

2016 No. 434 (L. 6)

SENIOR COURTS OF ENGLAND AND WALES

TRIBUNALS AND INQUIRIES, ENGLAND AND WALES

**The Court of Appeal and Upper Tribunal (Lands Chamber) Fees
(Amendment) Order 2016**

<i>Made</i> - - - -	<i>17th March 2016</i>
<i>Laid before Parliament</i>	<i>24th March 2016</i>
<i>Coming into force</i> - -	<i>18th April 2016</i>

The Lord Chancellor, with the consent of the Treasury, makes the following Order in exercise of the powers conferred by section 92(1)(a) and (2) of the Courts Act 2003(a) and sections 42(1)(b) and (2) and 49(3) of the Tribunals, Courts and Enforcement Act 2007(b).

The Lord Chancellor has had regard to the matters referred to in section 92(3) of the 2003 Act and has consulted in accordance with section 92(5) of that Act and section 42(5) of the 2007 Act.

Citation and commencement

1. This Order may be cited as the Court of Appeal and Upper Tribunal (Lands Chamber) Fees (Amendment) Order 2016 and comes into force on 18th April 2016.

Amendments to the Civil Proceedings Fees Order 2008

2. In the Table in Schedule 1 to the Civil Proceedings Fees Order 2008(c) in column 2 (amount of fee)—

- (a) for the entry corresponding to fee 13.1(a) (fee payable on an application for permission to appeal or for an extension of time) for “£235” substitute “£528”;
- (b) for the entry corresponding to fee 13.1(b) (fee payable on filing an appeal notice where permission to appeal is not required or has not been granted) for “£465” substitute “£1,199”;
- (c) for the entry corresponding to fee 13.1(c) (fee payable on filing an appeal questionnaire) for “£465” substitute “£1,199”;
- (d) for the entry corresponding to fee 13.2 (fee payable on filing a respondent’s notice) for “£235” substitute “£528”;

(a) 2003 c. 39.

(b) 2007 c.15.

(c) S.I. 2008/1053, as amended by S.I.2014/874, S.I. 2015/576 and S.I. 2016/402; there are other amending instruments but none is relevant.

(e) for the entry corresponding to fee 13.3 (fee payable on filing an application notice) for “£235” substitute “£528”.

Amendments to the Upper Tribunal (Lands Chamber) Fees Order 2009

3. For Schedule 1 (fees) to the Upper Tribunal (Lands Chamber) Fees Order 2009^(a) substitute the Schedule set out in the Schedule to this Order.

Signed by authority of the Lord Chancellor

16th March 2016

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

We consent

17th March 2016

George Hollingbery
Charlie Elphicke
Two of the Lords Commissioners of Her Majesty’s Treasury

^(a) S.I. 2009/1114, as amended by S.I. 2010/2601 and S.I. 2013/1199.

SCHEDULE

Article 3

Fees in the Lands Chamber of the Upper Tribunal

“SCHEDULE 1

Article 4

Fees to be taken in the Lands Chamber of the Upper Tribunal

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

(a) 1965 c.56.

(b) 1845 c.18 (8 & 9 Vict).

(c) 1925 c.20.

(d) 1959 c.56.

calculated on the basis of rental value), 2 per cent of the amount awarded or determined by the Tribunal, agreed by the parties following a hearing, or determined in accordance with rule 44 (decision with or without a hearing), subject to—

- | | |
|-----------------|---------|
| (a) minimum fee | £275 |
| (b) maximum fee | £16,500 |

Hearing a reference or other appeal where the hearing fee is calculated on the basis of rental value

10. On the hearing of a reference or an appeal against a determination where the award is in terms of rent or other annual payment, 2 per cent of the annual rent or other payment determined by the Tribunal, agreed by the parties following a hearing, or determined in accordance with rule 46 (decision with or without a hearing), subject to—

- | | |
|-----------------|---------|
| (a) minimum fee | £275 |
| (b) maximum fee | £16,500 |

Determining a restrictive covenant application

11. On the hearing of an application or the making of any order under section 84 of the Law of Property Act 1925 (power to discharge or modify restrictive covenants affecting land)—

- | | |
|---|--------|
| (a) a hearing as to entitlement under section 84(3A) | £550 |
| (b) order without a hearing (rule 46) | £275 |
| (c) substantive hearing of an originating application | £1,100 |
| (d) engrossing Minutes of Order | £220 |

Hearing (no amount awarded)

12. On the hearing or preliminary hearing of a reference or appeal (not being the determination of an application mentioned in entry 11 above) where either the amount determined is nil or the determination is not expressed in terms of an amount

£550

Copies of documents

13. For a photocopy or certified copy of a document, or for examining a plain copy and marking as a certified copy

£1 for each page, subject to a minimum total of £10

14. For supplying published decisions to subscribers

£1 for each page, subject to a minimum total of £10

Determination of amount of costs

15. For a determination by the Tribunal of the amount of costs under rule 10(5)(c), for every £1 or every part of a £1 allowed

£0.05”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the increase of fees currently payable in the Lands Chamber of the Upper Tribunal and in connection with appeals to the Court of Appeal.

It amends Schedule 1 to the Civil Proceedings Fees Order 2008 to make the relevant increases to the Court of Appeal. It substitutes a new Schedule of fees for the existing Schedule of fees into the Upper Tribunal (Lands Chamber) Fees Order 2009.

A full impact assessment accompanies this instrument (copies are also available on the Ministry of Justice’s website at <https://www.gov.uk/government/consultations/enhanced-fees-response-and-consultation-on-further-fee-proposals>).

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