for fees in cases involving more than one person as the party

20. Where more than one person is the party and at least one of those persons is granted a remission in accordance with this Schedule—

- (a) subject to sub-paragraph (b), the fee shall be payable in equal proportions by those remaining persons who have not been granted a remission;
- (b) no person shall be liable to pay an amount that is more than the amount which they would have paid if they alone were the party.

GENDER RECOGNITION (APPLICATION FEES) ORDER 2006

S.I. 2006 No. 758

Made: 9 March 2006. Laid before Parliament: 16 March 2006. Coming into force: 6 April 2006. Last amended on 30 September 2021 by S.I. 2021/985. The Secretary of State, in exercise of the powers conferred upon him by section 7(2) of the Gender Recognition Act 2004, makes the following Order:

Citation, commencement and interpretation

1.

- (1) This Order may be cited as the Gender Recognition (Application Fees) Order 2006 and comes into force on 6th April 2006.
- (2) In this Order, any reference to a section by number alone is a reference to the section so numbered in the Gender Recognition Act 2004.
- (3) In articles 2 to 4 of this Order, “application” means an application, made on or after 6th April 2006, to a Gender Recognition Panel under section 1(1), 5(2), 5A(2) or 6(1).

Application fees

- 2. Subject to article 3, the fee payable under section 7(2) in relation to an application is £140.

Circumstances in which no fee is payable

3. No fee is payable in relation to an application if—

- (a) an application is made under section 1(1) and an interim gender recognition certificate was previously issued to the applicant; or
- (b) the application is made under section 5(2), 5A(2) or 6(1).

Remissions and part remissions

3A. The Schedule applies for the purpose of ascertaining whether a party is entitled to a remission or part remission of the fee prescribed in article 2.

4. [Removed.]

5. [Removed.]

Revocation and saving

6. The Gender Recognition (Application Fees) Order 2005 shall continue to apply in relation to any application made before 6th April 2006, but is otherwise revoked.

Schedule: 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, or section 12B(1) of the Social Work (Scotland) Act 1968;

(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	£1,170	£1,345
1 child	£1,435	£1,610
2 children	£1,700	£1,875

- (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 £265 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	£5,170	£5,345
1 child	£5,435	£5,610
2 children	£5,700	£5,875

(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 £265 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) 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.

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.

IMMIGRATION AND NATIONALITY (COST RECOVERY FEES) REGULATIONS 2014

S.I. 2014 No. 581

Made: 11 March 2014. Laid before Parliament: 13 March 2014. Coming into force: 6 April 2014. The Secretary of State makes the following Regulations with the consent of the Treasury, in exercise of the powers conferred by sections 51(3) and 52(1), (3) and (6) of the Immigration, Asylum and Nationality Act 2006. These Regulations are made pursuant to the Immigration and Nationality (Fees) Order 2011.

Citation, commencement and interpretation

1. These Regulations may be cited as the Immigration and Nationality (Cost Recovery Fees) Regulations 2014 and come into force on 6th April 2014.

2. In these Regulations—

- “the 1971 Act” means the Immigration Act 1971;
- “the 1981 Act” means the British Nationality Act 1981;
- “the 1999 Act” means the Immigration and Asylum Act 1999;

“the 2002 Act” means the Nationality, Immigration and Asylum Act 2002;

“the 2007 Act” means the UK Borders Act 2007;

“the 1982 Order” means the British Protectorates, Protected States and Protected Persons Order 1982;

“the 2008 Regulations” means the Immigration (Biometric Registration) Regulations 2008; “the 2011 Order” means the Immigration and Nationality (Fees) Order 2011;

“administrative review” means the review on request of a decision in connection with immigration in the circumstances specified in the immigration rules;

“biometric immigration document” has the same meaning as provided in section 5 of the 2007 Act;

“biometric information” has the same meaning as provided in section 15 of the 2007 Act;

“CESC national” means a person who is a national of a state which has ratified the European Social Charter, agreed by the Council of Europe at Turin on 18th October 1961; “child” means a person under the age of 18;

“dependant” in respect of a person means—

(a) the spouse or civil partner of that person;

(b) someone who has been living with that person in a relationship akin to a marriage or civil partnership for at least two years; or

(c) a child of that person;

“Direct Airside Transit Visa” means a transit visa within the meaning of section 41(2) of the 1999 Act, authorising the holder to remain within an airport, without passing through immigration control, pending departure on another flight from the same airport;

“EC Association Agreement with Turkey” means the agreement establishing an Association between the European Community and Turkey signed at Ankara on 12th September 1963;

“entry clearance” has the same meaning as provided in section 33(1) of the 1971 Act; “immigration employment document” means a work permit, or any other document which relates to employment and is issued for the purposes of the immigration rules or in connection with leave to enter or remain in the United Kingdom;

“immigration rules” means the rules for the time being laid down by the Secretary of State as mentioned in section 3(2) of the 1971 Act;

“indefinite leave” means leave to enter or remain (as the case may be) in the United Kingdom which is not limited as to duration;

“leave to enter the United Kingdom” means leave to enter the United Kingdom given in accordance with the provisions of the 1971 Act or the immigration rules, and any subsequent variation of that leave;

“leave to remain in the United Kingdom” means leave to remain in the United Kingdom given in accordance with the provisions of the 1971 Act or the immigration rules, and any subsequent variation of that leave;

“limited leave” means leave to enter or remain (as the case may be) in the United Kingdom which is limited as to duration;

“process used to take a record of a person’s biometric information” means the process, or combination of processes to which a person may be required to submit in order to enable a record to be taken of that person’s biometric information, where the person is required by regulations made under section 41 of the 1981 Act, section 126 of the 2002 Act or section 5 of the 2007 Act to provide such information for the purposes of an application or claim in connection with immigration or nationality;

“sponsor” means a sponsor under Part 6A of the immigration rules;

“sponsor licence” means a licence granted by the Secretary of State to a person who, by virtue of such a grant, is licensed as a sponsor;

“Tier 2 Migrant”, “Tier 4 Migrant”, “Tier 5 Migrant” and “Tier 5 (Temporary Worker) Migrant” have the same meaning as provided in the immigration rules;

“transfer of conditions” means the fixing of a stamp, sticker or other attachment on a passport or other document issued to an applicant, which indicates that a person has been granted leave to enter or remain in the United Kingdom;

“travel document” means a document which is not a passport, allowing a person (or, if the person has died, the body of that person) to travel outside the United Kingdom, and is issued by the Home Office to persons who are stateless or cannot obtain or use a passport issued by their own country.

Fees for applications, services, and processes in connection with immigration and nationality

3. Schedule 1 (Fees for applications for entry clearance to enter the United Kingdom) has effect to specify the amount of the fees for the specified applications for entry clearance to enter the United Kingdom for the purposes of article 3(2)(b) of the 2011 Order, exceptions to the requirement to pay such fees, and circumstances in which such fees may be waived or reduced.

4. Schedule 2 (Fees for applications for sponsor licences, highly trusted sponsor status, and related applications and processes) has effect to specify the amount of the fees for—

- (i) applications for the specified sponsor licences for the purposes of article 3(2)(t) of the 2011 Order;
- (ii) applications for permission for a student given leave to enter, or remain in the United Kingdom to change their sponsor for the purposes of article 3(2)(d) of the 2011 Order;
- (iii) applications for changes to a sponsor's status for the purposes of article 3(2)(u) of the 2011 Order; and
- (iv) processes related to sponsors for the purposes of article 5(a) and (b) of the 2011 Order.

5. Schedule 3 (Fees for documents relating to immigration) has effect to specify—

- (a) the amount of the fees for—
 - (i) the specified applications for a transfer of conditions for the purposes of article 3(2)(e) of the 2011 Order;
 - (ii) the specified application for an immigration employment document for the purposes of article 3(2)(f) of the 2011 Order;
 - (iii) the specified applications for travel documents for the purposes of article 3(2)(g) of the 2011 Order;
 - (iv) the specified application for a Direct Airside Transit Visa for the purposes of article 3(2)(q) of the 2011 Order;
 - (v) the specified applications for a registration certificate, a residence card, a document certifying permanent residence, a permanent residence card or a derivative residence card, for the purposes of article 3(2)(w) of the 2011 Order;
 - (vi) the specified applications for a biometric immigration document for the purposes of article 3(2)(s) of the 2011 Order;
 - (vii) the process used to take a record of a person's biometric information for the purposes of article 5(c) of the 2011 Order;
- (b) exceptions to the requirement to pay the fees referred to in sub-paragraph (a)(iii), (vii) and (viii); and
- (c) circumstances in which the fee referred to in sub-paragraph (a)(vii) may be waived.

6. Schedule 4 (Fees for applications, processes and services in connection with nationality) has effect to specify—

- (a) the amount of the fees for the specified applications in connection with nationality for the purposes of article 3(2)(h), (i), (j), (k), (l), (m), (n), (o), (p), and (v) of the 2011 Order;
- (b) the amount of the fees for the specified processes in connection with nationality for the purposes of article 5(c) and (d) of the 2011 Order; and
- (c) the amount of the fees for the specified services in connection with nationality for the purposes of article 4(a), (b), (c), (d), (e), (f), (g) and (h) of the 2011 Order.

7. Schedule 5 (Fees for the exercise of consular functions in connection with immigration and nationality) has effect to specify the amount of the fees for the exercise of consular functions in connection with immigration and nationality for the purposes of articles 6 and 7 of the 2011 Order.

8. Schedule 6 (Miscellaneous fees) has effect to specify—

- (a) the amount of the fee for the administration of the specified test for the purposes of article 4(n) of the 2011 Order; and
- (b) the amount of the fee for the process of conducting an administrative review for the purposes of article 5(d) of the 2011 Order.

Rate of Exchange

9. The rate of exchange for calculating the equivalents of fees set out in these Regulations but paid in a foreign currency must be based upon the rate of exchange which is generally prevailing on the date, and at the place of payment, but which may be adjusted by the Secretary of State (or a representative of the Secretary of State) in such a manner and to such an extent as that person considers expedient in the interests of administrative efficiency.

Consequences of failing to pay the specified fee

10. Where these Regulations specify a fee which must accompany an application for the purposes of the 2011 Order, the application is not validly made unless it is accompanied by that fee.

Revocation

11. The Immigration and Nationality (Cost Recovery Fees) Regulations 2013 are revoked.

Schedule 1 (Regulation 3): Fees for applications for entry clearance to enter the United Kingdom*Interpretation*

1. In this Schedule—

“academic visitor” has the same meaning as provided in the immigration rules;

“immigration and nationality fees regulations” means regulations made under sections 51(3) and 52(1) and (3) of the Immigration, Asylum and Nationality Act 2006;

“Visitor in Transit” has the same meaning as provided in the immigration rules.

Fees for applications for entry clearance to enter the United Kingdom

2.—

(1) Table 1 specifies the amount of the fees for the specified applications for entry clearance to enter the United Kingdom.

(2) Table 2 provides for exceptions to the requirement to pay the fees specified in Table 1.

(3) Table 3 confers a discretion on the Secretary of State to waive or reduce the fees specified in Table 1 in certain circumstances.

Table 1 (Fees for applications for entry clearance to enter the United Kingdom)

Number of fee	Type of application	Amount of fee
1.1	Fees for applications for entry clearance to enter the United Kingdom as a visitor	
1.1.1	Application for entry clearance as a visitor under the immigration rules for a period of six months or less where fees 1.1.3 and 1.1.4 do not apply.	£83
1.1.2	Application for entry clearance as an academic visitor under the immigration rules for a period of twelve months or less.	£83
1.1.3	Application for entry clearance as a visitor under the immigration rules for a period of six months or less where the Secretary of State decides the application is one to which a scheme for reduced fees applies.	£61
1.1.4	Application for entry clearance as a visitor for the purposes of the 2014 Commonwealth Games where such an application is permitted under the immigration rules.	£83
1.1.5	Application for entry clearance as a Visitor in Transit.	£54
1.2	Fees for applications for entry clearance to enter the United Kingdom as a short term student	
1.2.1	Application for entry clearance as a short term student for a period of six months or less where the fee is not specified elsewhere in these Regulations or in other immigration and nationality fees regulations.	£83
1.2.2	Application for entry clearance as a short term student child for a period of six months or less where the fee is not specified elsewhere in these Regulations or in other immigration and nationality fees regulations.	£83
1.3	Fees for other applications for entry clearance to enter the United Kingdom	
1.3.1	Application for entry clearance as the parent, grandparent or other dependent relative of a person with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection under paragraphs 319V to 319Y or Appendix FM of the immigration rules.	£378
1.3.2	Application for entry clearance for the purposes of obtaining a replacement biometric immigration document.	£72

1.3.3	Application for entry clearance for the purposes of joining a ship or aircraft as a member of the crew of that ship or aircraft.	£54
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Table 2 (Exceptions in respect of fees for applications for entry clearance to enter the United Kingdom)

Number and description of the exception	Fees to which exception applies
2.1	Officials of Her Majesty's Government
	No fee is payable in respect of an application made in connection with the official duty of any official of Her Majesty's Government.
2.2	Dependants of refugees or persons granted humanitarian protection
	No fee is payable in respect of an application made under paragraphs 352A to 352FI of the immigration rules.
2.3	Applications under the EC Association Agreement with Turkey
	No fee is payable in respect of an application made under the terms of the EC Association Agreement with Turkey.

Table 3 (Waivers in respect of fees for applications for entry clearance to enter the United Kingdom)

Number and description of the waiver	Fees to which waiver applies
3.1	General waiver
	No fee is payable in respect of an application where the Secretary of State determines that the fee should be waived.
3.2	Scholarships funded by Her Majesty's Government
	The official determining an application may decide to waive the payment of the fee or reduce the amount of the fee where the application is made by a candidate for, or holder of a scholarship funded by Her Majesty's Government and is in connection with such a scholarship.
3.3	International courtesy
	The official determining an application may decide to waive the payment of the fee or reduce the amount of the fee as a matter of international courtesy.
3.4	Visitors under a Foreign and Commonwealth Office Bilateral Programme
	The official determining an application may decide to waive the payment of the fee or reduce the amount of the fee where the applicant intends to visit the United Kingdom in connection with programmes operated by the Foreign and Commonwealth Office to give funds directly to Embassies and Missions outside the United Kingdom to support activities directly connected to the United Kingdom's international priorities.
3.5	Visitors under a Foreign and Commonwealth Office Strategic Programme
	The official determining an application may decide to waive the payment of the fee or reduce the amount of the fee where the applicant intends to visit the United Kingdom in connection with programmes of funding operated by the Foreign and Commonwealth Office to promote action on global issues in areas of strategic importance to the United Kingdom.

Schedule 2 (Regulation 4): Fees for applications for sponsor licences, Highly Trusted Sponsor Status, and related applications and processes

Interpretation

1. In this Schedule—

“certificate of sponsorship” means an authorisation issued by the Secretary of State to a sponsor in respect of an application, or potential application, for leave to enter or leave to remain in the United Kingdom;

“Highly Trusted Sponsor Status” has the same meaning as provided in the immigration rules; “register of licensed sponsors” means the register, maintained by the Secretary of State, of persons holding sponsor licences;

“small or charitable sponsor” means a sponsor that is—

- (a) a company that is subject to the small companies regime under section 381 of the Companies Act 2006;
- (b) in the case of a person who is not a company for the purposes of that section, a person who employs no more than 50 employees; or
- (c) a charity within the meaning of section 1 of the Charities Act 2011, or section 1 of the Charities Act (Northern Ireland) 2008 or a body entered in the Scottish Charity Register;

“Tier” means the route, provided for in the immigration rules, by which a person seeking leave to enter or remain in the United Kingdom as a Tier 2 Migrant, a Tier 4 Migrant, a Tier 5 Migrant or a Tier 5 (Temporary Worker) Migrant applies for such leave to enter or remain.

Fees for applications for sponsor licences, highly trusted sponsor status and related applications and processes

2.—

- (1) Table 4 specifies the amount of the fees for the specified applications for sponsor licences.
- (2) Paragraph 3 makes provision for the amount of the fees (if any) to be paid in respect of—
 - (a) applications for sponsor licences in respect of more than one Tier;
 - (b) applications to add an additional Tier or additional Tiers to an existing valid sponsor licence; and
 - (c) applications for an additional licence or additional licences by a person holding an existing valid sponsor licence.
- (3) Table 5 specifies the amount of the fees for other specified applications and processes in connection with sponsorship.

Table 4 (Fees for applications for sponsor licences)

Number of fee	Type of application or process	Amount of fee
4.1	Fees for applications for sponsor licences where the applicant is a small or charitable sponsor	
4.1.1	Application for sponsor licence in respect of Tier 2 Migrants where the applicant is a small or charitable sponsor.	£536
4.1.2	Application for sponsor licence in respect of Tier 4 Migrants where the applicant is a small or charitable sponsor.	£536
4.1.3	Application for sponsor licence in respect of Tier 5 Migrants where the applicant is a small or charitable sponsor.	£536
4.2	Fees for applications for sponsor licences where the applicant is not a small or charitable sponsor	
4.2.1	Application for sponsor licence in respect of Tier 4 Migrants.	£536
4.2.2	Application for sponsor licence in respect of Tier 5 Migrants.	£536

Fees for other applications in connection with sponsorship

3.—

- (1) Where a person applies for a sponsor licence in respect of two or more Tiers, the fee payable is the highest fee chargeable in respect of a licence for any of the Tiers applied for.

- (2) Subject to sub-paragraph (3), where a person holding an existing valid sponsor licence applies to add an additional Tier or additional Tiers to that licence, the fee payable is the sum equivalent to the difference (if any) between the fee already paid for the licence, and the highest fee chargeable in respect of a licence for any of the additional Tiers applied for.
- (3) If the fee already paid is equal to or greater than that chargeable in respect of a licence for each additional Tier applied for, no further fee is payable.
- (4) Where a person holding an existing valid sponsor licence applies for a separate licence in respect of an additional Tier, the fee payable is the full fee chargeable in respect of a licence for that Tier.

Table 5 (Fees for other applications and processes in connection with sponsorship)

Number of fee	Type of application or process	Amount of fee
5.1	Fee for Tier 4 Migrants changing to another sponsor	
5.1.1	Application by a Tier 4 Migrant for permission to change to another sponsor for the purposes of paragraph 323A of the immigration rules, where the person's leave to enter or remain (as the case may be) in the United Kingdom as a Tier 4 Migrant results from an application for entry clearance or leave to remain in the United Kingdom made during the period beginning on 31st March 2009 and ending on 4th October 2009.	£160
5.2	Fees for applications for Highly Trusted Sponsor Status	
5.2.1	Application by a sponsor holding a sponsor licence in respect of Tier 4 Migrants to be awarded Highly Trusted Sponsor Status in respect of Tier 4 Migrants.	£536
5.3	Fees for processes relating to sponsor licences	
5.3.1	The issuing of a certificate of sponsorship in respect of an application or potential application for leave to enter or remain in the United Kingdom as a Tier 4 Migrant.	£14
5.3.2	The issuing of a certificate of sponsorship in respect of an application or potential application for leave to enter or remain in the United Kingdom as a Tier 5 Migrant other than where the application or potential application is for leave as a Tier 5 (Temporary Worker) Migrant and the applicant is a CESC national (in which case no fee is payable).	£14
5.3.3	The issuing of an action plan under the immigration rules to a sponsor who is recorded as being "B-rated" in the register of licensed sponsors, and with which that sponsor must comply in order to become a sponsor recorded as being "A-rated" in that register.	£1,476

Schedule 3 (Regulation 5): Fees for documents relating to immigration

Interpretation

1.—

(1) In this Schedule—

“the 2006 Regulations” means the Immigration (European Economic Area) Regulations 2006;

“assistance by a local authority” means assistance, accommodation or maintenance provided by a local authority (or, in Northern Ireland, an authority which has the same meaning as provided in article 2(2) of the Children (Northern Ireland) Order 1995) under—

(a) section 17, 20 or 23 of the Children Act 1989;

(b) section 22, 25 or 26 of the Children (Scotland) Act 1995; or

(c) article 18, 21 or 27 of the Children (Northern Ireland) Order 1995;

“certificate of travel” means a travel document issued in the United Kingdom at the discretion of the Secretary of State to persons who have been formally, and in the view of the Secretary of State, unreasonably refused a passport by the authorities in their own country and who have been—

(a) granted limited leave to remain in the United Kingdom or humanitarian protection under the immigration rules on rejection of a claim for asylum or for recognition as a stateless person; or

(b) granted indefinite leave to remain in the United Kingdom.

“claim for asylum” means a claim within the meaning of section 94(1) of the 1999 Act;

“convention travel document” means a travel document issued in accordance with Article 28 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951;

“document of identity” means a travel document issued in the United Kingdom to a person who is not a British citizen which enables the holder to make one journey out of the United Kingdom;

“stateless person’s travel document” means a travel document issued in accordance with Article 28 of the Convention relating to the Status of Stateless Persons done at New York on 28th September 1954;

“work permit holder” means a person holding an extant work permit granted under the work permit provisions formerly contained in the immigration rules.

(2) For the purposes of this Schedule a claim for asylum is to be taken to be determined—

(a) on the date on which the Secretary of State notifies the claimant of the decision on the claim;

(b) if the claimant has appealed against the Secretary of State’s decision, on the date on which the appeal is disposed of; or

(c) if the claimant has brought an appeal from within the United Kingdom against an immigration decision under section 82 of the Nationality, Immigration and Asylum Act 2002 or section 2 of the Special Immigration Appeals Commission Act 1997, on the day on which the appeal is disposed of.

Fees for documents relating to immigration

2.—

(1) Table 6 specifies the amount of the fees for the specified applications for documents relating to immigration.

(2) Table 7 provides for exceptions to the requirement to pay the fees specified in Table 6 for applications for travel documents.

(3) Table 8 specifies the amount of the fees for the specified applications for biometric immigration documents and the process used to take a record of a person’s biometric information.

(4) Table 9 provides for exceptions to the requirement to pay the fees specified in Table 8.

(5) Paragraph 3 confers a discretion on the Secretary of State to waive the specified fee.

Table 6 (Fees for a transfer of conditions, immigration employment document, travel documents, Direct Airside Transit Visas, registration certificates and residence cards)

Number of fee	Type of application	Amount of fee
6.1	Fee for applications made in the United Kingdom for a transfer of conditions	
6.1.1	Application for a transfer of conditions where the application is made within the United Kingdom by post or courier or via the public website maintained by the Home Office, and the applicant has limited leave to enter or remain in the United Kingdom.	£107
6.1.2	Application for a transfer of conditions where the application is made within the United Kingdom by post or courier or via the public website maintained by the Home Office, and the applicant has indefinite leave to enter or remain in the United Kingdom.	£104
6.2	Fee for applications made overseas for a transfer of conditions (vignette transfer fee)	
6.2.1	Application for a transfer of conditions where the application is made outside the United Kingdom.	£109
6.3	Fee for applications for an immigration employment document	

6.3.1	Application for a letter to confirm an amendment to information held by the Home Office relating to employment as a work permit holder, which does not constitute a change requiring the applicant to make a new application for permission to work.	£22
6.4	Fees for applications for travel documents	
6.4.1	Application for a certificate of travel where the person in respect of whom the application is made is aged 16 or over when the application is received by the Secretary of State.	£246
6.4.2	Application for a certificate of travel where the person in respect of whom the application is made is under the age of 16 when the application is received by the Secretary of State.	£157
6.4.3	Application for a convention travel document, stateless person's travel document, or document of identity where the person in respect of whom the application is made is aged 16 or over when the application is received by the Secretary of State.	£69
6.4.4	Application for a convention travel document, stateless person's travel document, or document of identity where the person in respect of whom the application is made is under the age of 16 when the application is received by the Secretary of State.	£46
6.5	Fee for an application for a Direct Airside Transit Visa	
6.5.1	Application for a Direct Airside Transit Visa.	£30
6.6	Fees for applications for documents referred to in the 2006 Regulations	
6.6.1	Application for a registration certificate, a residence card, a document certifying permanent residence, a permanent residence card or a derivative residence card, issued pursuant to Part 3 of the 2006 Regulations.	£55

Table 7 (Exceptions to requirement to pay fees for applications for travel documents)

Number and description of the exception	Fees to which exception applies
7.1	Travel documents for bodies being taken abroad for burial
	No fee is payable in respect of an application for a travel document for a body that is being taken abroad for the purposes of burial or cremation.
	Fees 6.4.1 to 6.4.4
7.2	Travel documents for reconstruction or resettlement
	No fee is payable in respect of an application for a travel document where the application is stated as being made in order to enable the applicant to participate in a project operated or approved by the Secretary of State for the purposes of enabling a person in the United Kingdom to make a single trip to a country outside the United Kingdom in order to assist the reconstruction of that country or to decide whether to resettle there.
	Fees 6.4.1 to 6.4.4
7.3	Travel documents for the purposes of the Assisted Voluntary Returns programme
	No fee is payable in respect of an application for a document of identity for the purposes of the Assisted Voluntary Returns programme operated by the Home Office.
	Fees 6.4.3 and 6.4.4
7.4	Travel documents for persons born on or before 2nd September 1929
	No fee is payable in respect of an application for a convention travel document or stateless person's travel document where the applicant was born on or before 2nd September 1929.
	Fees 6.4.1 and 6.4.3

Table 8 (Fees for applications for biometric immigration documents and the process used to take a record of biometric information)

Number of fee	Type of application or process	Amount of fee
8.1	Fees for a mandatory application for a biometric immigration document following an application to replace a letter which indicated that the applicant had been granted leave to enter or remain in the United Kingdom	
8.1.1	Application for a biometric immigration document in accordance with regulation 3(1)(a) and (2)(d) of the 2008 Regulations where the applicant has limited leave to enter or remain in the United Kingdom, and fee 8.1.3 or 8.1.4 does not apply.	£107
8.1.2	Application for a biometric immigration document in accordance with regulation 3(1)(a) and 2(d) of the 2008 Regulations where the applicant has indefinite leave to enter or remain in the United Kingdom, and fee 8.1.3 or 8.1.4 does not apply.	£104
8.1.3	Application for a biometric immigration document in accordance with regulation 3(1)(a) and (2)(d) of the 2008 Regulations where the applicant has made a claim for asylum which has been granted, or has been granted humanitarian protection under the immigration rules.	£40
8.1.4	Application for a biometric immigration document in accordance with regulation 3(1)(a) and (2)(d) of the 2008 Regulations where the applicant has leave to remain in the United Kingdom under paragraphs 352A to 352FI of the immigration rules.	£40
8.2	Fees for a mandatory application for a biometric immigration document following an application for a transfer of conditions	
8.2.1	Application for a biometric immigration document in accordance with regulation 3(1)(a) and (2)(c) of the 2008 Regulations, where the applicant has limited leave to enter or remain in the United Kingdom.	£107
8.2.2	Application for a biometric immigration document in accordance with regulation 3(1)(a) and (2)(c) of the 2008 Regulations where the applicant has indefinite leave to enter or remain in the United Kingdom.	£104
8.3	Fees for a mandatory application for a replacement biometric immigration document	
8.3.1	Application for a biometric immigration document in accordance with regulation 19(1)(a) of the 2008 Regulations to replace a biometric immigration document which has been cancelled under regulation 17(a) or (d) to (i) of those Regulations, where the applicant has limited leave to enter or remain in the United Kingdom.	£107
8.3.2	Application for a biometric immigration document in accordance with regulation 19(1)(a) of the 2008 Regulations to replace a biometric immigration document which has been cancelled under regulation 17(a) or (d) to (i) of those Regulations, where the applicant has indefinite leave to enter or remain in the United Kingdom	£104
8.3.3	Application for a biometric immigration document in accordance with regulation 19(1)(a) of the 2008 Regulations to replace a biometric immigration document which has been cancelled under regulation 17(b) or (c) of those Regulations.	£40
8.3.4	Application for a biometric immigration document in accordance with regulation 19(1)(b) of the 2008 Regulations to replace a biometric immigration document which has ceased to have effect under regulation 13(3) and (4)(b) or (c) of those Regulations.	£40
8.4	Fee for taking a record of biometric information	

8.4.1	The process used to take a record of a person's biometric information for the purposes of an application for a biometric immigration document referred to in fees 8.1.1 to 8.1.4, 8.2.1, 8.2.2, 8.3.1, 8.3.2 and 8.3.3.	£19.20
8.4.2	The process used to take a record of a person's biometric information for the purposes of an application for a biometric immigration document referred to in fee 8.3.4.	£19.20
8.4.3	The process used to take a record of a person's biometric information for the purposes of an application for a biometric immigration document in accordance with regulation 3(1)(a) and 2(a) and (b) of the 2008 Regulations.	£19.20
8.4.4	The process used to take a record of a person's biometric information for the purposes of an application for a residence card, a permanent residence card or a derivative residence card, issued pursuant to Part 3 of the 2006 Regulations.	£19.20
8.4.5	The process used to take a record of a person's biometric information for the purposes of an application for a biometric immigration document where the fee is not specified elsewhere in these Regulations.	£19.20

Table 9 (Exceptions to the requirement to pay fees for applications for biometric immigration documents and the process used to take a record of biometric information)

Number and description of the exception	Fees to which exception applies
9.1	Persons granted asylum or humanitarian protection, their dependants and stateless persons
	No fee is payable for an application for a biometric immigration document if the applicant has been granted asylum, or has been granted humanitarian protection under the immigration rules, or has leave to remain in the United Kingdom under paragraphs 352A to 352FI of the immigration rules.
	Fee 8.3.4
9.2	Children born in the United Kingdom to persons granted asylum or humanitarian protection
	No fee is payable for an application for a biometric immigration document if the applicant is a child who was born in the United Kingdom to a person who had been granted asylum, or had been granted humanitarian protection under the immigration rules.
	Fee 8.3.4
9.3	Process used to take a record of a person's biometric information where exceptions 9.1 and 9.2 apply
	No fee is payable for the process used to take a record of a person's biometric information for the purposes of an application for a biometric immigration document to which exceptions 9.1 and 9.2 apply.
	Fee 8.4.2
9.4	Children being provided with assistance by a local authority
	No fee is payable for the process used to take a record of a person's biometric information if that person is a child who is being provided with assistance by a local authority.
	Fees 8.4.1 to 8.4.3
9.5	Applicants with leave to remain under the EC Association Agreement with Turkey
	No fee is payable for the process used to take a record of a person's biometric information if that person has leave to remain in the United Kingdom under the terms of the EC Association Agreement with Turkey.
	Fees 8.4.1 to 8.4.3
9.6	Process used to take a record of a person's biometric information where the person is exempt from paying the application fee for the connected application for leave to remain in the United Kingdom, or that application fee has been waived

	No fee is payable for the process used to take a record of a person's biometric information where that record is taken for the purposes of an application for a biometric immigration document, made in accordance with regulation 3(1)(a) and (2)(a) of the 2008 Regulations, in connection with an application for leave to remain in the United Kingdom in relation to which the applicant is exempt from paying the application fee or the application fee has been waived.	Fee 8.4.3
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Waiver in respect of the fee listed at Table 8.4.5

3. The Secretary of State may waive the specified fee in respect of the process used to take a record of a person's biometric information.

Schedule 4 (Regulation 6): Fees for applications, processes and services in connection with nationality

Interpretation

1. In this Schedule—

“application for registration or naturalisation” means—

- (a) an application for naturalisation as a British citizen under section 6(1) or (2) of the 1981 Act;
- (b) an application for naturalisation as a British overseas territories citizen under section 18(1) or (2) of the 1981 Act;
- (c) an application for registration as a British citizen under section 1(3), (3A) or (4), 3(1), (2) or (5), 4(2) or (5), 4A, 4B, 4D, 10(1) or (2), or 13(1) or (3) of, or paragraph 3, 4 or 5 of Schedule 2 to, the 1981 Act;
- (d) an application for registration as a British citizen under section 1 of the British Nationality (Hong Kong) Act 1997;
- (e) an application for registration as a British overseas territories citizen under section 13(1) or (3) of the 1981 Act (as applied by section 24 of that Act), or sections 15(3) or (4), 17(1), (2) or (5), or 22(1) or (2) of, or paragraph 3, 4 or 5 of Schedule 2 to, that Act;
- (f) an application for registration as a British overseas citizen under section 27(1) of, or paragraph 4 or 5 of Schedule 2 to, the 1981 Act;
- (g) an application for registration as a British protected person under article 7 of the 1982 Order; or
- (h) an application for registration as a British subject under section 32 of, or paragraph 4 of Schedule 2 to, the 1981 Act;

“certificate of registration or naturalisation” means a certificate of registration or naturalisation issued under the 1981 Act.

Fees for applications, processes and services in connection with nationality

2.—

(1) Table 10 specifies the amount of fees for the specified applications, processes and services in connection with nationality.

(2) The fees specified in Table 10 are subject to paragraph 3 (Multiple declarations of renunciation of British citizenship).

Table 10 (Fees for applications, processes and services in connection with nationality)

Number of fee	Type of application, process or service	Amount of fee
10.1	Fees for applications in connection with nationality	
10.1.1	Application for the amendment of a certificate of registration or naturalisation other than where the amendment is required to rectify an error made by the Secretary of State.	£85
10.1.2	Application for a certificate of entitlement within the meaning of section 33(1) of the 1971 Act where the application is made in respect of a person who is in the United Kingdom at the time that the application is made.	£144
10.1.3	Application for a certificate of entitlement within the meaning of section 33(1) of the 1971 Act where the application is made in respect of a person who is outside the United Kingdom at the time that the application is made.	£289
10.1.4	Application for a letter or other document confirming a person's nationality status or that a person is not a British citizen.	£85

10.2	Fees for processes in connection with nationality	
10.2.1	Application for the reconsideration of an application for a certificate of registration or naturalisation which has been refused by the Secretary of State.	£80
10.2.2	The process used to take a record of a person's biometric information for the purposes of an application for registration or naturalisation.	£19.20
10.3	Fees for services in connection with nationality	
10.3.1	Registration of a declaration of a renunciation of British citizenship under section 12 of the 1981 Act.	£144
10.3.2	Registration of a declaration of a renunciation of British overseas territories citizenship under sections 12 and 24 of the 1981 Act.	£144
10.3.3	Registration of a declaration of a renunciation of British overseas citizenship under sections 29 and 12 of the 1981 Act.	£144
10.3.4	Registration of a declaration of a renunciation of the status of British subject under sections 34 and 12 of the 1981 Act.	£144
10.3.5	Registration of a declaration of a renunciation of the status of British protected person under article 11 of the 1982 Order.	£144
10.3.6	The supply of a certified copy of a notice, certificate, order, declaration or entry given, granted or made under the 1981 Act, any of the former nationality Acts (within the meaning of section 50(1) of the 1981 Act), or the British Nationality (Hong Kong) Act 1997.	£85
10.4	Fees for services in connection with citizenship ceremonies and citizenship oaths	
10.4.1	The arrangement of a citizenship ceremony (including the administration of a citizenship oath and pledge at the ceremony).	£80
10.4.2	The administration of a citizenship oath, or oath and pledge where the oath, or oath and pledge, are not administered at a citizenship ceremony or by a justice of the peace.	£5

Multiple declarations of a renunciation of British citizenship

3. Where a person—

- (a) makes a declaration of a renunciation for which the fee is specified in Table 10; and
- (b) at the same time makes another such declaration;

the total fee payable in respect of those declarations is the same as that for registration of a single declaration.

Responsibility for paying the fee for the arrangement of a citizenship ceremony

4.—

- (1) The fee specified in fee 10.4.1 in Table 10 for the arrangement of a citizenship ceremony is payable by the person who is required by section 42 of the 1981 Act to make a citizenship oath and pledge at a citizenship ceremony.
- (2) Where the fee for the arrangement of a citizenship ceremony is not paid in accordance with sub-paragraph (1), the Secretary of State will not consider any related application for registration or naturalisation made by the person responsible for paying that fee.

Refunds of fees for the arrangement of a citizenship ceremony where an application is refused or the requirement to attend the ceremony is disapplied

5. Where the fee specified in fee 10.4.1 in Table 10 for the arrangement of a citizenship ceremony is paid in accordance with paragraph 4 it must be refunded where—

- (a) the Secretary of State refuses to arrange the citizenship ceremony; or
- (b) the Secretary of State decides that the registration should be effected or the certificate of naturalisation should be granted, but disapplies the requirement to make a citizenship oath and pledge at a citizenship ceremony because of the special circumstances of the case.

Schedule 5 (Regulation 7): Fees for the exercise of consular functions in connection with immigration and nationality

Interpretation

1. In this Schedule—

“the 1968 Act” means the Consular Relations Act 1968;

“consular employee” has the same meaning as provided in Article 1(1)(e) of the Vienna Convention on Consular Relations set out in Schedule 1 to the 1968 Act;

“consular officer” has the same meaning as provided in Article 1(1)(d) of the Vienna Convention on Consular Relations set out in Schedule 1 to the 1968 Act;

“consular post” has the same meaning as provided in Article 1(1)(a) of the Vienna Convention on Consular Relations set out in Schedule 1 to the 1968 Act;

“consular premises” has the same meaning as provided in Article 1(1)(j) of the Vienna Convention on Consular Relations set out in Schedule 1 to the 1968 Act;

“supporting documents” means any letter, certificate, declaration or other document which may be required by an authority in any country or territory in connection with an application;

“visa” includes an entry certificate, entry permit or other document which is to be taken as evidence of a person’s eligibility for entry into a country or territory (other than a work permit).

Fees for the exercise of consular functions in connection with immigration and nationality

2.—

(1) Table 11 specifies the amount of the fees for the exercise of the specified consular functions.

(2) The fees in Table 11 are subject to paragraph 3 (charges for travel time where services are provided away from consular premises) and paragraph 4 (discretion to waive fees for the services of consular officers or employees).

Table 11 (Fees for the exercise of consular functions in connection with immigration and nationality)

Number of fee	Service provided	Amount of fee
11.1	General fee for the services of consular officers	
11.1.1	The provision of the services of a consular officer or consular employee in relation to any service which the consular post or diplomatic mission has agreed to undertake.	£130 per hour or part hour
11.2	Fees for receiving, preparing and forwarding documents	
11.2.1	Receiving, preparing or forwarding (or any one or more of these) supporting documents for an application for a visa where the consular officer does not have authority to issue that visa.	£115
11.2.2	Receiving, preparing or forwarding (or any one or more of these) supporting documents for an application for a residence permit or identity card issued by a country or territory other than the United Kingdom.	£115
11.2.3	Receiving, preparing or forwarding (or any one or more of these) any certificate or document except a travel document or an application for registration or naturalisation (within the meaning of Schedule 4 to these Regulations).	£115
11.3	Fee for receiving applications for visas on behalf of Commonwealth countries or British Overseas Territories	
11.3.1	Receiving, preparing or forwarding (or any one or more of these) supporting documents for an application for a visa for a country listed in Schedule 3 to the 1981 Act or a British Overseas Territory within the meaning of section 50(1) of the 1981 Act.	£115

Charges for travel time when services are provided away from consular premises.

3. For the purposes of calculation of the fee specified in fee 11.1.1 in Table 11, the hours or part hours during which the

services of consular officers or employees are provided includes travel time where those services are provided away from the consular premises.

Discretion to waive fees for the services of consular officers or employees

4. The official responsible for determining whether the services of consular officers or employees should be provided may waive the payment of the fee specified for such services in Table 11 where the official considers it is appropriate to do so in the particular circumstances of the case.

Schedule 6 (Regulation 8): Miscellaneous fee

Interpretation

1. In this Schedule—

“main applicant” means a person who has made an application or claim in connection with immigration, as distinct from a person applying as the dependant of such a person.

Fee for the administration of the Life in the UK Test

2. A fee of £50 is payable for the administration of the Life in the UK test, as provided for in Appendix KoLL (Knowledge of Language and Life) to the immigration rules.

Fee for the process of administrative review, together with provision for exemption from, and waiver or reduction of, that fee

3.—

(1) Subject to sub-paragraphs (2) to (5), a fee of £80 is payable by an applicant requesting administrative review of:

(a) a single decision; or

(b) two (or more) decisions relating to applications or claims made by a main applicant and a dependant (or dependants) of that person.

(2) No fee is payable for the administrative review of a decision if the applicant was exempt from payment of the fee for the application or claim to which that decision related (the “connected application”), or if the fee for the connected application was waived.

(3) If the outcome of the administrative review is that the decision in relation to the connected application is maintained, but for different or additional reasons to those specified in the decision under review, no fee is payable in respect of any request for administrative review of the revised decision, or of any subsequent decision made in relation to the connected application.

(4) The Secretary of State must refund the fee specified in sub-paragraph (1) if the outcome of the administrative review is that the decision in relation to the connected application is withdrawn.

(5) The Secretary of State may waive or reduce the fee specified in sub-paragraph (1).

IMMIGRATION AND NATIONALITY (FEES) ORDER 2016

S.I. 2016 No. 177

Made: 11 February 2016. Coming into force in accordance with article 1. Last amended on 19 July 2021 by S.I. 2021/768. The Secretary of State makes the following Order with the consent of the Treasury, in exercise of the powers conferred by sections 68(1) to (6) and (12), 69(2) and 74(8) of the Immigration Act 2014. In accordance with section 74(2)(j) of that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement, extent and interpretation

1.—

(1) This Order may be cited as the Immigration and Nationality (Fees) Order 2016.

(2) It comes into force on the day after the day on which it is made.

(3) This Order extends to England and Wales, Scotland and Northern Ireland.

(4) Articles 1 to 5A extend to the Isle of Man for the purpose of issuing entry clearance to enter the Isle of Man, and for the purpose of any function incidental to the issue of such entry clearance.

- (1) This paragraph specifies the complaints fee payable for each complaints handling year where the Regulator grants an authorisation under the 2006 Regulations on or after 1st April in that complaints handling year.
- (2) The authorised person's complaints fee in relation to that complaints handling year will be one twelfth of the sum calculated in accordance with paragraph 3 for each month or part of a month for which the person is authorised until the end of that complaints handling year (with the total rounded down to the nearest £1.00); and
- (3) Under this paragraph, an authorised person is not required to pay a fee in excess of £4166.00 for each month or part of a month for which the person is authorised until the end of that complaints handling year.

MAGISTRATES' COURTS FEES ORDER 2008

S.I. 2008 No. 1052

The following sets out the Fees payable under the Order (as amended). Last amended on 30 September 2021 by S.I. 2021/985.

Citation and commencement

1. This Order may be cited as the Magistrates' Courts Fees Order 2008 and shall come into force on 1st May 2008.

Fees payable

2. The fees set out in column 2 of Schedule 1 are payable in magistrates' courts in respect of the items described in column 1 in accordance with and subject to the directions specified in that column.

(1) No fee is payable in respect of—

- (a) criminal proceedings (except for documents that were used in, or result from, criminal proceedings that are subsequently required for civil or family proceedings);
- (b) any summons, warrant, notice or order issued, given or made under sections 83(1) or (2), 88, 89 or 136 of the Magistrates' Courts Act 1980, or under any rule made for the purpose of those provisions; or
- (c) binding over proceedings.

(2) In this article, "binding over proceedings" means any proceedings instituted (whether by way of complaint under section 115 of the Magistrates' Courts Act 1980 or otherwise) with a view to obtaining from a magistrates' court an order requiring a person to enter into a recognizance to keep the peace or to be of good behaviour.

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. 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.

Revocations

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

Transitional provision

7. Fees 10.2(b) and (c) are not payable in respect of an issues resolution hearing, pre-hearing review or final hearing which has been listed on any day between 1st May 2008 and 14th May 2008 inclusive

Schedule 1: Fees to be taken

Column 1	Column 2
Number and description of fee	Amount of fee
1 Attendance	
1.1 On an application which requires a justice of the peace to perform a function away from the court premises.	£25
Note: Fee 1.1 is payable in addition to other payable fees.	

Column 1	Column 2
Number and description of fee	Amount of fee
2 Appeals	
2.1 On an application to state a case for the opinion of the High Court under section 111(1) of the Magistrates Court Act 1980.	£137
Note: where fee 2.1 is payable, no further fee is payable in respect of the preparation of a draft case by the justices' legal adviser, providing copies, taking recognizance as required by section 114 of that Act and enlargement and renewal of such recognizance.	
2.2 On commencing an appeal against a deduction from earnings order under the Child Support Act 1991—	£19
2.3 Proceedings under Schedule 5 to the Licensing Act 2003— on commencing an appeal under paragraph 1, 2(2), 3(2)(a), 4(2), 7(2), 8(2)(b), 8A(2)(b), 10, 11(2), 12(2), 13(2)(b), 14, 16(2), 17(1) and (4) or 18(2)(a) of Schedule 5 to the Licensing Act 2003.	£62
2.4 On commencing an appeal where no other fee is specified.	£62
3 Certificates and Certified Documents	
3.1 On a request for a certificate of refusal to state a case.	£105
3.2 Register of judgments, orders and fines kept under section 98 of the Courts Act 2003 on a request for a certificate of satisfaction.	£16
3.3 On a request for a certified copy of a memorandum of conviction.	£20
3.4 On a request for a certificate or certified document where no other fee is specified.	£20
Note: Fee 3.4 includes any copy of a document certified by the court as a genuine copy of the original document.	
4 Liability Orders	
4.1 Proceedings under the Council Tax (Administration and Enforcement) Regulations 1992 or the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 on an application for a liability order.	50p
Note: Fee 4.1 is payable in respect of each defendant against whom the liability order is sought.	
4.2 Proceedings under the Child Support Act 1991 on an application for a liability order.	£25
Note: Fee 4.2 is payable in respect of each liability order applied for.	
5 Copy Documents	
5.1 On a request for a copy document (other than where fee 5.2 applies)—	
(a) of ten pages or less; and	£11
(b) for each subsequent page.	50p
Note: The circumstances where the fee under 5.1 is payable 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.	
5.2 On a request for a copy of a document on a computer disk or in other electronic form, for each such copy.	£11
6 Licences	
6.1 On a request for a licence, consent or authority where no other fee is specified.	£27
6.2 On an application for the renewal or variation of an existing licence.	£27
6.3 On an application for the revocation of a licence where no other fee is specified.	£27

Column 1	Column 2
Number and description of fee	Amount of fee
7 Oaths	
7.1 On taking the attestation of a constable or special constable under the Police Act 1996(i).	£11
Note: Fee 7.1 is payable for every attestation made by every constable or special constable at or away from court premises.	
7.2 For every oath, affirmation, solemn declaration or statutory declaration where no other fee is specified.	
Note: No fee is payable for the swearing in of witnesses or in any case where an enactment directs that no fee will be taken.	£27
8 Other civil proceedings	
8.1 On commencing proceedings where no other fee is specified and where leave or permission is not required.	£226
8.2 On commencing proceedings where leave or permission is required—	
(a) on an application for leave or permission to commence proceedings where no other fee is specified; and	£125
(b) on commencing proceedings where leave or permission has been granted following payment of fee 8.2(a).	£125
8.3 For a hearing at which the proceedings are contested.	£567
9 Warrants	
9.1 On an application for a warrant of entry.	£22
9.2 On an application for any other warrant where no other fee is specified.	£81
Note: Fee 9.2 includes an application for a warrant made during a hearing. No fee is payable if the court issues a warrant of its own initiative.	
10 Commitment	
10.1 On an application for a warrant for commitment made in proceedings under the Council Tax (Administration and Enforcement) Regulations 1992 or the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989	£264
10.2 On an application for a warrant for commitment made in proceedings under the Child Support Act 1991	£41
Note: Fees 10.1 and 10.2 are not payable in respect of a warrant of arrest, which falls under fee 9.2.	
Note to all fees: Where proceedings are brought against the individual members of a partnership, any relevant fee is payable only once.	

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, or section 12B(1) of the Social Work (Scotland) Act 1968;

(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	£1,170	£1,345
1 child	£1,435	£1,610
2 children	£1,700	£1,875

- (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 £265 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	£5,170	£5,345
1 child	£5,435	£5,610
2 children	£5,700	£5,875

- (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 £265 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) 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.

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.

NON-CONTENTIOUS PROBATE FEES ORDER 2004

S.I. 2004 No. 3120

The following sets out the Fees payable under the Order (as amended) in force with effect from 6 April 2017. Last amended on 30 September 2021 by S.I. 2021/985.

Citation, commencement and interpretation

1.

- (1) This Order may be cited as the Non-Contentious Probate Fees Order 2004 and shall come into force on the 4th January 2005.
- (2) In this Order—
- (a) a fee referred to by number means the fee so numbered in Schedule 1 to this Order;
 - (b) “assessed value” means the value of the net real and personal estate (excluding settled land if any) passing under the grant as shown—
 - (i) in the Inland Revenue affidavit (for a death occurring before 13th March 1975), or
 - (ii) in the Inland Revenue account (for a death occurring on or after 13th March 1975), or
 - (iii) in the case in which, in accordance with arrangements made between the President of the Family Division and the Commissioners of the Inland Revenue, or regulations made under section 256(1)(a) of the Inheritance Tax Act 1984 and from time to time in force, no such affidavit or account is required to be delivered, in the oath which is sworn to lead to the grant,

and in the case of an application to reseal means the value, as shown, passing under the grant upon its being resealed;
 - (c) “authorised place of deposit” means any place in which, by virtue of a direction given under section 124 of the Senior Courts Act 1981 original wills and other documents under the control of the High Court (either in the principal registry or in any district registry) are deposited and preserved;
 - (d) “grant” means a grant of probate or letters of administration;
 - (e) “district registry” includes the probate registry of Wales, any district probate registry and any sub-registry attached to it;
 - (f) “the principal registry” means the Principal Registry of the Family Division and any sub-registry attached to it.

Fees to be taken

2. The fees set out in column 2 of Schedule 1 to this Order shall be taken in the principal registry and in each district registry in respect of the items described in column 1 in accordance with and subject to any directions specified in column 1.

Exclusion of certain death gratuities

3. In determining the value of any personal estate for the purposes of this Order there shall be excluded the value of a death gratuity payable under section 17(2) of the Judicial Pensions Act 1981 or section 4(3) of the Judicial Pensions and

Retirement Act 1993, or payable to the personal representatives of a deceased civil servant by virtue of a scheme made under section 1 of the Superannuation Act 1972.

Remission of fees

4. Schedule 1A applies for the purpose of ascertaining whether a party is entitled to a remission or part remission of a fee prescribed by this Order.

5. [Omitted.]

6.

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

(2) Where any application for a grant is withdrawn before the issue of a grant, a registrar may reduce or remit a fee.

(3) Fee 7 shall not be taken where a search is made for research or similar purposes by permission of the President of the Family Division for a document over 100 years old filed in the principal registry or a district registry or another authorised place of deposit.

Special exemption – Armed Forces

7. Where a fee has been paid or fees have been paid for the application of a grant (other than fee 3.2) and at the time of payment of that fee or those fees—

(a) the application for the grant was in respect of an estate exempt from Inheritance Tax by virtue of section 154 of the Inheritance Tax Act 1984 (exemption for members of the armed forces etc); and

(b) was in respect of a death occurring before 20th March 2003;

the Lord Chancellor shall upon receiving a written application refund the difference between any fee or fees paid and fee 3.2.

Revocation

8. The Order specified in Schedule 2 in so far as it was made under section 128 of the Finance Act 1990 shall be revoked.

Schedule 1: Fees to be taken (Article 2)

Column 1	Column 2
Number and description of fee	Amount of fee
1 Application for a grant On an application for a grant (or for resealing a grant) other than on an application to which fee 3 applies, where the assessed value of the estate exceeds £5,000	£155
2 Personal application fee Where the application under fee 1 is made by a personal applicant (not being an application to which fee 3 applies) fee 2 is payable in addition to fee 1 where the assessed value of the estate exceeds £5,000.	£60
3 Special applications	£20
3.1 For a duplicate or second or subsequent grant (including one following a revoked grant) in respect of the same deceased person, other than a grant preceded only by a grant limited to settled land, to trust property, or to part of the estate.	
3.2 On an application for a grant relating to a death occurring on or after 20th March 2003 in respect of an estate exempt from inheritance tax by virtue of section 154 of the Inheritance Tax Act 1984 (exemption for members of the armed forces etc).	£10
4 Caveats For the entry or the extension of a caveat.	£3
5 Search On an application for a standing search to be carried out in an estate, for each period of six months including the issue of a copy grant and will, if any (irrespective of the number of pages).	£3
6 Deposit of wills On depositing a will for safe custody in the principal registry or a district registry.	£20

7 Inspection On inspection of any will or other document retained by the registry (in the presence of an officer of the registry).	£20
8 Copy documents	
On a request for a copy of any document whether or not provided as a certified copy:	
(a) for each such copy;	£1.50
(b) where copies of any document are made available on a computer disk or in other electronic form, for each such copy.	£1.50
9 Oaths Except on a personal application for a grant, for administering an oath:	
9.1 for each deponent to each affidavit;	£11
9.2 for marking each exhibit.	£2
10 Determination of costs For determining costs.	The same fees as are payable from time to time for determining costs under the Civil Proceedings Fees Order 2008, (the relevant fees are set out in fee 5 in Schedule 1 to that Order)
11 Settling documents For perusing and settling citations, advertisements, oaths, affidavits, or other documents, for each document settled.	£4

Schedule 1A: Remissions and part remissions (Article 4)

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, or section 12B(1) of the Social Work (Scotland) Act 1968;
 - (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	£1,170	£1,345
1 child	£1,435	£1,610
2 children	£1,700	£1,875

- (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 £265 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	£5,170	£5,345
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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) 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.

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.

OATH FEES ORDER

	Oath	Exhibit
From 11 February 1980	£2.00	£0.50
From 1 May 1984	£3.00	£0.75
From 23 May 1988	£3.50	£1.00
From 18 October 1993	£5.00	£2.00
From 1 October 2007	£5.00	£2.00

OFFERS TO SETTLE IN CIVIL PROCEEDINGS ORDER 2013

S.I. 2013 No. 93

Made: 21 January 2013. Laid before Parliament: 22 January 2013. Coming into force: 12 February 2013.

The Lord Chancellor, in exercise of the powers conferred by section 55 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, makes the following Order:

Citation and commencement

1. This Order may be cited as the Offers to Settle in Civil Proceedings Order 2013 and shall come into force on 12th February 2013.

Additional amount to be paid where a claim is only for an amount of money

2. Where rules of court make provision for a court to order a defendant in civil proceedings to pay an additional amount to a claimant in those proceedings and the claim is for (and only for) an amount of money then, for the purposes of section 55(3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, the prescribed percentage shall be—

Amount awarded by the court	Prescribed percentage
Up to £500,000	10% of the amount awarded.
Above £500,000 up to £1,000,000	10% of the first £500,000 and 5% of the amount awarded above that figure.
Above £1,000,000	7.5% of the first £1,000,000 and 0.001% of the amount awarded above that figure.

Amount to be paid where a claim is or includes a non-monetary claim

3.—

(1) Rules of court may make provision for a court to order a defendant in civil proceedings to pay an amount to a claimant (“the amount to be paid”) in those proceedings where—

- (a) the claim is or includes a non-monetary claim;
- (b) judgment is given in favour of the claimant; and
- (c) the judgment in respect of the claim is at least as advantageous as an offer to settle the claim which the claimant made in accordance with rules of court and has not withdrawn in accordance with those rules.

(2) The amount to be paid shall be calculated as prescribed in paragraph (4).

(3) Rules made under paragraph (1) may—

- (a) include provision as to the assessment of whether a judgment is at least as advantageous as an offer to settle; and
- (b) make provision as to the calculation of the value of a non-monetary benefit awarded to a claimant.

(4) Subject to subparagraph (5), the amount to be paid shall be—

- (a) if a claim includes both a claim for an amount of money and a non-monetary claim, the following percentages of the amount awarded to the claimant by the court (excluding any amount awarded in respect of the claimant's costs)—

Amount awarded by the court	Amount to be paid by the defendant
Up to £500,000	10% of the amount awarded
Above £500,000 up to £1,000,000	10% of the first £500,000 and 5% of the amount awarded above that figure;

and

- (b) in a non-monetary claim only, the following percentages of any costs ordered by the court to be paid to the claimant by the defendant—

Costs ordered to be paid to the claimant	Amount to be paid by the defendant
Up to £500,000	10% of the costs ordered to be paid.
Above £500,000, up to £1,000,000	10% of the first £500,000 and 5% of any costs ordered to be paid above that figure.

- (5) The amount to be paid shall not exceed £75,000.

PUBLIC GUARDIAN (FEES ETC) REGULATIONS 2007

S.I. 2007 No. 2051

The following sets out the Fees payable under the Regulations (as amended). Last amended on 31 July 2019 by S.I. 2019/1033.

Citation and commencement

1. These Regulations may be cited as the Public Guardian (Fees, etc) Regulations 2007 and shall come into force on 1 October 2007.

Interpretation

2. In these Regulations—

“the 2017 Act” means the Guardianship (Missing Persons) Act 2017;

“the Act” means the Mental Capacity Act 2005;

“court” means the Court of Protection or in relation to proceedings under the 2017 Act the court for the time being designated by the Lord Chancellor under section 23 of the 2017 Act;

“guardian” has the meaning given in the 2017 Act;

“guardianship order” has the meaning given in the 2017 Act;

“missing person” has the meaning given in the 2017 Act;

“office copy” means a true copy of the original marked by the Public Guardian as being an office copy;

“P” means the person in respect of whom a deputy has been appointed under section 16 of the Act; and

“Public Guardian” means the officer appointed in accordance with section 57 of the Act;

“the registers” means—

- (a) the register of lasting powers of attorney,
- (b) the register of enduring powers of attorney,
- (c) the register of court orders appointing deputies, and
- (d) the register of guardianship orders,

	(i) up to and including size A3	4.95 (4.95)
	(ii) larger than size A3	9.60 (9.55)
	(d) for making a colour digital copy of research quality of a page of a record:	
	(i) up to and including size A3	1.20 (1.10)
	(ii) larger than size A3	8.45 (8.65)
Authentication of other copies and records		
4.1	For authenticating, by certification, a copy of a record or any part of a record (excluding the fee for making the copy)	19.80 (19.20)
4.2	For attending a place other than the Public Record Office to produce and verify the authenticity of a record or any part of a record, in addition to reasonable expenses for travel, accommodation and subsistence, for each 15 minutes expended	29.05 (28.20)
Preparation of records for external exhibition		
5.1	For preparing records for exhibition at a place other than the Public Record Office, in addition to the costs of materials, transporting those materials or the records and any expenses for travel, accommodation and subsistence, for each 15 minutes expended	21.50 (22.10)
5.2	For providing an estimate for work to be carried out which involves any matter covered by item 5.1, for each 15 minutes expended	21.50 (22.10)
Postage and packaging		
6	Postage and packaging to be charged at cost for a copy not collected in person by the requester which cannot be sent by e-mail, or which the requester asks to be sent by post	

The fees shown in brackets are those prescribed in S.I. 2017/289 as payable for the same services.

SUPREME COURT FEES ORDER 2009

S.I. 2009 No. 2131

Made: 30 July 2009. Laid before Parliament: 4 August 2009. Coming into force: 1 October 2009. Last amended on 30 September 2021 by S.I. 2021/985. The Lord Chancellor, with the agreement of the Treasury, makes the following Order in exercise of the power conferred by section 52 of the Constitutional Reform Act 2005. The Lord Chancellor has consulted in accordance with section 52(4) to (6) of that Act.

Citation, commencement and interpretation

1.—

(1) This Order may be cited as the Supreme Court Fees Order 2009 and comes into force on 1st October 2009.

(2) In this Order—

“the 2009 Rules” means the Supreme Court Rules 2009;

“devolution jurisdiction” means proceedings under the Scotland Act 1998, the Government of Wales Act 2006 or the Northern Ireland Act 1998.

(3) Subject to paragraph (2), expressions used in this Order which are also used in the 2009 Rules have the same meaning as in those Rules.

Fees payable

2.—

(1) Subject to the following paragraphs, the fees set out in column (2) of the table in Schedule 1 are payable in the Supreme Court in respect of the items described in column (1) of that table.

(2) No fee in column (2) is payable in respect of criminal proceedings, other than the fee payable on submitting a claim for costs.

(3) In relation to its devolution jurisdiction the fees set out in column (3) of that table are payable in the Supreme Court in respect of the items described in column (1) of that table.

Remissions and part remissions

3. 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.

Schedule 1: Fees payable in the Supreme Court (Article 2)

(1) Number and description of fee	(2) Amount of fee	(3) Amount of fee
1	Application for permission to appeal	
1.1	On filing an application for permission to appeal.	£1,000 £400
1.2	On filing notice of objection to an application for permission to appeal.	£160 £160
2	Appeals etc	
2.1	On filing notice under rule 18(1)(c) of the 2009 Rules of an intention to proceed with an appeal.	£800 £400
2.2	On filing a notice of appeal.	£1600 £400
2.3	On filing a reference under the Supreme Court's devolution jurisdiction.	n/a £200
	No fee is payable where the reference is made by a court.	
2.4	On filing notice under rule 21(1) of the 2009 Rules (acknowledgement by respondent).	£320 £160
2.5	On filing a statement of relevant facts and issues and an appendix of essential documents.	£4820 £800
3	Procedural applications	
3.1	On filing an application for a decision of the Registrar to be reviewed.	£1500 £200
3.2	On filing an application for permission to intervene in an appeal.	£800 £200
3.3	On filing any other procedural application.	£350 £200
3.4	On filing notice of objection to a procedural application.	£150 £150
4	Costs	
4.1	On submitting a claim for costs.	2.5% of the sum claimed 2.5% of the sum claimed
4.2	On certification by the Registrar under rule 52 of the 2009 Rules of the amount of assessed costs, or on receipt of an order showing the amount.	2.5% of the sum allowed 2.5% of the sum allowed
5	Copying	
5.1	On a request for a copy of a document (other than where fee 5.2 or 5.3 applies)—	
	(a) for ten pages or less;	£5 £5
	(b) for each subsequent page.	50p 50p
5.2	On a request for a copy of a document to be provided on a computer disk or in other electronic form, for each such copy.	£5 £5
5.3	On a request for a certified copy of a document.	£20 £20

Schedule 2: Remissions and part remissions (Article 3)

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, or section 12B(1) of the Social Work (Scotland) Act 1968;

(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	£1,170	£1,345
1 child	£1,435	£1,610
2 children	£1,700	£1,875

- (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 £265 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	£5,170	£5,345
1 child	£5,435	£5,610
2 children	£5,700	£5,875

- (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 £265 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) 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.

Remission in exceptional circumstances

16. A fee specified in this Order may be remitted where the Chief Executive of the Supreme Court 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 Chief Executive of the Supreme Court, 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 Chief Executive of the Supreme Court may extend the period of 3 months mentioned in sub-paragraph (3) if the Chief Executive of the Supreme Court 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 remission of a fee if, for the purpose of the proceedings to which the fee relates—

- (a) they are in receipt of the following services under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012:
 - (i) Legal representation; or
 - (ii) Family help (higher);
- (b) they are in receipt of legal aid under Part 2 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981; or
- (c) they are living in Scotland and are in receipt of legal aid.

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.

Remission for charitable or not-for-profit organisations

21. Where an application for permission to intervene in an appeal is filed by a charitable or not-for-profit organisation which seeks to make submissions in the public interest, the Chief Executive of the Supreme Court may reduce or remit the fee in that case.

UPPER TRIBUNAL (LANDS CHAMBER) FEES ORDER 2009

S.I. 2009 No. 1114

In force from 1 June 2009 and as amended. Last amended on 30 September 2021 by S.I. 2021/985. The Lord Chancellor makes this Order in exercise of the power conferred on him by section 42(1)(b) of the Tribunals Courts and Enforcement Act 2007, after consultation with the Senior President of Tribunals and the Administrative Justice and Tribunals Council in accordance with section 42(5) and with the consent of the Treasury in accordance with section 42(6).

Citation, commencement, extent, application and interpretation

- 1. This Order may be cited as the Upper Tribunal (Lands Chamber) Fees Order 2009 and comes into force on 1st June 2009.
- 2. This Order extends to England and Wales and applies to proceedings in the Lands Chamber of the Upper Tribunal.
- 3. “The Rules” means the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010 and any reference in this Order to a rule by number alone means that rule in the Rules.

Fees payable

4.

- (1) Subject to paragraph (2), the fees payable in respect of proceedings before the Lands Chamber of the Upper Tribunal are set out in the Schedule to this Order.
- (2) Where a case has been transferred from the Property Chamber of the First-tier Tribunal to the Lands Chamber of the

Upper Tribunal by a direction made under rule 23 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013), the provisions of the First-tier Tribunal (Property Chamber) Fees Order 2013 continue to apply to the case instead of the provisions of this Order.

5. [Omitted.]

6. The proceedings referred to in [paragraphs 2,] 9, 10 and 12 of Schedule 1 do not include an appeal against a determination by Her Majesty's Revenue and Customs under section 222(4A) of the Inheritance Tax Act 1984 or a reference under sections 47(1) or 47A of the Taxes Management Act 1970.

7. [Omitted.]

Remissions and part remissions

7A. 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.

8. [Omitted.]

Schedule 1: Fees to be taken in the Lands Chamber of the Upper Tribunal

Item	Fee £
Lodging an application for permission to appeal	
1. On lodging an application for permission to appeal under rule 21 (application to the Tribunal for permission to appeal)	220
Lodging a reference or an appeal	
2. On lodging a notice of reference under rule 28 (notice of reference) or a notice of appeal under rule 24 (notice of appeal)	275
Lodging an absent owner application	
3. On lodging an application for a determination under Schedule 2 to the Compulsory Purchase Act 1965 (absent or untraced owners) or section 58 of the Land Clauses Consolidation Act 1845 (compensation to absent parties to be determined by a surveyor appointed by two justices)	550
Lodging a restrictive covenant application	
4. On lodging an application under rule 32 (method of making application) in respect of section 84 of the Law of Property Act 1925(c) (power to discharge or modify restrictive covenants affecting land)	880
Lodging a rights of light application	
5. On lodging an application under rule 41 (method of making application) in respect of section 2 of the Rights of Light Act 1959(d) (registration of notice in lieu of obstruction of access of light)—	
(a) for a definitive certificate	1,320
(b) for a temporary and definitive certificate	1,650
Interlocutory or consent order application	
6. On lodging an interlocutory application	110
7. On lodging an application for a consent order under rule 50 (consent orders)	165
Hearing a rating appeal	
8. On the hearing of an appeal from the decision of a Tribunal with jurisdiction to hear rating appeals, 5 per cent of rateable value as determined in the final order of the Tribunal, subject to—	
(a) minimum fee	275
(b) maximum fee	16,500
Hearing a reference or other appeal (excluding one where the hearing fee is calculated on the basis of rental value)	

Item	Fee £
9. On the hearing of a reference or an appeal against a determination or on an application for a certificate of value (excluding one where the hearing fee is calculated on the basis of rental value), 2 per cent of the amount awarded or determined by the Tribunal, agreed by the parties following a hearing, or determined in accordance with rule 44 (decision with or without a hearing), subject to—	
(a) minimum fee	275
(b) maximum fee	16,500
Hearing a reference or other appeal where the hearing fee is calculated on the basis of rental value	
10. On the hearing of a reference or an appeal against a determination where the award is in terms of rent or other annual payment, 2 per cent of the annual rent or other payment determined by the Tribunal, agreed by the parties following a hearing, or determined in accordance with rule 46 (decision with or without a hearing), subject to—	
(a) minimum fee	275
(b) maximum fee	16,500
Determining a restrictive covenant application	
11. On the hearing of an application or the making of any order under section 84 of the Law of Property Act 1925 (power to discharge or modify restrictive covenants affecting land)—	
(a) a hearing as to entitlement under section 84(3A)	550
(b) order without a hearing (rule 46)	275
(c) substantive hearing of an originating application	1,100
(d) engrossing Minutes of Order	220
Hearing (no amount awarded)	
12. On the hearing or preliminary hearing of a reference or appeal (not being the determination of an application mentioned in entry 11 above) where either the amount determined is nil or the determination is not expressed in terms of an amount	550
Copies of documents	
13. For a photocopy or certified copy of a document, or for examining a plain copy and marking as a certified copy	1 (for each page, subject to a minimum total of £10)
14 For supplying published decisions to subscribers	1 (for each page, subject to a minimum total of £10)
Determination of amount of costs	
15. For a determination by the Tribunal of the amount of costs under rule 10(5)(c), for every £1 or every part of a £1 allowed	0.05

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, or section 12B(1) of the Social Work (Scotland) Act 1968;
 - (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	£1,170	£1,345
1 child	£1,435	£1,610
2 children	£1,700	£1,875

- (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 £265 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	£5,170	£5,345
1 child	£5,435	£5,610
2 children	£5,700	£5,875

- (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 £265 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) 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.

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.