

<b>Title:</b> Implementing increases to selected court and tribunal fees  <b>IA No:</b> MoJ056/2023  <b>RPC Reference No:</b> N/A  <b>Lead department or agency:</b> Ministry of Justice (MoJ)  <b>Other departments or agencies:</b> HM Courts and Tribunals Service (HMCTS)	<b>Impact Assessment (IA)</b>			
	<b>Date:</b> 30/10/2023			
	<b>Stage:</b> Consultation			
	<b>Source of intervention:</b> Domestic			
	<b>Type of measure:</b> Secondary Legislation			
<b>Contact for enquiries:</b> mojfeespolicy@justice.gov.uk				
<b>Summary: Intervention and Options</b>				<b>RPC Opinion:</b> Not Applicable

Cost of Preferred (or more likely) Option (in 2022/23 prices)			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status
N/A	N/A	N/A	N/A

**What is the problem under consideration? Why is government action or intervention necessary?**

Court and tribunal fees are a reasonable means of making resources available to secure access to justice and accounted for £727m in income against £2.3bn in running costs for HMCTS in 2022/23. While the running costs of HMCTS have been impacted by increases in the general level of prices, court and tribunal fees have not been updated to reflect these changes. The last update took place in 2021 and applied to 128 of the over 300 existing court and tribunal fees. Prior to this, fees were last increased in line with changes in the general price level in 2013. The result of this ad hoc approach is that the value of many fees has fallen in real terms, and especially so since 2021. Therefore, to ensure access to justice is maintained through a properly funded court system, we are now consulting on a proposal to uplift selected court and tribunal fees by 10% to partially offset changes in the general price level over the period between March 2021 to March 2023, where Consumer Price Index (CPI) inflation was 17.8%. We are also proposing the principle that, in future, fees should be reviewed and have inflation-based increases on a regular basis (every two years) although this is not in the scope of this impact assessment. We are also proposing to enhance (i.e., to enable a fee to be set above its cost) the Council Tax Liability Order fee, whilst retaining its current value of 50p. However, and to ensure that access to justice is maintained, the Government is also proposing that any fee changes should only be made once a revised Help with Fees Remission scheme is implemented. Government intervention is required because changing court and tribunal fees requires secondary legislation.

**What are the policy objectives of the action or intervention and the intended effects?**

The associated policy objectives are to: protect access to justice by ensuring that the courts and tribunals are adequately resourced whilst keeping fees affordable; more closely align user contributions to HMCTS services with increases in the general price level and, by extension, limit the increase in the overall cost of HMCTS to the taxpayer; and to establish a more sustainable approach to improving HMCTS cost recovery levels over time by updating fees on a routine basis.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

The following options are considered in this Impact Assessment (IA):

- Option 0: Do Nothing. Maintain the current fee structure.
- Option 1: Implement an increase of 10% to selected court and tribunal fees, to partially reflect changes to CPI; to introduce fee increases on a regular basis; to enhance the Council Tax Liability Order fee whilst retaining its current value of 50p.

The Government's preferred option is to implement Option 1 as it will reduce the subsidisation required by the taxpayer and will ensure HMCTS can continue to deliver access to justice for all.

<b>Will the policy be reviewed? Yes</b> If applicable, set review date: October 2025					
Is this measure likely to impact on international trade and investment?			No		
Are any of these organisations in scope?		Micro No	Small No	Medium No	Large No
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)			Traded: n/a	Non-traded: n/a	

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

Signed by the responsible SELECT SIGNATORY: \_\_\_\_\_ Date: \_\_\_\_\_

# Summary: Analysis & Evidence

# Policy Option 1

Description: Implement an increase of 10% to selected court and tribunal fees, to partially reflect changes to CPI; to introduce fee increases on a regular basis; to enhance the Council Tax Liability Order fee whilst retaining its current value of 50p.

## FULL ECONOMIC ASSESSMENT

Price Base Year 24/25	PV Base Year 24/25	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low:	High:	Best Estimate: £0m

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant	Total Cost (Present Value)
Low	Optional	£31m	Optional
High	Optional		Optional
Best Estimate	£0m	£39m	N/A

### Description and scale of key monetised costs by 'main affected groups'

For option 1 the ongoing cost to court users from implementing increases to selected court and tribunal fees is estimated to be around £31m-£39m per annum, with a best estimate of £39m. This equates to an annual average of £34m-£42m in nominal terms. As this represents a direct transfer from court users to HMCTS it does not form part of the NPV.

### Other key non-monetised costs by 'main affected groups'

There will be some transitional costs to HMCTS (from making adjustments to IT systems and reissuing forms and guidance). There may also be costs related to familiarisation with the increased fees for HMCTS staff, legal professionals, and customers. These have not been monetised and are not expected to be substantial. Moreover, as the proposed 10% fee increase does not fully offset CPI increases over the period from 2021 to 2023, the taxpayer will need to fund a higher proportion of the cost of HMCTS than had previously been the case.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant	Total Benefit (Present Value)
Low		£31m	
High			
Best Estimate	£0m	£39m	N/A

### Description and scale of key monetised benefits by 'main affected groups'

Option 1 is expected to produce ongoing benefit to the MoJ arising from uplifting selected court and tribunal fees to account for increases in the general price level, which is estimated to be around £31m-£39m per annum, equating to an annual average of £34m-£42m in nominal terms. As above, this represents a direct transfer from court users to HMCTS and so is not included in the NPV.

### Other key non-monetised benefits by 'main affected groups'

As the proposed increase in fees is less than the change to CPI between 2021 and 2023, court users will still benefit from a reduction in the real cost of the fees that they need to pay in order to access HMCTS services.

Key assumptions/sensitivities/risks	3.5%
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For the purposes of this IA, the following assumptions have been made:

- The implementation date is assumed to be April 2024.
- Caseload volumes for 2022/23 are used to estimate the income from the fee changes.
- An optimism bias of 20% is included to account for uncertainty in volumes due to fluctuations and potential demand responses to the increases in fees (this is a reduction of 20% in the volumes, which feeds through to the income).
- Fees are increased by 10%, just over half of the 17.8% increase to CPI from March 2021 to March 2023.
- Fees have been rounded to the nearest whole pound (rounded down where necessary to avoid over-recovery).
- Net fee income assumes the revised Help with Fees scheme has been implemented.
- There is no net detrimental impact on outcomes in either court or tribunal cases or access to justice.

## BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m: N/A			Score for Business Impact Target (qualifying provisions only) £m: N/A
Costs: N/A	Benefits: N/A	Net: N/A	

# Evidence Base

## A. Background

### Fees in the Civil and Family Courts and some Tribunals

1. HM Courts and Tribunals Service (HMCTS) delivers a benefit for courts and tribunals users and the general public by providing a place where people can enforce and defend their rights. A large number of people use the services of HMCTS every year. Whether it be separated parents in a family court, a vulnerable witness to a crime, or someone appealing a benefits decision, people interact with HMCTS at some of the most difficult times in their lives.
2. Fees in civil and family cases and some tribunals are an important source of funding for HMCTS, and a reasonable means of making resources available to secure access to justice. Under s92 of the Courts Act 2003, and the s42(5) of the Tribunals, Courts and Enforcement Act 2007, the Lord Chancellor has the power to prescribe fees in respect of things done by the courts, which helps to ensure he fulfils his statutory duty to ensure *an efficient and effective* courts system.<sup>1</sup>
3. The general legal principle, set out in HMT's Managing Public Money guidance<sup>2</sup>, is that fees should not be set at a level that exceeds the cost of the service provided without express Parliamentary approval. The only court fees that may be set at a level that exceeds costs are those set under the enhanced court fee power (section 180 of the Anti-social Behaviour, Crime and Policing Act 2014).
4. The 2013/14 consultation exercise, *Court Fees: Proposals for reform*, sought to set court fees at or near a level at which they would recover the full costs of the services associated with them.<sup>3</sup> These reforms took effect in April 2014 and reflect the principle that court users pay a fair share of court costs. The options in this Impact Assessment (IA) are also based on this principle.

### Problem under consideration

5. Since the introduction of this new fee regime in 2014, the Ministry of Justice (MoJ) has made changes to fee levels to reflect the impact of changes in the general price level on HMCTS's costs. This is not a new intervention, instead, the Department seeks to set fees in such a way as to ensure that the proper funding balance between taxpayer and court users is maintained.
6. Within HMCTS, there are more than 300 separate fees charged for civil and family proceedings in the courts of England and Wales, and in some tribunals<sup>4</sup>. These fees are not routinely increased<sup>5</sup> and, as most fees have not been increased since 2021, they have been falling in real terms due to increases in the general price level.
7. Between March 2021 and March 2023, the UK's general price level, as defined by the Consumer Price Index (CPI), rose by around 17.8%<sup>6</sup>, representing a substantial fall in income to HMCTS in real terms, other things being equal. Uplifting fees to account for this change would help protect their real value and subsequently help to prevent court services from being affected or the overall taxpayer subsidy to HMCTS from having to increase.
8. The option assessed in the IA would help address this issue by increasing up to 202 fees by 10%. Annex A provides full details of the up to 202 fees which are proposed to be increased. Further information can

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<sup>1</sup> S1(1) Courts Act 2003 – "The Lord Chancellor is under a duty to ensure that there is an efficient and effective system to support the carrying on of the business of the Senior Courts, the Court of Protection, the county court, the family court and magistrates' courts, and that appropriate services are provided for those courts." See also s6A Promissory Oaths Act 1868 and s180(3)(a) of the Anti-Social Behaviour Crime and Policing Act 2014.

<sup>2</sup> 'Managing Public Money', Chapter 6 (Fees, Charges and Levies). July 2013.

<sup>3</sup> [Court Fees: Proposals for reform \(justice.gov.uk\)](https://www.justice.gov.uk/court-fees-proposals-for-reform)

<sup>4</sup> The vast majority of fees are charged in the courts, with only some tribunals charging fees, namely the Gambling Tribunal, Immigration and Asylum Chamber, Upper Tier Immigration and Asylum Chamber, the Property Chamber and the Upper Tribunal Lands Chamber

<sup>5</sup> The last time that fees were increased in line with inflation was in 2021 (The Court Fees (Miscellaneous Amendments) Order 2021).

<sup>6</sup> Calculated using ONS series D7BT, [CPI INDEX 00: ALL ITEMS 2015=100 - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/cpi-index-00-all-items-2015=100)

also be found in the methodology and key assumptions section starting at paragraph 27 below, with the specific criteria used to select fees to be uplifted outlined in paragraph 31. Table 1 below provides a summary of the number of affected fees, by Fees Order:

**Table 1: Fees affected, by Fees Order**

<b>Fees Order</b>	<b>Number of fees</b>
The Civil Proceedings Fees Order 2008 No 1053	65
Family Proceedings Fees Order 2008 No 1054	67
Magistrates' Courts Fees Order 2008 No 1052	22
Upper Tribunal (Lands Chamber) Fees Order 2009 No 1114	13
First-tier Tribunal (Gambling) Fees Order 2010 No 42	13
First-tier Tribunal (Property Chamber) Fees Order 2013 No 1179	7
Upper Tribunal (Immigration and Asylum Chamber) (JR) (E&W) Fees Order 2011 No 2344	7
Non-Contentious Probate Fees Order 2004 No 3120	4
Court of Protection Fees Order 2007 No 1745	3
The Enrolment of Deeds (Fees) Regulations 1994 No 601	1
<b>Total</b>	<b>202</b>

9. Of the 202 fees under consideration in this IA, 103 were last updated in the September 2021 round of increases, at which point they were adjusted to account for inflation up to March 2021. A further 93 fees were not included in these increases and thus their real price will have declined even further. Of the remaining 6 fees, three are new, but were set at the level of a fee that had been determined by the 2021 uprating exercise; one fee – for issuing of warrants of control – was reduced in May 2021; one fee – for amending an enforcement order by reason of change of address – was reduced in September 2021; and one fee – for applications for a grant of probate – was increased in January 2022, following which CPI to March 2023 was 12.2%.<sup>7</sup>
10. Court fees should not prevent anyone from accessing justice and so HMCTS operates the Help with Fees (HwF) scheme, which offers a full or partial fee remission for court users who only have a small amount of savings and who are in receipt of certain benefits or who are on a low income. The Government is reforming the HwF scheme, with changes that include raising the thresholds for eligibility and increasing the partner and child premiums which will widen access to fee remissions. The proposed court fee increases assessed in this IA will only be applicable after the revised HwF scheme has been implemented.
11. In summary, this IA assesses the impact of applying increases to selected court and tribunal fees, specifically uplifting certain fees by 10%, to partially account for increases in the general price level since March 2021, the last time that fees were updated. Additionally, this IA proposes the principle that, in future, fees should be reviewed and have increases on a regular basis (every two years) to ensure a more sustainable approach to improving HMCTS cost-recovery levels.

## **B. Policy Rationale and Objectives**

12. The conventional economic approach to government intervention is based on efficiency or equity arguments. Government may consider intervening if there are strong enough failures in the way markets operate, for example monopolies overcharging debtors, or if there are strong enough failures in existing government interventions, such as outdated regulations generating inefficiencies. In all cases the proposed intervention should avoid generating a further set of disproportionate costs and distortions. Government may also intervene for reasons of equity (fairness) and for re-distributional reasons (e.g. reallocating resources from one group in society to another).

<sup>7</sup> Ibid

13. The primary rationale for intervention in this case is equity. The Government has determined that the cost of the court system should be borne by both court users and the taxpayer. This is an equitable outcome because a properly funded courts and tribunals system, which everyone can access, is essential to ensure that access to justice and the rule of law are maintained in the long term, to the benefit of all society. At the same time, individual court and tribunal users derive a benefit from having their cases settled in an efficient manner.
14. Following the logic outlined above, the Department would be justified in passing on the full impact of higher costs to court users. However, we accept that there has been recent financial pressures to households as a result of increases to the cost of living. For this reason, we do not believe it is appropriate to pass on the full impact of the increase in general price levels to court users. Increasing selected fees by 10% will raise funding to help recover the running costs of HMCTS, while limiting pressure on household finances.
15. Therefore, the associated policy objectives are to: protect access to justice by ensuring that the courts and tribunals are adequately resourced whilst keeping fees affordable; more closely align user contributions to HMCTS services with increases in the general price level, and, by extension, limit the increase in the overall cost to the taxpayer; and to establish a more sustainable approach to improving HMCTS cost recovery levels over time by updating fees on a routine basis.

## C. Description of Options Considered

16. To meet these policy objectives, the following options are considered in this IA:

- **Option 0 – Do Nothing. Maintain the current fee structure.**
- **Option 1 – Implement an increase of 10% to selected court and tribunal fees, to partially reflect changes to CPI; to introduce fee increases on a regular basis; to enhance the Council Tax Liability Order fee whilst retaining its current value of 50p.**

17. Option 1 is the Government's preferred option as it best meets the policy objectives.

### Option 0

18. Under the "Do Nothing" option the selected court and tribunal fees would remain unchanged. As the real value of these fees has fallen since they were last set, this option would represent a decline in the resources available to HMCTS without an increased level of subsidy from the taxpayer.

### Option 1

19. Under this option, up to 202 fees would be increased by 10%. This uplift is just over half the 17.8% increase in CPI from March 2021 to March 2023.<sup>8</sup> This increase would form part of a proposed regular fee review which would be undertaken every 2 years to apply increases to fees and ensure that fee levels are not eroded in real terms.
20. Under this option, the Council Tax Liability Order fee would also become enhanced, whilst retaining its current value of 50p, to allow for greater stability in its rate and mitigate against cost fluctuations.

## D. Affected Stakeholder Groups, Organisations and Sectors

21. The options assessed in this IA will primarily affect users of the services where fees are changing. A list of all the main groups that would be affected is shown below:
  - Court and tribunals users – those who use the services for which fees in Annex A are changed. Court users include, among others, individuals, Local Government Authorities, landlords, debt

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<sup>8</sup> The proposed increase is compared with CPI as this index provides a good measure of the general increase to prices experienced by HMCTS.

management and utility companies. It also includes unsuccessful defendants who are ordered to pay their opponent's costs, including court fees, at the conclusion of proceedings.

- HMCTS – who operate the services;
- Taxpayers – who subsidise HMCTS, as overall HMCTS income falls below its overall costs;
- Legal Aid Agency – which covers the cost of court fees for those in receipt of legal aid;
- Legal services providers – who provide services to users of HMCTS;
- Ministry of Justice (MoJ) – who sponsor HMCTS (which provides the services for which fees are charged).

## **E. Cost & Benefit Analysis**

22. This IA follows the procedures and criteria set out in the IA Guidance and is consistent with the HM Treasury Green Book.
23. Where possible, IAs identify both monetised and non-monetised impacts on individuals, groups and businesses in England and Wales with the aim of understanding what the overall impact on society might be from the proposals under consideration. IAs place a strong focus on monetisation of costs and benefits. There are often, however, important impacts which cannot sensibly be monetised. These might be impacts on certain groups of society or data privacy impacts, both positive and negative. Impacts in this IA are therefore interpreted broadly, to include both monetisable and non-monetisable costs and benefits, with due weight given to those that are not monetised.
24. The costs and benefits of each proposal are compared to option 0, the counterfactual or “do nothing” scenario, where fees are maintained at their current levels. As the counterfactual is compared to itself, the costs and benefits are necessarily zero, as is its net present value (NPV).
25. In this instance, however, as the court fee increases simply serve to shift resources between HMCTS and court users, the cost to MOJ of option 1 represents a net transfer from users who will now pay higher court fees. The NPV is therefore £0.
26. This IA assumes a 10-year appraisal period, a discount rate of 3.5%, a price and Present Value (PV) base year of 2024/25. As detailed in paragraphs 40-41, an Optimism Bias of 20% is applied. Total estimated income estimates are rounded to the nearest £1m. Fees have been rounded to the nearest pound (rounded down in the case of cost-recovery fees in order to prevent inadvertent over-recovery).

### **Methodology and key assumptions**

27. The impacts described in this IA are based on modelling and assumptions. These are described below. The risks associated with these assumptions are described in section F.
28. The MoJ reviews fees and is in the process of concluding a detailed costing exercise, which will establish a new methodology for calculating the costs underpinning fees charged in courts and tribunals. The costs are split into two elements – direct costs, which reflect the activity involved in the courts and tribunals, and overheads, such as estates, Information Technology (IT) and headquarter (HQ) staff. During the consultation period we will continue work to establish the direct costs underpinning fees.
29. As per paragraph 3, court and tribunal fees are generally not allowed to recover above the cost of the service (denoted by ‘cost recovery’ fees), whereas some fees can legally over-recover (denoted by ‘enhanced fees’). At this consultation stage, the costing work completed to date has allowed us to confirm that 132 fees out of the total 202 can be increased by 10%, as their costs under the revised methodology exceed the proposed increased fee for ‘cost recovery’ fees. A further 70 fees require further analysis based on their final costs to determine whether the proposed increase would result in over-recovery. Therefore, we propose to implement increases to up to 202 fees. The final number of fees will depend on the outcome of the continued work on the costing methodology.
30. The proposed fee increase of 10% represents just over half of CPI inflation over two years to March 2023. This increase is compared to CPI as the latter provides a good measure of the general increase to prices experienced by HMCTS. The main reasons for this are:

- a. The House of Lords Economic Affairs Select Committee published a report in 2019<sup>9</sup>, suggesting that government could be accused of ‘index shopping’ when not using CPI as the default measure of inflation. In particular, at paragraph 156, the report states “While the single general measure is being determined, the Government should switch to CPI for uprating purposes in all areas where it is not bound by contract to use RPI.”
  - b. CPI inflation data is published by the Office of National Statistics (ONS) and is an Accredited National Statistic for the general increase in prices, ensuring transparent methodology of the rates used.
  - c. CPI is commonly used by Other Government Departments, such as Department for Work and Pensions to set benefit and state pension thresholds and is the inflation measure previously used by HMCTS when court fees were last increased.
31. To further identify which of the over 300 HMCTS fees should be in and out of scope of increases under Option 1, MoJ conducted an analysis of each fee against several exclusion criteria. This helped us to identify 104 fees under the following four categories that we assessed to be inappropriate for including in the exercise:
- a. *Fees that we intend to review, redesign or remove in the near future, with a view to simplifying our overall fees system*
  - b. *Low or zero value fees for which an 10% increase would be negligible or nil*
  - c. *Where an 10% increase for the fee in question could create an affordability challenge given the notable vulnerability of the typical user cohort*
  - d. *Fees that are charged based on a calculation, or that are banded at a range of values*
32. This left 202 fees we felt assured could be increased by up to 10% without impeding access to justice or that would be impractical to change. Of the up to 202 fees that would be subject to an increase, 148 are set under cost recovery and 54 are set under the enhanced fee power.
33. In order to calculate the impact on HMCTS fee income, the change in fee has been multiplied by the expected volumes of users of the service for each fee that is to change, taking into account remissions.

### Volumes

34. The change in fee income from Option 1 has been assessed using volumes for 2022/23, the latest date for which volumes are available. Fee volumes are sourced from published statistics, and internal management information if the former is not available<sup>10</sup>. At this stage it has not been possible to allocate volumes to all the 202 fees. During the consultation period we will undertake further analysis to supplement volumes data for those fees where volume data has not yet been sourced.
35. A reduction of 20% has been applied to volumes to account for the uncertainty, both in terms of general fluctuations in volumes and possible negative demand response from court and tribunal users to the fee increases (see paragraphs 26 and 39).

### Demand

36. It is difficult to determine exactly how much raising a particular fee will impact on demand for that specific court process. The existing research is largely qualitative rather than quantitative. The research which does exist demonstrates that several factors influence the decision to take a case to court, such as access to legal representation, the availability of alternatives like mediation, case-type and the perceived benefit of the outcome compared to the cost.

<sup>9</sup> Available at <https://publications.parliament.uk/pa/ld201719/ldselect/ldeconaf/246/246.pdf>

<sup>10</sup> It should be noted that management information figures are subject to the data quality issues associated with large administrative systems.

37. For example, qualitative research carried out in 2022 explored the factors influencing decisions to bring cases to the civil and family courts<sup>11</sup> amongst 36 civil and family court applicants. The research found that emotional factors outweighed financial motivations in the decision to go to court amongst many participants. The key findings were broadly consistent with similar research carried out in 2013.
38. This IA considers increases to up to 202 court and tribunal fees. Although the proposed fee increases range from £0.10 to £1,400, most of the fee changes are of low monetary value; 53% of the fee changes are less than £20 and 84% are less than £50.<sup>12</sup> A large number of the fees being increased are also for actions for which there is a lack of alternative remedies and/or where there are strong non-financial motivations to pursue the case. For example, there are no alternatives for divorce cases. Option 1 also includes fees that relate to several courses of action, such as general application fees, for which it is difficult to estimate a demand response. In addition, many of the fees to be changed are for applications within proceedings or enforcement and would be charged once a case is in process, rather than at issue, and so are less likely to impact on the decision to proceed (but might impact a decision to continue).
39. For the reasons highlighted in the paragraphs above, we do not expect the fee changes to lead to a fall in demand. However, as explained in paragraph 35, we have applied an optimism bias of 20% to reduce the volumes to reflect the uncertainty that could arise from any changes in user behaviour.
40. It has also been assumed that there is no detrimental impact on outcomes in either civil, family court, or Tribunal cases, or on access to justice.

Remissions

41. For the purposes of this IA we estimate net fee income, taking into account the proposed changes to the HwF remissions scheme. Net income has been estimated using 2022/23 remission rates calculated using HwF management information for 2022/23 (the latest available year) and assuming that reforms to the HwF scheme have been implemented.

Fee Income

42. The income estimates in this IA have been calculated using 2022/23 volumes and multiplying these by the increase in the relevant fee, taking into account the ‘remission rate’, i.e., the percentage of gross fee income that is remitted. All income estimates have been rounded to the nearest £million. An optimism bias is applied to account for the uncertainty in the volumes for the fees considered, both to account for possible fluctuations in volumes and possible negative demand response. The analysis assumes an implementation date of April 2024.
43. Table 2 gives the nominal annual estimated income from the fees to be changed, both with and without a 20% optimism bias (low and best estimate, respectively). Although we are proposing that increases be made to fees on a regular basis, it is not possible to determine, at this stage, which fees or what increase will be implemented. So, for the purposes of the estimates in this IA, we have assumed that fees do not keep track with changes in the general level of prices, so the real value of the annual average income will fall over time when measured in 2024/25 prices. Income estimates are rounded to the nearest £million.

**Table 2: Annual nominal estimated net income from fees to be increased in 2024, £millions**

<b>Nominal Income £m</b>	<b>24/25</b>	<b>25/26</b>	<b>26/27</b>	<b>27/28</b>	<b>28/29</b>	<b>29/30</b>	<b>30/31</b>	<b>31/32</b>	<b>32/33</b>	<b>33/34</b>	<b>Annual Average</b>
Best	£42m	£42m	£42m	£42m	£42m	£42m	£42m	£42m	£42m	£42m	£42m
Low	£34m	£34m	£34m	£34m	£34m	£34m	£34m	£34m	£34m	£34m	£34m

*Based on 2022/23 volumes; income is net of remissions.*

<sup>11</sup> <https://www.gov.uk/government/publications/factors-influencing-court-users-decisions-to-bring-cases-to-court>

<sup>12</sup> Given that we do not have data on volumes for most of the fees at this time, it is not possible to calculate a weighted average of the fee change.



44. Table 3 shows the additional income adjusted for expected inflation. As noted above, it shows that, because fees are assumed not to keep track with changes in the general price level, the real value of the extra fee income falls over time.

**Table 3: Real value of estimated net income from fees to be increased in 2024, £millions**

<i>Real Income £m</i>	<b>24/25</b>	<b>25/26</b>	<b>26/27</b>	<b>27/28</b>	<b>28/29</b>	<b>29/30</b>	<b>30/31</b>	<b>31/32</b>	<b>32/33</b>	<b>33/34</b>	<b>Annual Average</b>
Best	£42m	£42m	£41m	£40m	£39m	£39m	£38m	£37m	£36m	£35m	£39m
Low	£34m	£33m	£33m	£32m	£32m	£31m	£30m	£29m	£29m	£28m	£31m

*Based on 2022/23 volumes; income is net of remissions.*

45. Under Option 1, it is proposed that the Council Tax Liability Order fee<sup>13</sup> be enhanced (i.e., allowed to be greater than the cost of the activities underpinning the fee), although it would be retained at its current level of 50p. Given this fee is low value, the high volume of these orders (c. 2m in 2022/23) and the efficiencies found in processing them, the cost of this service can fluctuate year-on-year by just a few pence. Setting this fee under the enhanced power will obviate the need to regularly adjust the fee level in order to ensure it does not exceed its cost.

**Option 1: Implement an increase of 10% to selected court and tribunal fees, to partially reflect changes to CPI; to introduce fee increases on a regular basis; to enhance the Council Tax Liability Order fee whilst retaining its current value of 50p.**

**Costs of Option 1**

Transitional costs

*HMCTS*

46. HMCTS is expected to incur costs from amendments to IT systems, staff guidance and publications for court users. There may also be costs related to HMCTS staff having to familiarise themselves with the new fees. These are not expected to be substantial.

*HMCTS users and the providers of legal services*

47. There may be familiarisation and awareness costs incurred by individuals and legal services providers who use the court services where these fees are being changed. These have not been monetised but are expected to be minor.

Ongoing costs

*Users of HMCTS services*

48. The fee changes are expected to be introduced in April 2024. Under the best estimate we estimate that HMCTS service users will see their costs increase by £39m per annum (averaged over 10 years of the appraisal period and in 2024/25 prices).

*Taxpayers*

49. As the full impact of changes to CPI has not been passed on to court users, with the proposed uprating of fees set at 10%, it is expected that taxpayers will bear part of the remaining cost to HMCTS services of increases in the general price level.

**Benefits of Option 1**

<sup>13</sup> Fee 4.1 relating to 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, under the Magistrates' Court Fees Order 2008.

## Transitional Benefits

50. No transitional benefits are expected.

## Ongoing benefits

### *HMCTS and Taxpayers*

51. As a result of the overall fee changes, under the best estimate we estimate that HMCTS will benefit by £39m per annum (averaged over 10 years of the appraisal period and in 2024/25 prices).

### *Court Users*

52. As the proposed increase to fees is set at 10%, below the rate of CPI between March 2021 and March 2023, court users are benefiting from a reduction in the real value of fees associated with accessing HMCTS services.

## **Net impact of Option 1**

53. HMCTS is expected to incur small transitional costs from implementing the new fee amounts. Individuals and legal service providers are expected to incur negligible costs from familiarising themselves with the new fee structure.

54. On an ongoing basis the overall changes in fees are expected to result in an increase in funding for HMCTS of £39m per annum in 2024/25 prices. This benefit to the MoJ will be offset by the cost to HMCTS users and the taxpayer, and therefore the ongoing net impact of this option is expected to be minimal.

## **F. Risks and Sensitivity Analysis**

55. As the impacts described in this IA are based on certain assumptions, there are also some associated risks. These risks, and their potential impacts, are described below.

56. There is inherent uncertainty around the potential demand for court services in the future. A reduction of 20% has been applied to the 22/23 fee volumes to account for uncertainty in the future volume of, including demand for, the court services subject to the proposed fee changes. The reduction in volumes then feeds through to fee income. The optimism bias of 20% has the effect of reducing the estimated fee income by c. £8m p.a. for each full year of the policy change (see Table 2).

57. The estimated income from increasing court fees is particularly sensitive to the volume of applicants and demand for court services. The estimates of income are primarily based on 2022/23 volumes for the individual fees, but future volumes could be higher or lower than these. A sensitivity analysis was carried out to demonstrate how the income would vary if fee volumes were 10% higher or lower than those in 2022/23. The sensitivity analysis was carried out on the best estimate (i.e., excluding optimism bias).

58. Table 4 and Table 5 below show the impact of the sensitivity analysis on the best estimate. Increasing the fees as set out in Annex A is expected to increase funding for HMCTS under all the volume scenarios considered. In real values, average annual additional funding contribution varies between £34m over ten years in the case of volumes being 10 per cent down on 2022/23 levels, to £43m for the case where volumes are 10% above 2022/23 levels. This is based on the best estimate scenario.

**Table 4: Sensitivity to changes in fees volumes, annual nominal best estimate income, £millions**

<b>Nominal Gross Income £m</b>	<b>24/25</b>	<b>25/26</b>	<b>26/27</b>	<b>27/28</b>	<b>28/29</b>	<b>29/30</b>	<b>30/31</b>	<b>31/32</b>	<b>32/33</b>	<b>33/34</b>	<b>Annual Average</b>
10% reduction in volumes	£38m	£38m	£38m	£38m	£38m	£38m	£38m	£38m	£38m	£38m	£38m

Best estimate	£42m	£42m	£42m	£42m	£42m	£42m	£42m	£42m	£42m	£42m	£42m
10% increase in volumes	£46m	£46m	£46m	£46m	£46m	£46m	£46m	£46m	£46m	£46m	£46m

*Based on 2022/23 volumes; income is net of remissions.*

**Table 5: Sensitivity to changes in fees volumes, real value best estimate income, £millions**

Real Gross Income £m	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	Annual Average
10% reduction in volumes	£38m	£37m	£37m	£36m	£36m	£35m	£34m	£33m	£32m	£32m	£35m
Best estimate	£42m	£42m	£41m	£40m	£39m	£39m	£38m	£37m	£36m	£35m	£39m
10% increase in volumes	£46m	£46m	£45m	£44m	£43m	£42m	£41m	£41m	£40m	£39m	£43m

*Based on 2022/23 volumes; income is net of remissions.*

## G. Wider Impacts

### Equality impacts

59. A separate equalities statement has been produced for this proposal.

### Better Regulation

60. This measure is not classed as a regulatory provision under the Small Business Enterprise and Employment Act 2015 and so does not score against the department's business impact target.

### International Trade Impacts

61. There would be no impacts on international trade as a result of Option 1.

### Environment Impacts

62. There would be no impacts on the environment as a result of Option 1

## H. Enforcement and Implementation

63. All fees are payable in advance of the service being provided. The sanction for non-payment in most jurisdiction is that the service will not be provided and the application would not be permitted to proceed. This would continue to apply under the options being considered.

## I. Monitoring and Evaluation

64. Fees are regularly reviewed as part of the MoJ's internal ongoing monitoring process.



## Annex A: Schedule of fees to apply increases, with current and proposed fees

### Civil Proceedings Fees Order 2008 No 1053

*The fees in scope in the Civil Proceedings Fees Orders include small claims hearing fees, copy fees for documents, fees relating to notice of summons, fees relating to other remedies, and fees relating to the issue of certificates or specific orders.*

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SI Ref ID	Description	Current	Proposed	Increase
1.4a	Recovery of Land - High Court	£480	£528	£48
1.4b	Recovery of Land - County Court	£355	£391	£36
1.5CC	Any other remedy (County Court)	£332	£365	£33
1.5HC	Any other remedy (High Court)	£569	£626	£57
1.6	Filing proceedings against an unnamed party	£59	£65	£6
1.8a	Permission to issue proceedings	£59	£65	£6
1.8b	Assessment of costs (under Part 3, Solicitors Act 1974)	£59	£65	£6
1.9a	Permission to apply	£154	£169	£15
1.9b	On request to reconsider at a hearing a decision on permission	£385	£424	£39
1.9c	Permission to proceed	£770	£847	£77
1.9d	Permission to proceed (claim not started by JR procedure)	£154	£169	£15
2.2	Appellants/respondents notice (High Court)	£259	£285	£26
2.3a	Appellants/respondents notice (County court small claims)	£129	£142	£13
2.3b	Appellants/respondents notice (County court other claims)	£151	£166	£15
2.4(a)	General application (on notice) excl HA'97 & Court Fund Pay Out	£275	£303	£28
2.4(b)	General application (on notice) HA'97 & Court Fund Pay Out	£167	£184	£17
2.5(a)	General application (by consent/without notice) excl HA'97 & Court Fund Pay Out	£108	£119	£11
2.5(b)	General application (by consent/without notice) HA'97 & Court Fund Pay Out	£54	£59	£5
2.6	Application for summons or order for witness to attend court	£21	£23	£2
2.7	Application to vary a judgement or suspend enforcement	£14	£15	£1
2.8	Issue of a certificate of satisfaction	£14	£15	£1

<b>3.10</b>	Filing insolvency documents	£35	£39	£4
<b>3.11</b>	Application within proceedings (by consent/without notice)	£26	£29	£3
<b>3.12</b>	Application within proceedings (with notice)	£99	£109	£10
<b>3.1b</b>	Petition for bankruptcy (presented by creditor/other person)	£302	£332	£30
<b>3.2</b>	Petition for an administration order	£302	£332	£30
<b>3.3</b>	Any other petition	£302	£332	£30
<b>3.4a</b>	Request for a certificate of discharge from bankruptcy	£75	£83	£8
<b>3.5</b>	Insolvency - other application	£280	£308	£28
<b>3.7</b>	Voluntary winding up fee	£50	£55	£5
<b>3.8</b>	Notice of intention to appoint administrator	£50	£55	£5
<b>3.9</b>	Submission of nominees report	£35	£39	£4
<b>5.3</b>	Issue of default costs certificate - Civil	£71	£78	£7
<b>5.4</b>	Appeal (detailed assessment proceedings) - civil	£249	£274	£25
<b>5.5</b>	Request/application to set aside a default costs certificate	£130	£143	£13
<b>6.1</b>	On the filing of a request for detailed assessment for COP	£87	£96	£9
<b>6.2</b>	Appeal against a COP costs assessment decision	£70	£77	£7
<b>6.3</b>	Request to set aside a default COP costs certificate.	£65	£72	£7
<b>7.1</b>	Sealing a writ of control/possession/delivery (High court)	£71	£78	£7
<b>7.2</b>	Order requiring a judgement debtor or other person to attend court	£59	£65	£6
<b>7.3a</b>	Third party debt order or the appointment of a receiver by way of equitable execution.	£119	£131	£12
<b>7.3b</b>	Application for a charging order	£119	£131	£12
<b>7.4</b>	Application for a judgement summons	£119	£131	£12
<b>7.5</b>	Register a judgement 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	£78	£7

<b>8.1</b>	Issue warrant of control in any other cases	£83	£91	£8
<b>8.10</b>	Request for an order to recover a specified road traffic debt	£9	£10	£1
<b>8.2</b>	Request for attempt of execution of warrant at new address	£33	£36	£3
<b>8.3</b>	Application to require judgement debtor to attend court	£59	£65	£6
<b>8.4a</b>	Application for a third party debt order	£119	£131	£12
<b>8.4b</b>	Application for a charging order	£119	£131	£12
<b>8.5</b>	Application for a judgement summons	£119	£131	£12
<b>8.6</b>	Issue of a warrant of possession/warrant of delivery	£130	£143	£13
<b>8.7</b>	Application for an attachment of earnings order - Civil	£119	£131	£12
<b>8.9</b>	Application for enforcement of an award of a sum of money or any other decision made by any court, tribunal, body or person	£47	£52	£5
<b>8A.1</b>	Service by a bailiff of an order to attend County Court for questioning	£119	£131	£12
<b>10.1</b>	Bills of sale	£30	£33	£3
<b>10.4</b>	Appointment of a High Court judge	£610	£671	£61
<b>10.5</b>	Hearing before a High Court judge (per day or part day)	£610	£671	£61
<b>11.1</b>	Issue of a warrant for the arrest of a ship or goods	£18	£20	£2
<b>12.1</b>	Affidavit	£13	£14	£1
<b>13.1a</b>	Application - permission to appeal/extension of time	£569	£626	£57
<b>13.1b</b>	Permission to appeal is not required or has been granted	£1,292	£1,421	£129
<b>13.1c</b>	Appellant/respondent filing an appeal questionnaire	£1,292	£1,421	£129
<b>13.2</b>	On filing a respondents notice	£569	£626	£57
<b>13.3</b>	On filing an application notice	£569	£626	£57

## Court of Protection Fees Order 2007 No 1745

The fees in scope from the Court of Protection Fees Order include the fee to apply for action under, a hearing under or to appeal a decision made under the Mental Capacity Act 2005.

SI Ref ID	Description	Current	Proposed	Increase
4	Application fee (Article 4)	£371	£408	£37
5	Appeal fee Article 5.	£234	£257	£23
6	Hearing fees (Article 6)	£494	£543	£49

## Family Proceedings Fees Order 2008 No 1054

The fees in scope in the Family Proceedings Fees Order include fees such as cases brought forward under the Children Act 1989, fees relating to divorce, copies of documents and issue fees for certificates or warrants.

SI Ref ID	Description	Current	Proposed	Increase
1.1	Originating proceedings where no other fee is specified	£245	£270	£25
1.2	Filing an application for a divorce, nullity or civil partnership dissolution	£593	£652	£59
1.3	Application for matrimonial or civil partnership order	£365	£402	£37
1.5	Amendment of application for matrimonial/civil partnership order	£95	£105	£10
1.6	Answer to application for matrimonial/civil partnership order	£245	£270	£25
1.7	Application for an order of assessment of costs	£50	£55	£5
1.8	Application for parental order	£232	£255	£23
2.1a	Parental responsibility (section 4(1)(c) or (3), 4A(1)(b) or(3))	£232	£255	£23
2.1b	Parental responsibility (section 4ZA(1)(c) or (6))	£232	£255	£23



<b>2.1c</b>	Guardians (section 5(1) or 6(7))	£232	£255	£23
<b>2.1d</b>	Section 8 orders (section 10(1) or (2))	£232	£255	£23
<b>2.1e</b>	Enforcement orders (section 11J(2))	£232	£255	£23
<b>2.1f</b>	Compensation for financial loss (section 11O(2))	£232	£255	£23
<b>2.1g</b>	Change of child's surname or removal from jurisdiction while residence order in force (section 13(1))	£232	£255	£23
<b>2.1h</b>	Special guardianship orders (section 14A(3) or (6)(a), 14C(3) or 14D(1))	£232	£255	£23
<b>2.1i</b>	Secure accommodation order (section 25) - England	£232	£255	£23
<b>2.1ia</b>	Secure accommodation order (section 25) - Wales	£232	£255	£23
<b>2.1j</b>	Change of child's surname or removal from jurisdiction while care order in force (section 33(7))	£232	£255	£23
<b>2.1k</b>	Contact with child in care (section 34(2), (3), (4) or (9))	£232	£255	£23
<b>2.1l</b>	Education supervision order (section 36(1))	£232	£255	£23
<b>2.1m</b>	Variation or discharge etc of care and supervision orders (section 39)	£232	£255	£23
<b>2.1n</b>	Child assessment order (section 43(1))	£232	£255	£23
<b>2.1o</b>	Emergency protection orders (sections 44, 45 and 46)	£232	£255	£23
<b>2.1p</b>	Warrant to assist person exercising powers under emergency protection order (section 48)	£232	£255	£23

<b>2.1q</b>	Recovery order (section 50)	£232	£255	£23
<b>2.1s</b>	Warrant to assist person exercising powers to search for children or inspect premises (section 102 Children Act 1989)	£232	£255	£23
<b>2.1t</b>	Applications in respect of enforcement orders (paragraph 4(2), 6(2), 7(2) or 9(2) of Schedule A1)	£102	£112	£10
<b>2.1u</b>	Amendment of enforcement order by reason of change of address (paragraph 5(2) of Schedule A1)	£70	£77	£7
<b>2.1v</b>	Financial provision for children (paragraph 1(1) or (4), 2(1) or (5), 5(6), 6(5), (7) or (8), 8(2), 10(2), 11 or 14(1) of Schedule 1)	£232	£255	£23
<b>2.1w</b>	Approval of court for child in care of local authority to live abroad (paragraph 19(1) of Schedule 2) - England	£232	£255	£23
<b>2.1wa</b>	Approval of court for child in care of local authority to live abroad (paragraph 19(1) of Schedule 2) - Wales	£232	£255	£23
<b>2.1x</b>	Extension of supervision order (paragraph 6 of Schedule 3)	£232	£255	£23
<b>2.1y</b>	Extension or discharge of education supervision order (paragraph 15(2) or 17(1) of Schedule 3)	£232	£255	£23
<b>2.1z</b>	paragraph 8(1) of Sch 8 (appeals concerning foster parents)	£232	£255	£23
<b>2.2</b>	Application for proceedings under Section 31 of Act	£2,215	£2,437	£222
<b>2.3</b>	Appeal relating to 2.1(a) to 2.1(s) (v) to (y) and 2.2)	£215	£237	£22
<b>2.4</b>	Appeal against a contribution order - England	£215	£237	£22
<b>2.5</b>	Appeal against a contribution order - Wales	£215	£237	£22

<b>2.6(a)</b>	Section 72 Cancellation, variation or removal or imposition of condition of registration of child minder or day carer (England)	£232	£255	£23
<b>2.6(b)</b>	Section 34 Cancellation of registration of child minder or day carer (Wales)	£232	£255	£23
<b>2.7</b>	Commencing child mind or day carer appeal of section 34 (Wales) or 72 (England)	£215	£237	£22
<b>3.1</b>	Application/permission to apply for adoption	£183	£201	£18
<b>3.2</b>	Application for a placement order (under Section 22)	£490	£539	£49
<b>3.3</b>	Application to the High Court	£183	£201	£18
<b>4.1</b>	Application for warning notice to be attached to a contact order	£54	£59	£5
<b>5.1</b>	Application (without notice)	£53	£58	£5
<b>5.2</b>	Application for decree nisi, conditional order, separation order (no fee if undefended)	£54	£59	£5
<b>5.3</b>	Application (on notice) (unless otherwise listed)	£167	£184	£17
<b>5.4</b>	Application for a financial order	£275	£303	£28
<b>6.1</b>	Filing an appeal notice from a district judge, one or more lay justices, a justices' clerk or an assistant to a justices' clerk	£125	£138	£13
<b>9.3</b>	Issue of default costs certificate - Family	£65	£72	£7
<b>9.4</b>	Appeal (detailed assessment proceedings) - family	£210	£231	£21
<b>9.5</b>	Request/application to set aside a default costs certificate	£110	£121	£11

<b>10.2</b>	Application for a maintenance order to be registered 1950 Act or 1958 Act	£50	£55	£5
<b>11.1</b>	Application for an order for financial provision	£215	£237	£22
<b>12.1</b>	Application to question a judgement debtor or other person	£54	£59	£5
<b>12.2</b>	Application for a third party debt order/appointment of a receiver	£77	£85	£8
<b>12.3</b>	Application for a charging order	£38	£42	£4
<b>12.4</b>	Application for a judgement summons	£73	£80	£7
<b>12.5</b>	Application for an attachment of earnings order - Family	£34	£37	£3
<b>13.1</b>	Application for enforcement of a judgement or order	£100	£110	£10
<b>13.2</b>	Request for attempt at execution of a warrant at a new address	£30	£33	£3
<b>13.3</b>	Issue for a warrant of possession or a warrant of delivery	£119	£131	£12
<b>14.1</b>	Sealing a writ of execution/possession/delivery	£60	£66	£6
<b>14.2</b>	On a request or application to register a judgement or order; or for permission to enforce an arbitration award; or for a certified copy of a judgment or order for use abroad.	£60	£66	£6
<b>15.1</b>	Request for service by a bailiff of document (see order for exceptions)	£45	£50	£5
<b>17f.1</b>	Taking an affidavit/affirmation/attestation upon honour	£11	£12	£1

## First-tier Tribunal (Gambling) Fees Order 2010 No 42

The fees in scope in the First-tier Tribunal (Gambling) Fees Order cover fees relating to appeals on decisions regarding operating licences.

SI Ref ID	Description	Current	Proposed	Increase
1.10	Appeal s 141 GAct 2005 - lottery operating licence s65(2)(j)	£9,400	£10,340	£940
1.1	Appeal s 141 GAct 2005 - casino operating licence s65(2)(a)	£14,000	£15,400	£1,400
1.11	Appeal s 141 GAct 2005 - personal management office licence s27	£1,600	£1,760	£160
1.12	Appeal s 141 GAct 2005 - personal operational function licence s27	£800	£880	£80
1.2	Appeal s 141 GAct 2005 - bingo operating licence s65(2)(b)	£3,100	£3,410	£310
1.3	Appeal s 141 GAct 2005 - general betting operating licence s65(2)(c)	£10,000	£11,000	£1,000
1.4	Appeal s 141 GAct 2005 - pool betting operating licence s 65(2)(d)	£10,000	£11,000	£1,000
1.5	Appeal s 141 GAct 2005 - betting intermediary operating licence s65(2)(e)	£10,000	£11,000	£1,000
1.6	Appeal s 141 GAct 2005 - gaming machine general operating licence etc s 65(2)(f)	£1,600	£1,760	£160
1.7	Appeal s 141 GAct 2005 - gaming machine general operating licence - family entertainment centre s 65(2)(g)	£1,600	£1,760	£160
1.8	Appeal s 141 GAct 2005 - gaming machine technical operating licence s65(2)(h)	£1,600	£1,760	£160
1.9	Appeal s 141 GAct 2005 - gambling software operating licence s65(2)(i)	£1,600	£1,760	£160
2	Appeal s337(1) GAct 2005 agst Gambling Commissions order to void a bet s336(1)	£9,400	£10,340	£940

## First-tier Tribunal (Property Chamber) Fees Order 2013 No 1179

The fees in scope in the First-tier Tribunal (Property Chamber) Fees Order cover fees relating to powers of entry, mobile home pitch applications and residential property cases.

SI Ref ID	Description	Current	Proposed	Increase
1.1	Commence proceedings (application or appeal) on residential property case, where no other fee apply	£100	£110	£10
1.2	File proceedings for approval of the exercise of a power of entry	£100	£110	£10
1.3	Mobile homes application (pitch fee other than Local Authority sites)	£20	£22	£2
1.4	Application for determination to take into account cost of owner improvements - para 1.4	£20	£22	£2
1.5	Determination of Local authority pitch fee	£20	£22	£2
1.6	Application for determination to take into account cost of owner improvements - para 1.6	£20	£22	£2
2.1	Notice of hearing date for 1.1 or 1.2 application. Only one payable if applications joined up.	£200	£220	£20

## Magistrate Court Fees Order 2008 No 1052

The fees in scope from the Magistrates Courts Fees Order include fees such as application fees, hearings fees, copy fees, issue fees for documents or fees for the issue of warrants.

SI Ref ID	Description	Current	Proposed	Increase
1.1	Application for JP to perform function not on court premises	£25	£28	£3
2.1	Application to state a case for the opinion of the High Court	£137	£151	£14
2.2	Appeal (deduction from earnings order)	£19	£21	£2
2.3	Appeal - proceedings under Schedule 5, Licensing Act 2003	£62	£68	£6
2.4	Appeal (no other fee specified)	£62	£68	£6
3.1	Request for certificate of refusal to state a case	£105	£116	£11
3.2	Request for a certificate of satisfaction	£16	£18	£2
3.3	Request for a certified copy of a memorandum of conviction	£20	£22	£2

3.4	Request for certificate/certified document (no fee specified)	£20	£22	£2
4.2	Application for liability order (Child Support Act 1991)	£25	£28	£3
6.1	Request for licence/consent/authority (no other fee specified)	£27	£30	£3
6.2	Application for renewal/variation of an existing licence	£27	£30	£3
6.3	Application for the revocation of licence (no other fee specified)	£27	£30	£3
7.1	On taking attestation of a constable or special constable	£11	£12	£1
7.2	For every oath (etc) where no other fee is specified.	£27	£30	£3
8.1	Commencing proceedings where no other fee is specified.	£226	£249	£23
8.2a	Application for leave/permission to commence proceedings (no other fee specified)	£125	£138	£13
8.2b	Proceedings where leave/permission has been granted	£125	£138	£13
9.1	Application for a warrant of entry	£22	£24	£2
9.2	Application for any other warrant (no other fee specified).	£81	£89	£8
10.1	Application for a warrant of commitment	£264	£290	£26
10.2	Warrant of commitment (Child Support Act 1991)	£41	£45	£4

### **Non-Contentious Probate Fees Order 2004 No 3120**

*The fees in scope in the Non-Contentious Probate Fees Order cover fees relating to applications for grant of probate and the deposit of wills.*

<b>SI Ref ID</b>	<b>Description</b>	<b>Current</b>	<b>Proposed</b>	<b>Increase</b>
1	Application for a grant of probate (Estate over 5000 GBP)	£273	£300	£27
3.2	Grant for an estate exempt from Inheritance Tax	£10	£11	£1
6	Deposit of wills	£20	£22	£2
9.1	For each deponent to each affidavit	£11	£12	£1

## The Enrolment of Deeds (Fees) Regulations 1994 No 601

The fee in scope in the Enrolment of Deeds (Fees) Regulations relates to applications for change of name deed at King's Bench.

SI Ref ID	Description	Current	Proposed	Increase
1	Stage 51 - change of name deed at King's Bench (for enrolling any deed)	£10	£11	£1

## Upper Tribunal (Immigration and Asylum Chamber) (JR) (E&W) Fees Order 2011 No 2344

The fees in scope in the Upper Tribunal (Immigration and Asylum Chamber) (JR) (E&W) Fees Order relate to judicial reviews and general applications.

SI Ref ID	Description	Current	Proposed	Increase
1.1	Permission for JR -where order permitting to proceed given	£154	£169	£15
1.1a	JR- Oral renewal	£385	£424	£39
1.2	Permission for JR -where order permitting to proceed given	£770	£847	£77
1.3	Permission for JR - where permission given to proceed with JR .	£154	£169	£15
2.1	General Application - On notice (where no other fee is specified)	£255	£281	£26
2.2	General Application - By consent	£100	£110	£10
2.3	Application for a summons or order for a witness to attend the Tribunal.	£50	£55	£5

## Upper Tribunal (Lands Chamber) Fees Order 2009 No 1114

The fees in scope in the Upper Tribunal (Lands Chamber) Fees Order relate to applications under rights of light and restrictive covenant rules.

SI Ref ID	Description	Current	Proposed	Increase
1	Permission to appeal r 21	£220	£242	£22
2	Note of reference r28 / appeal r24	£275	£303	£28
3	Absent owner application Sch 2 CPA1965 (a)	£550	£605	£55
4	Restrictive covenant application r 32 to s84 LoPA1925	£880	£968	£88
5a	Rights of light appln r41 to s2 RoLA1959(d) - Definitive certificate	£1,320	£1,452	£132



<b>5b</b>	Rights of light appln r41 to s2 RoLA1959(d) - Temporary & Definitive certificate	£1,650	£1,815	£165
<b>6</b>	Interlocutory or consent order application	£110	£121	£11
<b>7</b>	Interlocutory or consent order r50	£165	£182	£17
<b>11a</b>	Hrg as to entitlement- s84 LoPA1925(e) discharge /modify restrictive covenant	£550	£605	£55
<b>11b</b>	Order w/o hrg(r46) - s84 LoPA1925(e) discharge /modify restrictive covenant	£275	£303	£28
<b>11c</b>	Substantive hgr of Orig Appn - s84 LoPA1925(e) discharge /modify restrictive covenant	£1,100	£1,210	£110
<b>11d</b>	Engrossing Mins of Order -s84 LoPA1925(e) discharge /modify restrictive covenant	£220	£242	£22
<b>12</b>	Hrg or prelim hrg of reference /appeal (no amount awarded)	£550	£605	£55