



Ministry
of Justice

Implementing increases to selected court and tribunal fees

This consultation begins on 10 November 2023

This consultation ends on 22 December 2023





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of Justice

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**A consultation produced by the Ministry of Justice. It is also available at
<https://consult.justice.gov.uk/>**

About this consultation

To: This consultation is aimed at users of the impacted jurisdictions of His Majesty's Courts and Tribunals Service, the legal profession, the judiciary, the advice sector, the voluntary sector, and all those with an interest in the courts and tribunals.

Duration: From 10/11/23 to 22/12/23

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Contents

Ministerial foreword	3
Executive summary	5
Introduction	7
Background	7
About this consultation	9
The proposals	10
Proposal 1: Increasing selected court and tribunal fees from 2024	10
Proposal 2: Establishing regular fee increases	12
Proposal 3: Enhancing the council tax liability order fee	13
Impact of delivering the proposals	14
Consultation period	14
Impact assessment, equalities and Welsh language	15
Impact assessment	15
Equalities	15
Welsh language	16
Questionnaire	17
About you	18
Contact details and how to respond	19
Complaints or comments	19
Extra copies	19
Publication of response	19
Representative groups	19
Confidentiality	20
Consultation principles	21
Annex A: Proposed fees to increase	22

Ministerial foreword

His Majesty's Courts and Tribunals Service (HMCTS) plays a fundamental role in upholding the rule of law by enabling all citizens of the UK to exercise their constitutional right to access justice. Whether making a claim for a sum of money owed, ensuring a child is placed in a safe home, or appealing an existing court judgment, the public use courts and tribunals in many ways to enforce their rights. In essence, HMCTS represents a cornerstone of our democracy by facilitating the proper application of the law.

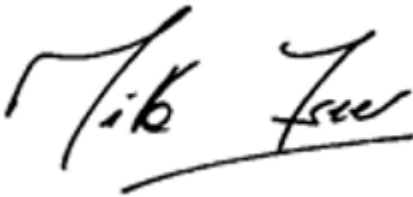
It is undeniable that without a steady, sustainable stream of income to guarantee it is sufficiently resourced, it would be impossible for HMCTS to deliver its world-renowned services to the public. Users of the courts and tribunals are therefore asked to contribute to the cost of the justice process by paying fees where they can afford to do so.

Court fees are a significant part of the overall HMCTS funding model, generating £727 million of the total £2.3 billion it cost to run the agency in 2022/23. The remainder is funded by the taxpayer, including all costs in the criminal jurisdiction and the cost of our Help with Fees remission scheme, which subsidises the cost of court and tribunal fees for people with limited financial means. This ensures that in generating vital income for HMCTS, access to the courts is not impeded in the process. And to further protect access to justice, I am delighted that we will soon be launching a revised, more generous Help with Fees scheme to provide greater levels of financial assistance to those most in need.

However, it is critical that HMCTS continues to receive an adequate stream of income by ensuring fees keep pace with increased costs to HMCTS as a result of changes in the general level of prices, while at the same time minimising the cost to the taxpayer as much as possible. This consultation therefore proposes to increase a selection of appropriate fees to account for changes in the general level of prices. I believe that increasing our fees by 10% – just over half of the 17.8% rise in the consumer price index (CPI) since they were last increased in 2021 – creates a fair balance between more closely aligning user contributions to growing HMCTS costs and recognising the ongoing financial pressures to households as a result of increases to the cost of living.

Increasing up to 202 fees by 10% is expected to generate between approximately £34 million and £42 million a year, a significant level of additional funding which will go directly towards improving service delivery, subsidising the cost of related court and tribunal services for which we do not charge a fee, and reducing the overall cost to the taxpayer.

All in all, implementing increases to court and tribunal fees is vital to our ongoing work to protect access to the courts for all those who seek justice. Together with the upcoming revised Help with Fees scheme, I am confident that these proposals will bring crucial funding to HMCTS without denying access to justice to those who may not be able to afford a court fee.

A handwritten signature in black ink, appearing to read 'Nick Freer', with a long horizontal flourish underneath.

Minister Freer MP

Parliamentary Under Secretary of State

Executive summary

1. This document sets out the government's proposal to deliver increases of 10% for up to 202 court and tribunal fees charged across several jurisdictions within His Majesty's Courts and Tribunals Service (HMCTS). These increases would partially reflect changes in the consumer price index (CPI), backdated to the last time HMCTS fees were updated in 2021.
2. The final number of fees included in this proposal is subject to change depending on the responses received, as well as the outcome of ongoing analysis to confirm their associated cost to HMCTS. No fee will be increased to a level which exceeds its underlying cost, with the exception of certain fees which have been set with a specific power allowing them to over-recover cost. This means that certain fees included in this proposal may ultimately be excluded if it is found that a 10% increase results in over-recovery.
3. The proposed increases will better align the fees charged to court users with the rising administrative and judicial costs incurred by HMCTS as a result of changes in the general level of prices. Delivering these increases is expected to raise between an estimated additional £34 million and £42 million a year. This will support HMCTS to continue delivering its services efficiently and effectively, while also reducing the level of taxpayer subsidisation where fees are not charged or are set below their associated cost. As further analysis of the underpinning costs for some fees is required, this estimated income is subject to change, and updated figures will be shared in the response to this consultation.
4. Increasing HMCTS fees means that users of the court can make a fairer contribution to the cost of delivering the services from which they benefit. However, in the interest of keeping fees affordable and in recognition of the Lord Chancellor's duty to protect access to justice, we are only proposing to partially raise fees in line with the general level of prices. This is further supported by the government's revised Help with Fees remission scheme, which will provide greater financial assistance for those who may not be able to afford their fees when it launches later this year.
5. As well as discussing increases to individual fees, this consultation makes two further proposals. The first is to establish a routine approach to updating fees every two years with reference to any changes in both HMCTS costs and the general level of prices. Making regular, smaller changes to fees, as opposed to more infrequent but larger increases, would provide a more sustainable stream of income for HMCTS while staggering the financial impact on users of the courts and tribunals.

6. The second proposal is to set the council tax liability order fee under the Lord Chancellor's so-called 'enhanced' power, which allows fees to be set at a value above their underlying cost to HMCTS. Doing so will allow us to retain the fee at its current level of £0.50p, while accounting for the regular fluctuations in its cost which can change year on year.
7. This consultation will be open for response until 22 December 2023. The government is seeking views from users of the impacted jurisdictions of HMCTS, the legal profession, the judiciary, the advice sector, the voluntary sector, and all those with an interest in the work of HMCTS.

Introduction

Background

8. His Majesty's Courts and Tribunals Service (HMCTS) is an executive agency which is responsible for the administration and delivery of court services within the tribunals and criminal, civil and family courts across England and Wales. HMCTS services are spread over several jurisdictions. The jurisdictions affected by this proposal are:
- Civil Courts (including the County Court and High Court)
 - Magistrates' Courts
 - Family Courts
 - Probate Registry
 - Court of Protection
 - Tribunals (including the General Regulatory Chamber in relation to gambling, the Lands Chamber, the Immigration and Asylum Chamber (Upper Tribunal only) and the Property Chamber)
9. HMCTS provides a vital platform for people to access their right to justice, a fundamental part of the United Kingdom's constitution. Sponsored by the Ministry of Justice and governed by an independent judiciary, HMCTS administers a wide range of services to members of the public seeking support with a legal matter or a resolution on a dispute between parties. Delivering these essential public services ensures that the state adheres to its principles as enshrined in legislation, by enabling people to establish or defend their rights at any point in their lives where it is required.
10. The Lord Chancellor has a statutory duty to ensure that HMCTS has the resources it needs to function efficiently and effectively. Court and tribunal fees play an important role in achieving this, accounting for £727 million of the total £2.3 billion it cost to run HMCTS in 2022/23, with the remaining costs deriving from general taxation.¹ HMCTS operates in line with HM Treasury principles as set out in its Managing Public Money publication, by recovering a contribution towards the cost of providing its services from court and tribunal users who can afford a fee.²
11. However, the Lord Chancellor has an additional duty to protect access to justice for all, and as such fees must be set at affordable levels so that no one is prevented or deterred from using the courts and tribunals service when seeking a solution to a legal

¹ This represents total income net of remissions before refunds. Source available at: www.gov.uk/government/publications/hm-courts-tribunals-service-annual-report-and-accounts-2022-to-2023

² Available at: www.gov.uk/government/publications/managing-public-money

issue. This is further supported by our Help with Fees remissions scheme which ensures access to justice is protected for all court users regardless of their financial status, by providing financial assistance towards the cost of court and tribunal fees for eligible users.³

12. Court and tribunal fees are generally set at the cost of delivering their associated service, in accordance with Managing Public Money standards. The Lord Chancellor has several powers which allow him to set court and tribunal fees, but generally these do not permit the establishment of a fee at a value which is above the cost of delivering the related service.⁴ However, in some cases, the Lord Chancellor has the power to set fees above the cost of service (known as 'enhanced fees'), under section 180 of the Anti-Social Behaviour, Crime and Policing Act 2014. Enhanced fees are significant in raising higher levels of income for HMCTS where there is a low risk of affordability implications for users and where specific parliamentary approval has been granted. Importantly, the income generated from enhanced fees helps to subsidise the cost of related services where low or no fees are charged in the interest of vulnerable users, such as those who require a non-molestation order or a female genital mutilation order for their safety and protection.
13. The cost of subsidising these services has increased since the last time a large selection of fees were increased in 2021. Since this time, CPI has increased by 17.8%, but fees have not been updated accordingly. The result is that cost recovery levels from fees have continued to decrease over time, requiring greater reliance on taxpayer subsidisation and causing the current funding model for HMCTS to become progressively less sustainable.
14. To reduce the cost to the taxpayer in ensuring the adequate funding of HMCTS, we are proposing to increase fees to reflect changes in the general level of prices since 2021, where we assess it appropriate to do so. Uprating fees in this way will ensure that a greater proportion of HMCTS costs are recovered from court users, enabling a more stable stream of income to support the ongoing improvement of service delivery for those seeking justice outcomes.

³ More information can be found at: www.gov.uk/get-help-with-court-fees

⁴ These powers are established in section 92 of the Courts Act 2003; section 42 of the Tribunals, Courts and Enforcement Act 2007; section 54 and 58 of the Mental Capacity Act 2005; sections 414 and 415 of the Insolvency Act 1986; section 52 of the Constitutional Reform Act 2005; and section 7(2) of the Gender Recognition Act.

About this consultation

15. This consultation seeks views on the proposal to raise up to 202 fees to partially reflect changes to CPI since the fees were last increased. The fees identified have been set in the following fees orders:
- The Enrolment of Deeds (Fees) Regulations 1994 – SI 1994/601
 - The Non-Contentious Probate Fees Order 2004 – SI 2004/3120
 - The Court of Protection Fees Order 2007 – SI 2007/1745
 - Magistrates’ Courts Fees Order 2008 – SI 2008/1052
 - Family Proceedings Fees Order 2008 – SI 2008/1054
 - Civil Proceedings Fees Order 2008 – SI 2008/1053
 - The Upper Tribunal (Lands Chamber) Fees Order 2009 – SI 2009/1114
 - The First-tier Tribunal (Gambling) Fees Order 2010 – SI 2010/42
 - The Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011 – SI 2011/2344
 - The First-tier Tribunal (Property Chamber) Fees Order 2013 – SI 2013/1179⁵
16. The fees in scope for this increase are either enhanced – meaning that they have already received parliamentary approval to be set above their associated cost – or are fees set with the intention to recover at cost. The full list of the 202 proposed fee changes is shown in Annex A.
17. However, it should be noted that the final number of fees included in this exercise may be lower than 202. This is because 70 of the 202 fees identified require further analysis to confirm their underlying cost to HMCTS, and therefore ensure that any non-enhanced fees are not increased above this cost. Should we find that a 10% increase to a non-enhanced fee results in its value becoming greater than its underpinning cost, we will exclude that fee from the exercise. The 70 fees which require further analysis can be found highlighted in Annex A, and a more in-depth summary of how they differ from the remaining 132 fees is set out in paragraphs 29 and 30 below.
18. Subject to the responses received in relation to this proposal, if these changes are agreed, implementation is expected to occur in March 2024.
19. This consultation also covers two further proposals: one on making incremental updates to fees to reflect changes in cost and inflation every two years, and another on enhancing the council tax liability order fee with a view to retaining its current £0.50p value.

⁵ The original fees orders and subsequent amendments are available online by searching the fees orders and/or their SI numbers above at: www.legislation.gov.uk

The proposals

20. This section covers three separate proposals: increasing up to 202 fees to reflect increases to CPI; establishing regular fee increases every two years; and enhancing the council tax liability order fee.

Proposal 1: Increasing selected court and tribunal fees from 2024

21. This proposal, if implemented, will increase up to 202 fees by 10% to partially account for backdated increases to CPI. The fees affected are set by the ten fees orders listed in paragraph 15. The relevant orders and fees included for increases are recorded in [Annex A](#).

22. HMCTS fees were last updated in September 2021 to account for backdated inflation between August 2016 and March 2021. Since then, the CPI has risen by 17.8% between March 2021 and March 2023, reflecting the increase in the prices of goods and services affecting typical households. Although there is no equivalent published metric that is specific to HMCTS, changes in CPI provide a useful indicator of the changes in inflation borne by HMCTS.

23. It is now sensible that we look to increase our fees again so that user contributions to court and tribunal services are more closely aligned with the rising costs experienced by HMCTS resulting from changes in the general level of prices. Doing so will not only help to facilitate a more sustainable source of income for HMCTS, which is critical for the delivery of high-quality services to those accessing the courts, but it will also reduce the level of contributions required by the taxpayer to maintain a well-functioning system.

24. However, we recognise that UK households continue to face ongoing financial pressures with increases to the cost of living. To minimise the impact of fee increases on users as far as possible and protect access to justice, we propose that fee increases will only pass on partial increases to CPI, rather than absorbing the full 17.8% increase measured between March 2021 and March 2023. We think that increases of 10% represent an optimal balance between facilitating a sustainable funding model for HMCTS and keeping fees affordable for court users.

25. Furthermore, we propose that fee increases will be delivered in Spring 2024, following the establishment of a revised, more generous Help with Fees remission scheme in late 2023. The refreshed scheme has been designed to provide improved financial support for those who might struggle to afford a court fee.
26. To identify which of the over 300 HMCTS fees should be included for increases, we conducted an analysis of each individual fee against several exclusion criteria. This helped us to identify 104 fees that we assessed to be inappropriate for inclusion. These include:
- fees that we intend to review, redesign or remove in the near future, with a view to simplifying our overall fees system
 - low or zero value fees for which a 10% increase would be negligible or nil
 - instances where a 10% increase for the fee would conflict with the Lord Chancellor's duty to protect access to justice, given the notable vulnerability of the majority user cohort and/or sensitive nature of cases involved
 - fees that are charged based on a calculation, or that are banded at a range of values (A 10% increase would alter the specific thresholds at which these fees have been set, which are in place to ensure fees remain proportionate to the value of the related claim)
27. We therefore felt assured that the remaining 202 fees could be increased by 10% to generate higher levels of income without impeding access to justice or altering their design. The full list of fees selected for increases can be found in [Annex A](#).
28. We estimate that increasing all 202 fees by 10% would generate between £34 million and £42 million per annum in additional funding for the vital delivery of HMCTS services. Although users would have to pay higher fees as a result, these changes not only more fairly reflect the costs incurred by HMCTS to process court and tribunal applications, but would also be relatively small in individual terms, with the majority of fee increases (53%) being under £20.
29. However, it should be noted that work is ongoing to update the methodology for calculating the HMCTS costs underpinning each of the selected fees, which could result in fewer than 202 fees included for increases.⁶ This is important because only those fees set under section 180 of the Anti-Social Behaviour, Crime and Policing Act 2014 (known as 'enhanced' fees, with the remaining fees 'non-enhanced') are charged

⁶ It is important to note that calculating the way costs are attributed to a single HMCTS activity is not the same as calculating the overall inflation borne by HMCTS. The former may be influenced by factors that are specific to the operation of HMCTS, such as digitisation, staff changes or increased administrative efficiency through changes in process. Contrastingly, the latter is related to general fluctuations in the prices of products and services across the economy.

at a value above their related cost. We will not increase a non-enhanced fee by 10% if doing so would mean that the new fee is greater than the costs incurred by HMCTS.⁷

30. Although the costing work has allowed us to confirm that 132 fees out of the total 202 can be increased by 10%, further analysis is required to confirm whether the remaining 70 fees can be included in this exercise. Annex A therefore sets out the maximum number of fees that we propose to increase (202 fees), with the unconfirmed 70 fees highlighted. As the final list of fees for increases is subject to reduction, an updated list will be shared alongside our latest estimate of additional income generated when we publish a response to this consultation.
31. If implemented, proposal 1 will be effected via a negative statutory instrument and would include amendments to the ten fees orders listed in paragraph 15. See Annex A for all the fees orders included in this consultation. The orders and subsequent amendments are available online at www.legislation.gov.uk

Proposal 2: Establishing regular fee increases

32. Previous increases to HMCTS fees to reflect inflation have been ad hoc, with changes delivered most recently in 2021.⁸ As a result, user contributions through fees are increasingly misaligned with rising costs experienced by HMCTS, which ultimately affects cost recovery levels and requires greater reliance on taxpayer subsidisation. Occasional increases also require more significant changes to fees each time to account for what might be several years of backdated increases to CPI. Smaller-scale increases delivered at more regular intervals would not only provide a more sustainable stream of income for HMCTS, but would also enable fee increases to be implemented steadily over time.
33. To achieve this goal, we propose to make full or partial inflation-based increases to selected fees once every two years, referring to the CPI for the reasons set out in paragraph 22. Alongside this, we will review the costs underpinning fees to identify any fluctuations that require reflecting in the corresponding fee itself. Fee updates in advance of each two-year interval will continue to be made should we become aware of reduced HMCTS costs, to prevent any non-enhanced fees inadvertently over-recovering their cost.

⁷ For example, if a non-enhanced fee that is currently charged at £90 was assessed to have an underpinning cost of £100, then a 10% increase would be considered, because the increased value of £99 would be below the fee's cost. Contrastingly, a 10% increase would not be made to a non-enhanced £100 fee with the same underpinning cost, because the new value of £110 would be above its £100 cost.

⁸ Previous changes were made by SIs 2010/1916, 2010/1917, 2011/586, 2011/587, 2011/588, 2013/1407, 2013/1409 and 2016/807.

34. Although these updates would be delivered routinely, we would continue to assess fees on a case-by-case basis, as opposed to implementing increases across all HMCTS fees, or to each fee increased in the past, by the same percentage every two years. The increases proposed in this, and previous, consultations will therefore not act as a precedent for any changes we make in the future. Later reviews may result in updates to more or fewer fees by smaller or larger proportions of CPI.
35. Nonetheless, for continuity purposes we intend to follow the same procedure carried out when selecting the fees for inclusion in proposal 1 of this consultation. This will involve weighing up several factors to determine whether a fee should be in or out of scope of updates. These include:
- the access to justice implications of increasing the fee
 - whether the fee has recently been changed, or is in the pipeline for a potential change in the near future
 - the relative impact of increasing the fee on HMCTS cost recovery levels
 - whether the fee is enhanced and, if not, whether an increase could risk over-recovering its underpinning cost
36. The proposal to implement increases on a routine basis aligns with the approach taken across other parts of the public sector. For example, the Department for Transport increases rail fares annually to reflect changes in the retail price index (RPI), and the Department for Health and Social Care similarly review prescription charges once a year. Should we proceed with regular increases, the approach taken in England and Wales would also become more aligned with how court and tribunal fees are updated in Scotland, where fees are reviewed every three years.
37. As these fee increases would be treated as routine, and the background and rationale for the changes would not significantly differ from those described under proposal 1, we would no longer look to publish a consultation each time regular updates are delivered. However, we will continue to consult on any wider policy changes to court and tribunal fees which do not fall under inflation or and cost-based updates.

Proposal 3: Enhancing the council tax liability order fee

38. We also propose to enhance 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. Doing so would involve taking the relevant parliamentary steps to restate the fee under s. 180 Antisocial Behaviour, Crime and Policing Act 2014, but we would look to retain the fee at its current level of £0.50p.

39. Given the low level of the fee, the volumes of these orders each year and the efficiencies found in processing them, the cost of this service can fluctuate year on year by just a few pence. By setting this fee under the enhanced power, it will avoid the disproportionate cost to the taxpayer of having to regularly adjust the fee level and lay a statutory instrument in order to keep the fee at cost.
40. We would not seek to increase the fee above £0.50p unless the costs of delivering this service increased above this value, in which case, we would only look to set the fee at cost.
41. This change would require a separate affirmative statutory instrument that we intend to introduce by the end of March 2024.

Impact of delivering the proposals

42. An impact assessment has been published alongside this document. This sets out the estimated impact that the proposal for 10% increases to up to 202 fees would have if it were to be implemented. The impact assessment indicates that HMCTS, court users (individuals, businesses and local authorities), legal services providers, support organisations in the advice and voluntary sector, taxpayers and MoJ are likely to be particularly affected. Further information regarding particular impacts is outlined in paragraphs 48 and 49.
43. These proposals are likely to lead to additional costs for HMCTS and the voluntary/advice sector (due to changes required by implementation) as well as individuals, businesses and the public sector (due to increased fees).

Consultation period

44. This consultation seeks views on the proposal that selected fees outlined in [Annex A](#) should be increased by 10% to partially account for rising CPI levels since March 2021. This includes 70 out of the total 202 fees proposed for increases that are still undergoing review to confirm their associated cost. It also seeks views on the proposal to implement increases to appropriate fees every two years, as well as to enhance the council tax liability order fee in order to retain its current £0.50p value. The closing date for responses is 22 December 2023.
45. The consultation paper is being published online at GOV.UK. Copies of the consultation paper are also being sent directly to the Judiciary.
46. Responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

Impact assessment, equalities and Welsh language

Impact assessment

47. A formal impact assessment has been prepared for this proposal and has been published alongside this consultation. It can be found at:

<https://www.gov.uk/government/consultations/implementing-increases-to-selected-court-and-tribunal-fees>

48. The impact assessment indicates that HMCTS, court users (individuals, businesses and local authorities), legal services providers, support organisations in the advice and voluntary sector, taxpayers and MoJ are particularly affected.

49. The proposals are likely to lead to additional costs for HMCTS and the voluntary/ and advice sector (due to changes required by implementation) and businesses and the public sector (due to increased fees).

Equalities

50. Under the Public Sector Equality Duty within the Equality Act 2010 we are required to consider the equalities impacts of policy proposals in relation to:

- eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- fostering good relations between persons who share a relevant protected characteristic and persons who do not share it

51. For the purposes of the equality assessment the relevant protected characteristics under the Equality Act are race; sex; disability; sexual orientation; religion or belief; age; gender reassignment; and pregnancy and maternity.

52. An equalities statement has been prepared for this proposal and has been published alongside this consultation.

Welsh language

53. These proposals, if implemented, would also impact those who speak the Welsh language. The proposals include changes to fees which also impact users of the courts who speak the Welsh language, although should not impair their understanding of fees disproportionately.

54. A Welsh version of this document can be found at:

<https://www.gov.uk/government/consultations/implementing-increases-to-selected-court-and-tribunal-fees>. A Welsh language copy of the impact assessment and the equalities statement will be provided on request.

Questionnaire

Fees are the main source of direct income for HMCTS and it is important to review them in order to meet the Lord Chancellor's statutory duty to ensure an efficient and effective courts system. To ensure that the courts are properly funded and are sustainable over time, the fees paid by users of the service will need to be increased.

Question 1: Do you agree with the principle that fees should be increased periodically to reflect rising costs to HMCTS as a result of changes in the general level of prices? Please give reasons for your answer.

Question 2: Do you agree with the principle that a fee increase of 10% for up to 202 fees, to partially reflect increases in CPI from March 2021 is appropriate? Please give reasons for your answer.

Question 3: Are there any fees outlined in Annex A that should not be increased by 10% as part of this proposal? Please give reasons for your answer.

Question 4: Do you agree with the proposal on making more regular, incremental inflation and cost-based increases to court and tribunal fees every two years, as opposed to more infrequent but more significant changes on an ad hoc basis? Please give reasons for your answer.

Question 5: What are your views on the proposal to enhance the council tax liability order fee, retaining its current value of £0.50p?

Question 6: What do you consider to be the equalities impacts on individuals with protected characteristics of the proposals? Are there forms of mitigation in relation to equality impacts that we have not considered? Please give reasons for your answer.

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself.

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

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

Contact details and how to respond

Please send your response by 22 December 2023 to:

Fees Policy Team

Ministry of Justice
102 Petty France
London SW1H 9AJ

Email: MoJ Fees Policy mojfeespolicy@justice.gov.uk

Complaints or comments

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

Extra copies

Further paper copies of this consultation can be obtained from the above address. Digital copies are also available at www.consult.justice.gov.uk

Alternative format versions of this publication can be requested from mojfeespolicy@justice.gov.uk

Publication of response

A paper summarising the responses to this consultation will be published in due course. The response paper will be available online at www.consult.justice.gov.uk

Representative groups

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

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the United Kingdom General Data Protection Regulation (UK GDPR) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory code of practice with which public authorities must comply and which deals, among other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the MoJ.

If you do not wish your name/corporate identity to be made public in this way then you are advised to provide a response in an anonymous fashion (for example 'local business owner', 'member of public').

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

For more information see the MoJ personal information charter.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the Cabinet Office Consultation Principles 2018 that can be found online at:

www.assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf

Annex A: Proposed fees to increase

The tables below detail the fees we propose to increase, including the current fee, the proposed fee, and subsequent fee increase. Please note that highlighted rows with fees marked with an asterisk (*) denote the 70 fees that are undergoing further analysis to confirm whether a 10% increase would result in the fee charged over-recovering its underpinning cost. See paragraphs 29 and 30 for more detail.

The proposed changes to fees are broken down by the relevant fee orders in which they are referenced.

The Enrolment of Deeds (Fees) Regulations 1994 No 601

The fees in scope from the Enrolment of Deeds (Fees) Regulations include the fee to enrol a change of name deed.

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

The Non-Contentious Probate Fees Order 2004 No 3120

The fees in scope from the Non-Contentious Probate Fees Order include grants of probate and deposit of wills.

SI Ref ID	Description	Current	Proposed	Increase
1	Application for a grant of probate (Estate over 5000 GBP)	£273	£300	£27
3.2	Grant of probate 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

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

Magistrates' Courts Fees Order 2008 No 1052

The fees in scope from the Magistrates' Courts fees order include fees such as application fees, appeal fees, issue fees for documents, and fees for the issue of warrants.⁹

SI Ref ID	Description	Current	Proposed	Increase
1.1	Application for a justice of the peace to perform a 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 other fee specified)*	£20	£22	£2
4.2	Application for liability order (Child Support Act 1991)*	£25	£28	£3

⁹ Please note, help with fees is not available for copy fees.

Implementing increases to selected court and tribunal fees

SI Ref ID	Description	Current	Proposed	Increase
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	Commencing 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 (council tax proceedings)*	£264	£290	£26
10.2	Application for a warrant of commitment (Child Support Act 1991)	£41	£45	£4

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, and issue fees for 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 an application for a matrimonial or civil partnership order*	£245	£270	£25
1.7	On 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) Children Act 1989)	£232	£255	£23
2.1b	Parental responsibility (section 4ZA(1)(c) or (6) Children Act 1989)	£232	£255	£23
2.1c	Guardians (section 5(1) or 6(7) Children Act 1989)	£232	£255	£23
2.1d	Section 8 orders (section 10(1) or (2) Children Act 1989)	£232	£255	£23
2.1e	Enforcement orders (section 11J(2) Children Act 1989)*	£232	£255	£23
2.1f	Compensation for financial loss (section 11O(2) Children Act 1989)	£232	£255	£23
2.1g	Change of child's surname or removal from jurisdiction while residence order in force (section 13(1) Children Act 1989)	£232	£255	£23
2.1h	Special guardianship orders (section 14A(3) or (6)(a), 14C(3) or 14D(1) Children Act 1989)	£232	£255	£23

SI Ref ID	Description	Current	Proposed	Increase
2.1i	Secure accommodation order (section 25 Children Act 1989) – England	£232	£255	£23
2.1ia	Secure accommodation order (section 119 Social Services and Well-being (Wales) Act 2014) – Wales	£232	£255	£23
2.1j	Change of child’s surname or removal from jurisdiction while care order in force (section 33(7) Children Act 1989)	£232	£255	£23
2.1k	Contact with child in care (section 34(2), (3), (4) or (9) Children Act 1989)	£232	£255	£23
2.1l	Education supervision order (section 36(1) Children Act 1989)	£232	£255	£23
2.1m	Variation or discharge etc of care and supervision orders (section 39 Children Act 1989)	£232	£255	£23
2.1n	Child assessment order (section 43(1) Children Act 1989)	£232	£255	£23
2.1o	Emergency protection orders (sections 44, 45 and 46 Children Act 1989)	£232	£255	£23
2.1p	Warrant to assist person exercising powers under emergency protection order (section 48 Children Act 1989)	£232	£255	£23
2.1q	Recovery order (section 50 Children Act 1989)	£232	£255	£23
2.1s	Warrant to assist person exercising powers to search for children or inspect premises (section 102 Children Act 1989)	£232	£255	£23
2.1t	Applications in respect of enforcement orders (paragraph 4(2), 6(2), 7(2) or 9(2) of Schedule A1 Children Act 1989)	£102	£112	£10
2.1u	Amendment of enforcement order by reason of change of address (paragraph 5(2) of Schedule A1 Children Act 1989)*	£70	£77	£7
2.1v	Financial provision for children (paragraph 1(1) or (4), 2(1) or (5), 5(6), 6(5), (7) or (8),	£232	£255	£23

SI Ref ID	Description	Current	Proposed	Increase
	8(2), 10(2), 11 or 14(1) of Schedule 1 Children Act 1989)			
2.1w	Approval of court for child in care of local authority to live abroad (paragraph 19(1) of Schedule 2 Children Act 1989) – England	£232	£255	£23
2.1wa	Approval of court for child in care of local authority to live abroad (section 124(1) Social Services and Well-being (Wales) Act 2014) – Wales	£232	£255	£23
2.1x	Extension of supervision order (paragraph 6 of Schedule 3 Children Act 1989)	£232	£255	£23
2.1y	Extension or discharge of education supervision order (paragraph 15(2) or 17(1) of Schedule 3 Children Act 1989)	£232	£255	£23
2.1z	Appeals concerning foster parents (paragraph 8(1) of Schedule 8 Children Act 1989)	£232	£255	£23
2.2	Application for proceedings under Section 31 Children Act 1989 (care and supervision orders)*	£2,215	£2,437	£222
2.3	Appeal relating to 2.1(a) to 2.1(s), (v) to (y) and 2.2	£215	£237	£22
2.4	Appeal against a contribution order – England	£215	£237	£22
2.5	Appeal against a contribution order – Wales	£215	£237	£22
2.6a	Section 72 Cancellation, variation or removal or imposition of condition of registration of child minder or day carer (England)	£232	£255	£23
2.6b	Section 34 Cancellation of registration of child minder or day carer (Wales)	£232	£255	£23
2.7	Commencing child mind or day carer appeal (Wales or England)	£215	£237	£22
3.1	Application/permission to apply for adoption	£183	£201	£18
3.2	Application for a placement order (under Section 22 Children Act 1989)*	£490	£539	£49

SI Ref ID	Description	Current	Proposed	Increase
3.3	Application to the High Court with regards to inherent jurisdiction with respect to children	£183	£201	£18
4.1	Application for warning notice to be attached to a contact order*	£54	£59	£5
5.1	Application (without notice)*	£53	£58	£5
5.2	Application for decree nisi, conditional order, separation order (no fee if undefended)	£54	£59	£5
5.3	Application (on notice) (unless otherwise listed)*	£167	£184	£17
5.4	Application for a financial order (other than consent order)	£275	£303	£28
6.1	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
9.3	Issue of default costs certificate – Family*	£65	£72	£7
9.4	Appeal (detailed assessment proceedings) – Family	£210	£231	£21
9.5	Request/application to set aside a default costs certificate	£110	£121	£11
10.2	Application for maintenance order to be registered under Maintenance Orders Act 1950 or 1958	£50	£55	£5
11.1	Application for order for financial provision	£215	£237	£22
12.1	Application to question a judgement debtor or other person	£54	£59	£5
12.2	Application for third party debt order/appointment of a receiver	£77	£85	£8
12.3	Application for charging order	£38	£42	£4
12.4	Application for judgement summons	£73	£80	£7
12.5	Application for attachment of earnings order – Family	£34	£37	£3
13.1	Application for enforcement of a judgement or order – warrant of control against goods	£100	£110	£10

SI Ref ID	Description	Current	Proposed	Increase
13.2	Request for attempt at execution of a warrant at a new address*	£30	£33	£3
13.3	Issue for a warrant of possession or a warrant of delivery*	£119	£131	£12
14.1	Sealing a writ of execution/possession/delivery	£60	£66	£6
14.2	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 judgement or order for use abroad	£60	£66	£6
15.1	Request for service by a bailiff of document (see order for exceptions)*	£45	£50	£5
17f.1	Taking an affidavit/affirmation/attestation upon honour*	£11	£12	£1

Civil Proceedings Fees Order 2008 No 1053

The fees in scope in the Civil Proceedings fees orders include general application fees, fees relating to other remedies, and fees relating to the issue of certificates or specific orders.

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	For permission to apply for judicial review	£154	£169	£15
1.9b	On applying for a request to reconsider at a hearing a decision on permission	£385	£424	£39

SI Ref ID	Description	Current	Proposed	Increase
1.9c	Permission to proceed with judicial review if started with application for permission to apply for JR	£770	£847	£77
1.9d	Permission to proceed with judicial review where started other than with application for permission to apply for JR	£154	£169	£15
2.2	Appellant's/respondent's notice (High Court)	£259	£285	£26
2.3a	Appellant's/respondent's notice (County court small claims)	£129	£142	£13
2.3b	Appellant's/respondent's notice (County court other claims)	£151	£166	£15
2.4(a)	General application (on notice) excluding Protection from Harassment Act 1997 & Court Fund Pay Out	£275	£303	£28
2.4(b)	General application (on notice) Protection from Harassment Act 1997 & Court Fund Pay Out	£167	£184	£17
2.5(a)	General application (by consent/without notice) excluding Protection from Harassment Act 1997 & Court Fund Pay Out	£108	£119	£11
2.5(b)	General application (by consent/without notice) Protection from Harassment Act 1997 & Court Fund Pay Out	£54	£59	£5
2.6	On an application for a summons or order for a witness to attend court*	£21	£23	£2
2.7	On an application to vary a judgement or suspend enforcement	£14	£15	£1
2.8	Issue of a certificate of satisfaction*	£14	£15	£1
3.1b	Petition for bankruptcy (presented by creditor/other person)	£302	£332	£30
3.2	Petition for an administration order	£302	£332	£30
3.3	Any other petition	£302	£332	£30
3.4a	Request for a certificate of discharge from bankruptcy*	£75	£83	£8

SI Ref ID	Description	Current	Proposed	Increase
3.5	Insolvency – other application	£280	£308	£28
3.7	Voluntary winding up fee*	£50	£55	£5
3.8	Notice of intention to appoint administrator	£50	£55	£5
3.9	Submission of nominees report*	£35	£39	£4
3.10	Filing insolvency documents*	£35	£39	£4
3.11	Application within proceedings (by consent/without notice)*	£26	£29	£3
3.12	Application within insolvency proceedings (with notice, where no other fee is specified)*	£99	£109	£10
5.3	Issue of default costs certificate – Civil	£71	£78	£7
5.4	Appeal (detailed assessment proceedings) – Civil	£249	£274	£25
5.5	Request/application to set aside a default costs certificate	£130	£143	£13
6.1	On the filing of a request for detailed assessment for Court of Protection*	£87	£96	£9
6.2	Appeal against a Court of Protection costs assessment decision	£70	£77	£7
6.3	Request to set aside a default Court of Protection costs certificate	£65	£72	£7
7.1	Sealing a writ of control/possession/delivery (High Court)	£71	£78	£7
7.2	Order requiring a judgement debtor or other person to attend court	£59	£65	£6
7.3a	Third party debt order or the appointment of a receiver by way of equitable execution	£119	£131	£12
7.3b	Application for a charging order	£119	£131	£12
7.4	Application for a judgement summons	£119	£131	£12
7.5	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
8.1	Issue warrant of control	£83	£91	£8

SI Ref ID	Description	Current	Proposed	Increase
8.2	Request for attempt at execution of a warrant at a new address	£33	£36	£3
8.3	Order requiring judgement debtor to attend court	£59	£65	£6
8.4a	Application for a third party debt order	£119	£131	£12
8.4b	Application for a charging order	£119	£131	£12
8.5	Application for a judgement summons	£119	£131	£12
8.6	Issue of a warrant of possession/warrant of delivery	£130	£143	£13
8.7	Application for an attachment of earnings order – Civil	£119	£131	£12
8.9	Application for enforcement of an award of a sum of money or any other decision made by any court, tribunal, body or person	£47	£52	£5
8.10	Request for an order to recover a specified road traffic debt	£9	£10	£1
8A.1	Service by a bailiff of an order to attend County Court for questioning	£119	£131	£12
10.1	Bills of sale	£30	£33	£3
10.4	Appointment of a High Court judge as arbitrator or umpire*	£610	£671	£61
10.5	Hearing before a High Court judge (per day or part day) as arbitrator or umpire*	£610	£671	£61
11.1	On the issue of a warrant for the arrest of a ship or goods	£18	£20	£2
12.1	Affidavit	£13	£14	£1
13.1a	Filing an appellant's/respondent's notice in the Court of Appeal where permission to appeal/extension of time is applied for*	£569	£626	£57
13.1b	Filing an appellant's/respondent's notice in the Court of Appeal where permission to appeal is not required or has been granted*	£1,292	£1,421	£129
13.1c	Court of Appeal – Appellant/respondent filing an appeal questionnaire*	£1,292	£1,421	£129

SI Ref ID	Description	Current	Proposed	Increase
13.2	Court of Appeal – On filing a respondent's notice*	£569	£626	£57
13.3	Court of Appeal – On filing an application notice*	£569	£626	£57

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

The fees in scope within the Upper Tribunal (Lands Chamber) fees order includes hearing and appeal fees regarding restrictive covenants and rights of light, and consent order applications.

SI Ref ID	Description	Current	Proposed	Increase
1	Permission to appeal r 21*	£220	£242	£22
2	Notice of reference r28 / appeal r24	£275	£303	£28
3	Absent owner application Sch 2 CPA1965 (a)Compulsory Purchase Act 1965; (b) surveyor determination of absent parties' compensation under s. 58 Land Clauses Consolidation Act 1845*	£550	£605	£55
4	Restrictive covenant application r 32 re s84 Law of Property Act 1925*	£880	£968	£88
5a	Rights of light application r41 re s2 Rights of Light Act 1959 – Definitive certificate*	£1,320	£1,452	£132
5b	Rights of light application r41 re s2 Rights of Light Act 1959() – Temporary & Definitive certificate*	£1,650	£1,815	£165
6	Interlocutory application*	£110	£121	£11
7	Application for consent order r50*	£165	£182	£17
11a	Hearing as to entitlement – s84 Law of Property Act1925 – discharge /modify restrictive covenant*	£550	£605	£55
11b	Order w/o hearing (r46) – s84 Law of Property Act1925 – discharge /modify restrictive covenant*	£275	£303	£28

SI Ref ID	Description	Current	Proposed	Increase
11c	Substantive hearing of originating application – s84 Law of Property Act 1925 – discharge /modify restrictive covenant*	£1,100	£1,210	£110
11d	Engrossing Minutes of Order – s84 Law of Property Act 1925 – discharge /modify restrictive covenant*	£220	£242	£22
12	Hearing or preliminary hearing of reference /appeal (no amount awarded)*	£550	£605	£55

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

The fees in scope within the First-tier Tribunal (Gambling) fees order includes appeal fees for various gambling operating licences.

SI Ref ID	Description	Current	Proposed	Increase
1.1	Appeal s141 Gambling Act 2005 – casino operating licence s65(2)(a)*	£14,000	£15,400	£1,400
1.2	Appeal s141 Gambling Act 2005 – bingo operating licence s65(2)(b)*	£3,100	£3,410	£310
1.3	Appeal s 141 Gambling Act 2005 – general betting operating licence s65(2)(c)*	£10,000	£11,000	£1,000
1.4	Appeal s 141 Gambling Act 2005 – pool betting operating licence s 65(2)(d)*	£10,000	£11,000	£1,000
1.5	Appeal s141 Gambling Act 2005 – betting intermediary operating licence s65(2)(e)*	£10,000	£11,000	£1,000
1.6	Appeal s 141 Gambling Act 2005 – gaming machine general operating licence etc s 65(2)(f) – adult gaming centre*	£1,600	£1,760	£160
1.7	Appeal s 141 Gambling Act 2005 – gaming machine general operating licence – family entertainment centre s 65(2)(g)*	£1,600	£1,760	£160
1.8	Appeal s141 Gambling Act 2005 – gaming machine technical operating licence s65(2)(h)*	£1,600	£1,760	£160
1.9	Appeal s 141 Gambling Act 2005 – gambling software operating licence s65(2)(i)*	£1,600	£1,760	£160

SI Ref ID	Description	Current	Proposed	Increase
1.10	Appeal s 141 Gambling Act 2005 – lottery operating licence s65(2)(j)*	£9,400	£10,340	£940
1.11	Appeal s 141 Gambling Act 2005 – personal management office licence s27*	£1,600	£1,760	£160
1.12	Appeal s 141 Gambling Act 2005 – personal operational function licence s27*	£800	£880	£80
2	Appeal s337(1) Gambling Act 2005 against Gambling Commission’s order to void a bet s336(1)*	£9,400	£10,340	£940

The Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011 No 2344

The fees in scope within the Upper Tribunal (Immigration and Asylum Chamber) fees order include requests for permissions and applications of judicial reviews.

SI Ref ID	Description	Current	Proposed	Increase
1.1	Permission to apply for Judicial Review	£154	£169	£15
1.1a	Judicial Review – Oral renewal	£385	£424	£39
1.2	Permission for Judicial Review – permission to proceed where proceedings started by application for permission	£770	£847	£77
1.3	Permission for Judicial Review – permission to proceed where proceedings started otherwise than by application for permission	£154	£169	£15
2.1	Judicial Review General Application – On notice (where no other fee is specified)	£255	£281	£26
2.2	Judicial Review General Application – By consent or without notice (where no other fee is specified)	£100	£110	£10
2.3	Judicial Review – Application for a summons or order for a witness to attend the Tribunal	£50	£55	£5

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

The fees in scope within the First-tier Tribunal (Property Chamber) fees order include determination of costs and fees to start proceedings.

SI Ref ID	Description	Current	Proposed	Increase
1.1	Commence proceedings (application or appeal) in residential property case, where no other fee applies	£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	Mobile homes – application for determination to take into account cost of owner improvements – para 1.4	£20	£22	£2
1.5	Mobile homes – determination of local authority pitch fee	£20	£22	£2
1.6	Mobile homes – 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 together	£200	£220	£20



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