



Ministry of  
**JUSTICE**

## Civil Court Fees 2008

### List of questions for response

We would welcome responses to the following questions set out in this consultation paper. Please email your completed form to: [FeesPolicy@hmcourts-service.gsi.gov.uk](mailto:FeesPolicy@hmcourts-service.gsi.gov.uk) or fax to: 020 3334 3230 **Thank you!**

Question 1. **Do you have any comments on the proposed fee changes in the higher courts, bearing in mind that they take account of the work involved and the cost of each process?**

Comments: These comments relate to Family Court fees

General

We support the rationalisation of fees as between High Court and county court in family cases, but are concerned that any significant increase in enforcement fees in family cases will deter judgment creditors from pursuing their remedies. It is not necessarily the case that the fee will be recovered in the enforcement process. While we appreciate that matters of policy are not being raised in this paper, we feel we should record our firm view that full-cost pricing is not appropriate in family proceedings, where parties often have no choice about whether to bring proceedings in order to regulate their affairs and where costs are not generally recovered from another party..

In relation to particular fees

Fee 8.1

We do not agree that there is any justification for banding fees for detailed assessment in LSC funded cases. The fee at the upper end of the scale seems to bear little relation to the actual time spent, bearing in mind that no inter partes hearing is required. In any event the cost will fall upon the LSC and we question whether the administrative cost of managing

and paying different fees is warranted.

#### Fees 11.4/13.3

We question whether these processes (garnishee, TPD & charging order) can be equated with an application for an attachment of earnings order or judgment summons. The latter usually require an inter partes hearing of some length, whereas the former, although requiring two stages, rarely involve an opposed hearing. This is reflected in the current fee structure. We would suggest that any increase in fees 11.4/13.3 should follow the same pattern; if the fees are to be increased we believe the figure should be no more than £75; this would more accurately reflect the differences between these proceedings and AEO/JS applications.

**Question 2. In particular, do you agree with the proposal to remove the financial value of the warrant as a consideration of the court fee?**

Comments: No comment

**Question 3. Do you agree that the proposed structural changes to the magistrates' court fees order achieves clarity and will capture all the processes it is intended to?**

Comments: No comment

**Question 4. Do you have any other comments on possible adjustments we could make to the magistrates' fees order in order to make it more streamlined and easier for users to understand?**

Comments: No comment

**Question 5. Do you have any comments on the proposed fee changes in the magistrates' court, bearing in mind that they take account of the work involved and the cost of each process?**

Comments: No comment

Please complete the section overleaf to tell us more about you.

## About you

Please use this section to tell us about yourself

<b>Full name</b>	
<b>Job title</b> or capacity in which you are responding (e.g. member of the public etc.)	
<b>Date</b>	
<b>Company name/organisation</b> (if applicable):	
<b>Address</b>	
<b>Postcode</b>	
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.

The Family Justice Council

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