

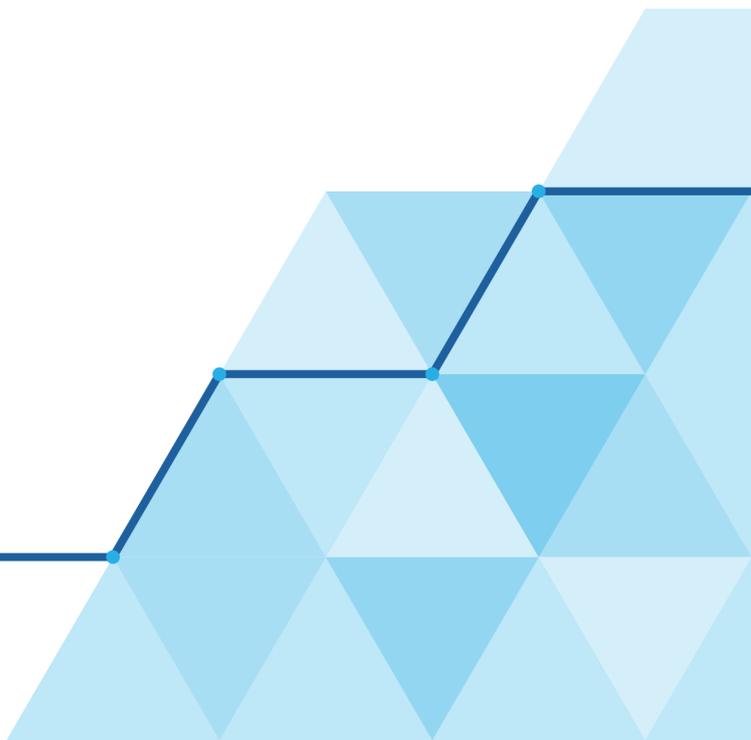


Ministry
of Justice

Implementing increases to selected court and tribunal fees

Consultation response

This response is published on 01 April 2024





Ministry
of Justice

Implementing increases to selected court and tribunal fees

Consultation response

Response to consultation carried out by the Ministry of Justice.

This information is also available at <https://consult.justice.gov.uk/>

Contents

Introduction and contact details	3
Background	4
Summary of responses	6
Responses to specific questions	10
Impact assessment, equalities and Welsh language	20
Impact assessment	20
Equalities	20
Welsh language impact test	20
Conclusion and next steps	21
Consultation principles	23
Annex A – List of respondents	24
Annex B – Final list of fee changes	26
Annex C – Fees that have been excluded	40

Implementing increases to selected court and tribunal fees
Consultation response

Introduction and contact details

This document is the post-consultation report for the consultation paper, 'Implementing increases to selected court and tribunal fees'.

It will cover:

- the background to the report
- a summary of the responses to the report
- a detailed response to the specific questions raised in the report
- the next steps following this consultation response.

Further copies of this report and the consultation paper can be obtained by contacting the **Fees Policy Team** at the address below:

Fees Policy Team
Ministry of Justice
102 Petty France
London SW1H 9AJ

Email: mojfeespolicy@justice.gov.uk

This report is also available at <https://consult.justice.gov.uk/>

Alternative format versions of this publication can be requested from 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.

Background

1. His Majesty's Courts and Tribunals Service (HMCTS) is responsible for the administration of the courts and tribunals across England and Wales, allowing individuals and businesses to exercise their constitutional right to justice and seek support with legal matters. It is the duty of the Lord Chancellor to ensure that the courts have the resources to deliver their services effectively and efficiently, while protecting access to justice for all.
2. Court and tribunal fees are a crucial part of the funding model for HMCTS. Most fees are generally set to recover the cost of service, however some fees are set above cost (known as 'enhanced'), to help subsidise related services where fees are set below cost or not charged at all in the interest of protecting vulnerable users. Since the last time fees were increased in 2021, the cost of subsidising these services has increased due to changes in the general level of prices, resulting in a decrease in HMCTS cost recovery levels over time. The income received from fees in 2022/23 was less than half of its running costs, with the shortfall being subsidised by the taxpayer.
3. To reflect changes in the costs incurred by HMCTS since 2021 and to reduce the impact on the taxpayer, it is important to increase fees by recovering a sufficient proportion of costs from court users. Fee increases will enable a more sustainable funding model for the courts, without which HMCTS cannot facilitate access to justice for those who require its services.
4. The consultation paper 'Implementing increases to selected court and tribunal fees' was published on 10th November 2023. The consultation invited comments on the proposal to increase a selection of court and tribunal fees by 10% to partially reflect changes in the consumer price index (CPI) since 2021, the last time that fees were increased.¹ This included asking for views from the public on the principle of increasing fees to reflect changes in the general level of prices, the scope of the fees that we proposed to increase, and the impact of the proposals on individuals with protected characteristics.
5. Comments were also sought on two further proposals. The first was to establish a routine approach to updating fees every two years, accounting for changes in the general level of prices and HMCTS costs; and secondly, to set the council tax liability order fee under the Lord Chancellor's 'enhanced' power. This power will allow us to

¹ On average, the fees included will be increased by 10%. However, fee increases have been rounded to the nearest pound, so some of the new fee values equate to less than 10% and some are above 10% (but no more than 12.5%).

set the fee at a value above its underlying cost to HMCTS to account for regular fluctuations in its cost, and therefore to retain the fee at its current value of £0.50p.

6. The consultation period closed on 22 December 2023 and this report summarises the responses, including how the consultation process influenced the final shape of the proposals consulted on.
7. The impact assessment and equalities statement accompanying the consultation have been updated to take account of further analysis carried out during the consultation period and reflect how we have decided to proceed. The updated impact assessment and equalities statement are available at:
<https://www.gov.uk/government/consultations/implementing-increases-to-selected-court-and-tribunal-fees>
8. A Welsh language response paper can be found at:
<https://www.gov.uk/government/consultations/implementing-increases-to-selected-court-and-tribunal-fees>
9. A list of respondents to the consultation can be found at **[Annex A](#)**.
10. The final selection of the 172 court and tribunal fees that will be increased by 10% can be found at **[Annex B](#)**. This is lower than the 202 fees proposed for a 10% increase in the consultation document for the following reasons:
11. In light of the feedback from the consultation, we have decided to not increase the divorce application fee at this moment in time.
12. 70 of the total 202 fees required further analysis of their underlying cost at the time the consultation was launched. Following further work undertaken during the consultation period, we can confirm that 41 of these 70 fees can be increased by 10%, whereas additional analysis is still required for 29 fees, which have been excluded at this time. The full list of excluded fees can be found at **[Annex C](#)**.

Summary of responses

13. A total of 52 responses to the consultation paper were received. Of these 62% of responses came from those working in the legal or public sector, of which 15 respondents were solicitors and 9 worked for local authorities. Other respondents included academics, members of the judiciary and members of the public.
14. The MOJ has analysed the responses to the consultation and considered the impact of the proposals in light of the themes raised by respondents. Both a summary and a more detailed breakdown of the responses to each question and our response are provided below.

Summary of responses: making increases to selected fees

15. Respondents were divided on the general principle of increasing fees. 40% disagreed, while 27% agreed that it was fair to increase fees given their significance to the funding model of HMCTS. A further 15% were undecided. In comparison, when asked whether up to 202 selected fees should be raised by 10% to partially reflect changes in CPI, 62% of respondents disagreed with the proposal to increase fees by 10%, while 15% agreed. 21% of respondents were unsure. The reasons given by respondents were similar for both questions. Of those who disagreed, many were concerned that fee increases of this level would impede access to justice for the most vulnerable given increases to the cost of living.
16. Some respondents also felt that fee increases could not be justified as they believe that the quality of service provided by HMCTS does not offer value for money, stating court backlogs as one example. However, those who agreed think that it is fair to increase fees given rising costs, stating that extra funding for HMCTS is necessary and could help improve the quality of service.
17. 34 respondents felt that some of the fees included in the proposal should be removed from scope. The fees most commonly suggested for removal were for divorce applications, probate grants, and applications to the Traffic Enforcement Centre (relating to the recovery of a specified road traffic debt). Several other fees were highlighted (albeit with fewer mentions) including civil general applications, some fees relating to the Children Act 1989, financial orders and a selection of enforcement fees. Some respondents were also concerned about entire groups of fees, such as family law, judicial reviews, enforcement fees, and fees charged in the Court of Protection.

Summary of responses: updating fees every two years

18. Respondents were generally divided regarding the proposal to make regular inflation-based increases to fees every two years. 35% stated that they agreed that a routine approach would be more beneficial, whereas 40% disagreed with the proposal.
19. Of those that agreed, many noted the benefits and thought that a regular approach to fee increases would be preferable to ad hoc changes, as it lessens the impact on users. They also noted that awareness of an upcoming change would allow users to plan their budgets accordingly. However, some did highlight concerns regarding access to justice. For those in disagreement with the proposal, some said that it was only suitable if other types of associated costs such as fixed recoverable costs and enforcement costs were increased alongside fee increases. Others were concerned that a routine approach would fail to sufficiently consider access to justice and that in the interests of transparency, a public consultation should be carried out every time fee increases are considered.
20. Further information about specific responses to this proposal can be found on page 16 below.

Summary of responses: enhancing the council tax liability order fee

21. The majority of respondents (79%) did not comment on this proposal. 10% of all respondents were in agreement that the council tax liability order fee should be enhanced, with a view to retaining its current £0.50p value. Many respondents stated that they had no view as they were not in a position to comment on this particular fee.
22. There were several respondents who disagreed or did not provide a clear view (12%), but they appeared to misinterpret the proposal and assumed that we would be increasing the fee. Specific responses and further clarifications on this proposal can be found on page 17.

Summary of the government's response

23. The government believes that there is a strong justification to increase fees by 10% to partially reflect changes in the general level of prices. Court and tribunal fees were last updated in September 2021, an increase which was based on inflation as at March 2021; but from then until March 2023, CPI increased by 17.8%. As CPI measures changes in the prices of goods and services, it provides a useful indicator of the growing costs incurred by HMCTS when providing vital services to the public during

this period. Court and tribunal fees are generally set to recover the cost of delivering their associated service. However, as costs to HMCTS have increased due to inflation and many court users receive fee remissions, HMCTS only recovers a proportion of its running costs. In 2022/23, fees generated £727 million of the total £2.3 billion it cost to run HMCTS, with the shortfall being subsidised by the taxpayer.² The extra income generated from fee increases will facilitate a more sustainable funding stream that will contribute towards the delivery of HMCTS services and ensure that access to justice continues to be effectively administered.

24. The government is committed to protecting access to justice for all, and we recognise that the cost of living has had a significant impact on many individuals and businesses. That is why we have chosen to minimise the financial impact of fee increases on court and tribunal users by ensuring that fee increases only reflect a partial increase to CPI. The Help with Fees (HwF) remissions scheme is also available for those with lower financial means who are unable to afford a court fee, and in November 2023, the government implemented a series of reforms to make the scheme more generous for those in need.³
25. The government is committed to the continuous improvement of court performance and recognises that the quality of service is of utmost importance to those dealing with a legal matter. The additional income raised from fee increases will support HMCTS to deliver its services and make continuous improvements, including the final delivery phase of the HMCTS digital reform programme, which has been designed to make the courts and tribunals system more accessible and efficient.⁴
26. After careful consideration of the consultation responses received and further analysis of the costs underpinning fees, the government has decided to proceed with increases of 10% to 172 of the 202 fees originally proposed. Fees that we have decided not to increase include the divorce application fee in recognition of the consultation feedback received (see paragraphs 48 to 49 for a more detailed response), and a further 29 fees which were removed on the basis that further analysis of their underlying cost is still required.
27. The government agrees that a more routine approach to updating court and tribunal fees by reference to inflation and HMCTS costs is beneficial as smaller-scale increases will lessen the financial impact on users. Although we have decided not to publish a public consultation at each review,³ we will continue to engage with those the

² This represents the total income net of remissions, before refunds. Available at: [Annual Report and Accounts 2022-2023 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

³ Information about the HwF remissions scheme can be found here: [Get help paying court and tribunal fees – GOV.UK](https://gov.uk)

⁴ Further information about the HMCTS Reform Programme can be found here: [The HMCTS Reform Programme – GOV.UK](https://gov.uk)

Lord Chancellor has a statutory duty to consult prior to making any changes to fees. We will also continue to assess fees on a case-by-case basis and may make other types of fee changes on different policy grounds outside of regular cost and inflation-based updates.

28. The government has also decided to restate the council tax liability order fee under section 180 of the Anti-Social Behaviour, Crime and Policing Act 2014 as proposed. This will allow the fee to be set above its service cost ('enhanced'). However, we intend to retain its current value of £0.50p.

Responses to specific questions

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?

29. We received 43 responses to this question. 41% disagreed with the principle that fees should be increased periodically to reflect changes in the general level of prices. The key themes that emerged were access to justice and the quality of service provided by HCMTS. Many respondents felt that fees are already too expensive for the average person and act as a barrier to justice, particularly for those who are ineligible for HwF. Women were specifically mentioned as a user group that would be disproportionately affected by fee increases due to the impact of cost of living increases. Several respondents argued that fee increases cannot be justified until there is a noticeable improvement in service performance and an easing of court backlogs.
30. Similarly, many of those who answered 'yes' to this question (27%) shared the concerns raised by those in disagreement, questioning the impact that additional funding would have on improving the service and whether fee increases alone are enough. However, many did stress the importance of funding the courts and recognised the need for additional income. Several respondents believed that the increases are proportionate given the significance of court fees to HMCTS funding and the rises in costs experienced. They also stated that it is fair for users to contribute to the system by paying fees for services.

Government response

31. We recognise the impact that increases to the cost of living have had, which is why we are looking to reflect only a partial increase to CPI through fee uplifts, rather than the full 17.8% increase from March 2021 to March 2023. We believe that this represents a good balance between ensuring that fees remain affordable and that they are more closely aligned with the rising costs incurred by HMCTS.
32. The HwF remissions scheme is available for those who may be on low incomes, unemployed, or in receipt of certain benefits. In autumn 2023, the government expanded the scheme and increased the income and capital thresholds, meaning that more people can receive financial help towards the cost of court and tribunal fees. The Lord Chancellor also has a power to waive a fee in exceptional circumstances, which the courts can exercise at their discretion.

33. Fees are fundamental to the delivery of court and tribunal services, supporting the Lord Chancellor in his duty to ensure that HMCTS has the resources it requires to function effectively. However, changes in the general level of prices since fees were last increased in 2021 have resulted in rising costs and therefore greater financial pressure on HMCTS. Delivery of these increases is expected to raise an estimated additional £30 million to £37 million a year in funding, which will provide vital income and help to develop a more sustainable funding stream for HMCTS. By extension, fee increases will support HMCTS in facilitating the continued delivery of its services while also reducing the levels of taxpayer subsidy.

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?

34. We received 51 responses to this question. The majority of respondents (62%) disagreed with the proposal to make 10% increases to selected fees, to account for changes in CPI since fees were last updated in March 2021, with 15% agreeing and 21% unsure. Those who agreed felt that it was fair to increase fees given the increase in CPI and thought a partial increase was considerate of access to justice. They also suggested that the additional income may help to improve service performance.
35. Similar to those who disagreed with the previous question, respondents were concerned about the cost of living and felt that 10% increases were too high. They also argued that the current level of service performance does not offer good value for money for court users, and therefore that fee increases cannot be justified unless performance improves. Some respondents also felt that it is irrational to increase court fees without reviewing wider associated costs and charges associated with debt recovery during the court process, such as enforcement costs and fixed recoverable legal costs.
36. Of the 11 respondents (21%) who were unsure or conflicted, some suggested that the Services Producer Price Inflation Index would be a better metric than CPI, given that it reflects inflation across the services sector and has recently been referenced in increases made to other types of costs relating to the legal sector, namely to guideline hourly rates and fixed recoverable costs.

Government response

37. The government recognises that the public has been affected by the current cost of living situation and remains committed to ensuring that justice is accessible for all. The impact of fee increases on access to justice has been considered in detail, which is why only partial increases in CPI are being passed on to court and tribunal users

through fee increases, rather than the full 17.8% measured between March 2021 and March 2023. In addition to this, the government has recently expanded the eligibility criteria for the HwF remissions scheme, increasing the income and capital thresholds so that more people can get financial support when using court and tribunal services.

38. We acknowledge that administrative delays and court backlogs have impacted users, and we are committed to delivering an efficient justice system by striving for continuous improvement. We have invested in new initiatives to improve timeliness of application processing and increase efficiency. We have also taken steps to increase capacity in the courts by recruiting additional judges so that higher numbers of cases can be heard. The additional funding raised through fee increases will make a significant contribution to the funding of further improvements to the service, ensuring that HMCTS has the resources it requires to deliver its services as effectively as possible.
39. Although there is no equivalent published metric specific to HMCTS that can be referred to when delivering fee increases, we believe that CPI is the best alternative for measuring changes in cost to HMCTS. The Services Producer Price Inflation Index measures the changes in prices received for professional services provided by UK businesses, which applies to costs of legal advice, as reflected through uplifts to guideline hourly rates and fixed recoverable costs. However, the costs incurred by HMCTS for delivery of services chargeable by its fees reflect all underlying activities, including overheads, staffing costs and judicial costs. CPI measures the general increase to prices which better reflect the increases in cost to HMCTS. It was also used as the index for previous increases to fees in 2021 and has therefore been selected as a metric for consistency purposes.

Question 3: Are there any fees outlined in Annex A that should not be increased by 10% as part of this proposal?

40. We received 39 responses to this question, with several respondents mentioning more than one fee. 5 respondents answered 'no' to this question and a further 5 argued that increases should not be made to any fees at all. Individual fees mentioned were: divorce; road traffic liability orders; probate; civil general applications; public law; warrants of control; financial orders; section 8 orders; family consent orders; attachment of earnings orders; and charging orders. Some respondents also referred to whole groups of fees that they were concerned about, including enforcement fees, judicial reviews, family law fees, fees relating to injury claims, and Court of Protection fees.
41. Reasons that respondents gave for excluding these fees from increases were predominantly around service performance and vulnerabilities of particular user

groups. The fees with the highest number of individual mentions were divorce (11), road traffic liability orders (6) and probate (5). The responses mentioning these three fees are described in further detail below.

Divorce

42. Several respondents raised concerns about the impact of raising the divorce fee on access to justice, particularly on women as they are more likely to apply for a divorce than men.⁵ They stated that women tend to face more difficulties when navigating the justice system as they may have caring responsibilities and are statistically more likely to be on lower incomes given the gender pay gap. One respondent also highlighted that women may be disproportionately affected by an increased divorce fee as they represent civil legal aid applicants. Some respondents also argued that the fee is already too high and that many couples would be obliged to stay in unhappy or abusive relationships because they would not be able to afford the fee.
43. Several respondents also highlighted that applying for a divorce is a distress purchase for many, and that those who want to end their marriage have no choice but to go through the courts. One respondent quoted the comments made by former President of the Family Division of the High Court, Sir James Munby in the Justice Select Committee's 2016 report on divorce and probate, specifically that divorce involves a "captive market", with "no elasticity in demand" and that those who want a divorce are being penalised for doing so because of high court fees.⁶
44. Other reasons cited by respondents who opposed an increase to the divorce fee focused on its service, with respondents suggesting that the existing fee (£593) is mostly likely disproportionate to the underlying service cost. They highlighted that the administrative processes involved have been simplified through the introduction of a digitised service and no-fault divorce, which means that there is no longer a requirement for separating couples to apportion blame when filing for divorce, thereby also preventing unjustifiable contestations.

Road Traffic Liability Orders (RTLOs)

45. Out of the 9 local authorities who responded to this consultation, 6 suggested that an increase to the RTLO fee would place additional financial pressures on their budgets. They argued that higher fees would require them to make budget cuts to other crucial services such as discounted bus services aimed at those with protected characteristics, including the elderly and those with disabilities. A number of respondents raised concerns about how increased RTLO fees compare to the value of

⁵ Data from [HMCTS protected characteristics questionnaire 2023](#) shows that 67.4% of online divorce applicants who responded to the questionnaire were female – GOV.UK

⁶ The full report can be accessed here: [Courts and tribunals fees \(parliament.uk\)](#)

penalty charge notices, but these comments are beyond the scope of this consultation.

Probate

46. Five respondents disagreed with increasing the probate fee on the grounds of current service performance levels. They also commented on the digitisation of probate applications and how the streamlining of the administration process should have resulted in significant reductions to its service cost.
47. As with concerns raised regarding the divorce fee, some respondents commented on the lack of choice available to users when accessing funds left to them. One respondent felt that probate fees add to the financial impact on bereaved families, especially on top of inheritance tax that some users will be required to pay.

Government response

48. Court and tribunal fees are charged to ensure that HMCTS has sufficient funding to deliver its services effectively. Since they were last updated in 2021, the cost to HMCTS of administering its services has increased. This has resulted in decreasing levels of cost recovery over time, and a less sustainable funding model for HMCTS. Increasing fees to reflect changes in the general level of prices since they were last updated in 2021 will help protect the real value of the fee income stream for HMCTS and reduce levels of taxpayer subsidy.
49. The fee for divorce applications is currently set above its service cost ('enhanced'). Under section 180 of the Anti-Social Behaviour, Crime and Policing Act 2014, the Lord Chancellor has the power to set fees above the underlying cost of the service. 'Enhanced' fees are granted explicit parliamentary approval and the income generated helps to subsidise the cost of other similar services which under-recover or for which a fee is not charged.
50. The government acknowledges that as an 'enhanced' fee, divorce is high in comparison to other fees related to proceedings in the family courts. Protecting access to justice is of paramount importance and the government has carefully considered the affordability concerns raised during the consultation period, including the risk that an increase to the divorce fee could deter people (particularly women and those in abusive relationships) from bringing applications to court, therefore remaining in unhappy relationships.
51. The online service for divorce applications was updated in 2022 to be fully digital and allow for joint applications as part of the HMCTS Reform Programme, which was launched in 2016 to improve the justice system and make it more accessible to its users. We are committed to ensuring that the justice system remains accessible for

all, and this includes keeping fees proportionate to the service involved. With this in mind, we have decided not to increase the divorce fee at this time. It will therefore remain at its current value of £593.

52. We understand that local authorities have budgetary concerns in relation to increasing the fee for RTLOs. This is why fee increases only reflect a partial increase to CPI, rather than the full 17.8% increase between March 2021 to March 2023. We assess a £1 increase to the RTLO fee to represent a good balance between ensuring that fees remain affordable for local authorities and that HMCTS is well-funded, while also making sure that the costs incurred through the provision of public services is shared between the public sector and the taxpayer.
53. The government recognises that there have been delays in processing times for grants of probate, which increased as a result of above average volumes of applications received since the pandemic. In 2022, 292,303 probate applications were received, the highest volume recorded in recent years.⁷ In response, we have taken action to improve performance and reduce the causes of delays. We have recruited and trained more staff to increase the number of grants being processed, and we have seen sustained improvements in output as a result. We have also made changes to user guidance to better support users in completing applications correctly the first time. We are committed to improving the probate service and with these changes, expect improvements to continue.
54. Currently, the probate fee is only payable for estates with a value above £5,000 and is recoverable from the estate once probate has been granted. In accordance with HM Treasury principles outlined in *Managing Public Money*, the probate fee has been set with the intention to recover the cost to HMCTS of providing its services from those users who are able to afford a fee, with the HwF scheme available for those with lower financial means. In line with the Lord Chancellor's statutory duty to ensure that HMCTS has sufficient resources to deliver its services, the additional income raised from an increased probate fee will contribute towards the continued improvement of service delivery.

⁷ This figure is from the [Family Court Statistics Quarterly: July to September 2023](#) - GOV.UK

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?

55. We received 46 responses to this question. 35% agreed that this proposal is preferable to ad hoc changes as it would lessen the impact on users, allow for budget planning and ensure consistency in fee-setting.
56. Of the 40% who answered 'no', some argued that a biennial approach to increasing fees would only be suitable if other types of fees and associated costs (including penalty charge notices and fixed recoverable costs) were also updated to ensure consistency.
57. Several other respondents expressed concerns about transparency and felt increasing fees on a routine basis would mean that a full evidence-based assessment of fees would not be performed. They suggested that a consultation should be published every time fee increases are proposed, so that they can be properly assessed and scrutinised.

Government response

58. The government believes that a routine implementation of smaller-scale inflation-based fee increases will lessen the financial impact on court and tribunal users when compared to irregular ad-hoc changes. As well as this, fees will consistently be more closely aligned with costs experienced by HMCTS, providing a sustainable income stream and reducing its reliance on taxpayer subsidisation.
59. Establishing a routine approach to inflation-based fee increases promotes consistency across the public sector. The Scottish Government reviews and updates its own court and tribunal fees every three years and other UK government departments also take a similar approach to increases in fees and other charges. The Department for Work and Pensions for example, uses CPI to set benefit and state pension thresholds. Similar processes across different government departments should be aligned where possible.
60. Although fee updates would be routinely made every two years, fees will continue to be assessed on a case-by-case basis to identify fluctuations in their cost, their suitability for an increase with regards to access to justice considerations, and changes to CPI. Therefore, the fee increases delivered in 2024 will not set a precedent for any changes made in future; additionally, this approach does not preclude changes to fee levels being made outside of the proposed two-year routine.

61. While the government is not legally required to launch a full public consultation ahead of making fee changes, we strongly value the input from stakeholders into our proposals. We will continue to proactively engage with statutory consultees within the judiciary, and such other organisations or groups as we identify are likely to have a particular professional interest in relevant fee proposals, and will keep them informed in good time of any upcoming changes to fees.

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

62. We received 30 responses to this question, with 19 respondents stating that they had no view and no further comments to share. Of the others that responded, 5 agreed stating that enhancing the CTLO fee would not have a negative impact on users, and that it was wise to keep the value at £0.50p considering the current economic climate. Another 4 respondents were unclear in their response and appear to have misunderstood the proposal. One respondent thought that the fee should remain static, but it was unclear whether they agreed with retaining the fee at £0.50p or opposed enhancing the fee; whereas others thought that the fee was going to be increased and highlighted the impact that this would have on financially vulnerable individuals.
63. Only 2 respondents disagreed outright, although they too assumed that the fee is being increased.

Government response

64. Council tax liability orders attract high volumes of applications from local authorities each year. Given that it is currently charged at £0.50p, the cost of this service can regularly fluctuate by a few pence. Restating this fee under the enhanced power set out in section 180 of the Anti-Social Behaviour, Policing and Crime Act 2014 will avoid additional cost to the taxpayer of regularly adjusting the fee level and laying a statutory instrument to ensure the fee is kept at cost.
65. We intend to retain the fee at its current value of £0.50p unless its service cost increases above this value. In that instance, we would look to set the fee at cost. This change will be implemented via an affirmative statutory instrument in summer 2024.

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?

66. We received 28 responses to this question. 63% of respondents had no view, did not respond to this question, or believed that there were no equalities considerations to note.
67. The remaining 37% of respondents felt the proposals would have a disproportionate impact on those with protected characteristics particularly women (including victims of domestic abuse). One respondent highlighted economic factors affecting female court users, such as the gender pay gap. Three respondents mentioned divorce specifically, stating that higher fees would increase the risk of women either not petitioning for divorce at all, or being delayed while they attempt to find the money required. Other protected characteristics mentioned were those from ethnic minorities, and those with disabilities.
68. Many respondents also made comments not pertaining to user groups with protected characteristics. These included comments on those with greater financial needs and local authorities.

Government response

69. In developing the original proposals, the government carefully reviewed all court and tribunal fees to establish which were appropriate to increase by 10%, taking access to justice and affordability into consideration. We recognise that some user groups will be disproportionately impacted by court fee increases, which is why we have decided to only pass on a proportion of the change in CPI, which increased by 17.8% between March 2021 and March 2023. To further protect those user groups who might struggle to afford a court fee, we have ensured that our revised HwF remissions scheme is in place before delivering these fee increases. In cases where users with protected characteristics are not eligible for HwF, the Lord Chancellor retains an exceptional discretionary power to waive a fee. An equalities impact assessment has been published alongside this response, detailing the impacts of fee increases on those with protected characteristics as well as the mitigations we have put in place in more detail. It can be found here: <https://www.gov.uk/government/consultations/implementing-increases-to-selected-court-and-tribunal-fees>
70. In relation to other groups mentioned by respondents that do not fall under a specific protected characteristic, the impact that fee increases may have on users more broadly has been considered in the impact assessment that has also been revised

Implementing increases to selected court and tribunal fees
Consultation response

and published in accompaniment to this response. It can be found here:
<https://www.gov.uk/government/consultations/implementing-increases-to-selected-court-and-tribunal-fees>

Impact assessment, equalities and Welsh language

Impact assessment

71. An updated impact assessment has been prepared and published alongside this consultation response.

Equalities

72. 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

73. For the purposes of the equality assessment the relevant protected characteristics under the Equality Act 2010 are: race; sex; disability; sexual orientation; religion and belief; age; marriage and civil partnership; gender reassignment; and pregnancy and maternity.

74. An updated equalities statement has been prepared and published alongside this consultation response.

Welsh language impact test

75. These changes will impact those who speak the Welsh language. This proposal includes changes to fees which also impacts users of the courts who speak the Welsh language, although should not impair their understanding of fees disproportionately.

76. 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 equalities statement will be provided on request.

Conclusion and next steps

77. The government has considered all the responses to the consultation carefully. The Lord Chancellor has a duty to protect access to justice and in order to do this, it is vital that HMCTS is sufficiently funded. Increasing fees to reflect changes in the general level of prices will help to maintain the courts and tribunals system while also reducing the cost to the taxpayer.
78. We will proceed to increase 172 fees by 10% partially in line with changes to CPI since court and tribunal fees were last increased in 2021.⁸ In light of concerns raised during the consultation regarding an increase to the divorce fee, we have decided not to increase the divorce fee as originally proposed. As it is already an enhanced fee and the underlying service has simplified with its digitisation and introduction of no-fault divorce, we agree that an increase would not be proportionate at this time. It will remain at its current value of £593.
79. A full list of the fees included and their revised value can be found at [Annex B](#).
80. Increases to the 172 fees will be effected by a negative statutory instrument which will come into force in May 2024. The changes will include amendment to fees in the following Fee Orders:
- The Enrolment of Deeds (Fees) Regulations 1994
 - The Non-Contentious Probate Fees Order 2004
 - The Court of Protection Fees Order 2007
 - Magistrates' Courts Fees Order 2008
 - Family Proceedings Fees Order 2008
 - Civil Proceedings Fees Order 2008
 - The Upper Tribunal (Lands Chamber) Fees Order 2009
 - The First-tier Tribunal (Gambling) Fees Order 2010
 - The Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011
 - The First-tier Tribunal (Property Chamber) Fees Order 2013
81. In addition, the government will make routine updates to fees to account for changes in cost and CPI every two years, with the next review taking place in 2025/26, to prepare for implementation in 2026. This approach will align with other parts of the public sector and ensure that fees reflect the costs of providing court and tribunal

⁸ On average, the fees included will be increased by 10%. However, fee increases have been rounded to the nearest pound, so some of the new fee values equate to less than 10% and some are above 10% (but no more than 12.5%).

services. As it will be routine, we will not hold a public consultation each time fees are updated in this way but will continue to engage with the Lord Chancellor's statutory consultees in a timely manner.

82. Finally, the government will also proceed to set the council tax liability order fee above its cost using the 'enhanced' power in section 180 of the Antisocial Behaviour, Crime and Policing Act 2014. The cost of this service regularly fluctuates, so setting it above cost will avoid the need to regularly adjust the fee to keep it at cost and lay a statutory instrument each time a change is made, avoiding extra costs to the taxpayer. This change will be effected by an affirmative statutory instrument in summer 2024.

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:

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

Annex A – List of respondents

Association of Personal Injury Lawyers
Birkett Long LLP
British Parking Association
Buckinghamshire Council
Cabot Credit Management
City of Doncaster Council
Civil Court Users Association (CCUA)
Clough and Willis
Coninghams Solicitors
Crosse Wyatt Solicitors
Dexter Montague LLP x 2
Divorce Online
EQUANS
Everyys Solicitors
Federation of Small Businesses
Fiona Bruce LLP
High Court Enforcement Officers Association
Kent County Council
Kirklees Council
Linda Filby
London Borough of Barking and Dagenham
London Borough of Camden
Lovetts Solicitors
Mayo Wynne Baxter LLP
Member of Public x 6
Moore Northern Home Counties Limited
Northumbria University
Office of the Durham Police and Crime Commissioner

Resolution

Restons Solicitors

Rich and Carr Solicitors

Royal Borough of Kingston upon Thames

Rt. Hon. Sir Colin Birss (Deputy Head of Civil Justice)

Rt. Hon. Sir Geoffrey Vos (Master of the Rolls)

Rushmoor Borough Council

Schofield Sweeney

Stewarts

Surrey Law Society

The Association of Consumer Support Organisations (ACSO)

The Bar Council

The Civil Justice Council

The Forum of Insurance Lawyers

The Law Society

Thompsons Solicitors

Wokingham Borough Council

Women's Budget Group

Annex B – Final list of fee changes

The tables below detail the fees to be increased, including the current fee, new fee, and the increase. 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.

Implementing increases to selected court and tribunal fees
Consultation response

SI Ref ID	Description	Current	Proposed	Increase
4	Application fee (Article 4)	£371	£408	£37
5	Appeal fee (Article 5)	£234	£257	£23

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
3.4	Request for certificate/certified document (no other fee specified)	£20	£22	£2
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

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

Implementing increases to selected court and tribunal fees
Consultation response

SI Ref ID	Description	Current	Proposed	Increase
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
9.2	Application for any other warrant (no other fee specified)	£81	£89	£8
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
1.3	Application for matrimonial or civil partnership order	£365	£402	£37
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

Implementing increases to selected court and tribunal fees
 Consultation response

SI Ref ID	Description	Current	Proposed	Increase
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
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

Implementing increases to selected court and tribunal fees
Consultation response

SI Ref ID	Description	Current	Proposed	Increase
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), 8(2), 10(2), 11 or 14(1) of Schedule 1 Children Act 1989)	£232	£255	£23
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

Implementing increases to selected court and tribunal fees
 Consultation response

SI Ref ID	Description	Current	Proposed	Increase
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
3.3	Application to the High Court with regards to inherent jurisdiction with respect to children	£183	£201	£18
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
9.4	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

Implementing increases to selected court and tribunal fees
Consultation response

SI Ref ID	Description	Current	Proposed	Increase
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
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
17.1	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

Implementing increases to selected court and tribunal fees
Consultation response

SI Ref ID	Description	Current	Proposed	Increase
1.9b	On applying for a request to reconsider at a hearing a decision on permission	£385	£424	£39
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
2.7	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
3.5	Insolvency – other application	£280	£308	£28
3.8	Notice of intention to appoint administrator	£50	£55	£5

Implementing increases to selected court and tribunal fees
 Consultation response

SI Ref ID	Description	Current	Proposed	Increase
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
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

Implementing increases to selected court and tribunal fees
 Consultation response

SI Ref ID	Description	Current	Proposed	Increase
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
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
4	Restrictive covenant application r 32 re s84 Law of Property Act 1925	£880	£968	£88
6	Interlocutory application	£110	£121	£11
11a	Hearing as to entitlement – s84 Law of Property Act 1925 – discharge /modify restrictive covenant	£550	£605	£55
11c	Substantive hearing of originating application – s84 Law of Property Act 1925 – discharge /modify restrictive covenant	£1,100	£1,210	£110
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
1.2	Appeal s141 Gambling Act 2005 – bingo operating licence s65(2)(b)	£3,100	£3,410	£310
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

Implementing increases to selected court and tribunal fees
 Consultation response

SI Ref ID	Description	Current	Proposed	Increase
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
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

The Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011

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

Implementing increases to selected court and tribunal fees
Consultation response

SI Ref ID	Description	Current	Proposed	Increase
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

Implementing increases to selected court and tribunal fees
Consultation response

SI Ref ID	Description	Current	Proposed	Increase
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

Annex C – Fees that have been excluded

The table below details the 30 fees that have been excluded from the final selection of fees that will be increased by 10%.

SI Ref ID	Fees Order	Fee Description	Fee Value
2.6	Civil Proceedings Fees Order 2008 No 1053	On an application for a summons or order for a witness to attend court	£21
3.4a	Civil Proceedings Fees Order 2008 No 1053	Request for a certificate of discharge from bankruptcy	£75
3.7	Civil Proceedings Fees Order 2008 No 1053	Voluntary winding up fee	£50
3.9	Civil Proceedings Fees Order 2008 No 1053	Submission of nominees report	£35
3.10	Civil Proceedings Fees Order 2008 No 1053	Filing insolvency documents	£35
13.2	Civil Proceedings Fees Order 2008 No 1053	Court of Appeal – On filing a respondent's notice	£569
6	Court of Protection Fees Order 2007 No 1745	Hearing fees (Article 6)	£494
1.2	Family Proceedings Fees Order 2008 No 1054	Filing an application for a divorce, nullity or civil partnership dissolution	£593
1.5	Family Proceedings Fees Order 2008 No 1054	Amendment of application for matrimonial/civil partnership order	£95
1.6	Family Proceedings Fees Order 2008 No 1054	Answer to an application for a matrimonial or civil partnership order	£245
4.1	Family Proceedings Fees Order 2008 No 1054	Application for warning notice to be attached to a contact order	£54
9.3	Family Proceedings Fees Order 2008 No 1054	Issue of default costs certificate – Family	£65

Implementing increases to selected court and tribunal fees
 Consultation response

SI Ref ID	Fees Order	Fee Description	Fee Value
13.2	Family Proceedings Fees Order 2008 No 1054	Request for attempt at execution of a warrant at a new address	£30
15.1	Family Proceedings Fees Order 2008 No 1054	Request for service by a bailiff of document (see order for exceptions)	£45
1.1	The First-tier Tribunal (Gambling) Fees Order 2010 No 42	Appeal s141 Gambling Act 2005 – casino operating licence s65(2)(a)	£14,000
1.3	The First-tier Tribunal (Gambling) Fees Order 2010 No 42	Appeal s141 Gambling Act 2005 – general betting operating licence s65(2)(c)	£10,000
1.4	The First-tier Tribunal (Gambling) Fees Order 2010 No 42	Appeal s141 Gambling Act 2005 – pool betting operating licence s65(2)(d)	£10,000
1.5	The First-tier Tribunal (Gambling) Fees Order 2010 No 42	Appeal s141 Gambling Act 2005 – betting intermediary operating licence s65(2)(e)	£10,000
1.10	The First-tier Tribunal (Gambling) Fees Order 2010 No 42	Appeal s141 Gambling Act 2005 – lottery operating licence s65(2)(j)	£9,400
2	The First-tier Tribunal (Gambling) Fees Order 2010 No 42	Appeal s337(1) Gambling Act 2005 against Gambling Commission's order to void a bet s336(1)	£9,400
3.3	Magistrates' Courts Fees Order 2008 No 1052	Request for a certified copy of a memorandum of conviction	£20
4.2	Magistrates' Courts Fees Order 2008 No 1052	Application for liability order (Child Support Act 1991)	£25
9.1	Magistrates' Courts Fees Order 2008 No 1052	Application for a warrant of entry	£22
10.1	Magistrates' Courts Fees Order 2008 No 1052	Application for a warrant of commitment (council tax proceedings)	£264

Implementing increases to selected court and tribunal fees
 Consultation response

SI Ref ID	Fees Order	Fee Description	Fee Value
3	The Upper Tribunal (Lands Chamber) Fees Order 2009 No 1114	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
5a	The Upper Tribunal (Lands Chamber) Fees Order 2009 No 1114	Rights of light application r41 re s2 Rights of Light Act 1959 – Definitive certificate	£1,320
5b	The Upper Tribunal (Lands Chamber) Fees Order 2009 No 1114	Rights of light application r41 re s2 Rights of Light Act 1959() – Temporary & Definitive certificate	£1,650
7	The Upper Tribunal (Lands Chamber) Fees Order 2009 No 1114	Application for consent order r50	£165
11b	The Upper Tribunal (Lands Chamber) Fees Order 2009 No 1114	Order w/o hearing (r46) – s84 Law of Property Act1925 – discharge /modify restrictive covenant	£275
11d	The Upper Tribunal (Lands Chamber) Fees Order 2009 No 1114	Engrossing Minutes of Order – s84 Law of Property Act 1925 – discharge /modify restrictive covenant	£220



© Crown copyright 2024

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

Alternative format versions of this report are available on request from mojfeespolicy@justice.gov.uk.