

Statutory Document No. 2021/0077



*Interpretation Act 2015*

## **COURTS SERVICES FEES ORDER 2021<sup>1</sup>**

*Laid before Tynwald:*

*16 March 2021*

*Coming into Operation:*

*1 April 2021*

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The Treasury makes the following Order under section 81 of the Interpretation Act 2015.

### **1 Title**

This Order is the Courts Services Fees Order 2021.

### **2 Commencement**

This Order comes into operation on 1 April 2021<sup>1</sup>.

### **3 Interpretation**

Expressions used in this Order, which are also used in any rules of court, have the same meanings as in such Rules of Court etc.

### **4 Court fees**

- (1) For each of the numbered items set out in the Schedule the non-refundable fee set out in the final column in respect of each item shall be charged, but subject to paragraph (2).
- (2) If it appears to the Chief Registrar that the payment of any fee specified in the Schedule would, owing to the exceptional circumstances of the particular case or the parties to the case, involve undue hardship, the Chief Registrar may, upon receiving an application to do so (in the approved form), reduce, remit (or defer) payment of the fee in that case<sup>2</sup>.

### **5 Revocation**

The Court Services Fees Order 2020<sup>3</sup> is revoked.

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<sup>1</sup> Under section 81(1) of the Interpretation Act 2015, an Order made under that section is subject to the negative Tynwald procedure as defined in section 32 of the Legislation Act 2015

<sup>2</sup> Section 88(1), Interpretation Act 2015

<sup>3</sup> SD 2020/0099

**MADE 5 MARCH 2021**



## SCHEDULE

[Article 4(1)]

## COURT FEES

Fee Codes	Fee Description	Fee Payable £
<b>1</b>	<b>SMALL CLAIMS/SUMMARY/ORDINARY PROCEDURE</b>	
1.1	Filing a claim or counterclaim as appropriate:	
(I)	Up to £300	28.80
(II)	£300.01 - £500	44.00
(III)	£500.01 - £1,000	61.00
(IV)	£1,000.01 - £1,500	74.50
(V)	£1,500.01 - £3,000	82.50
(VI)	£3,000.01 - £5,000	103.50
(VII)	£5,000.01 - £10,000	155.50
(VIII)	£10,000.01 - £15,000	213.00
(IX)	£15,000.01 - £50,000	345.50
(X)	£50,000.01 - £100,000	589.50
(XI)	£100,000.01 - £150,000	759.50
(XII)	£150,000.01 - £200,000	929.00
(XIII)	£200,000.01 - £300,000	1,268.50
(XIV)	£300,000.01 - £500,000	1,427.50
(XV)	£500,000.01 - £1,000,000	2,282.00
(XVI)	£1,000,000.01 - £5,000,000	2,855.00
(XVII)	£5,000,000.01 - £10,000,000	3,853.00
(XVIII)	£10,000,000.01 - £50,000,000	4,706.50
(XIX)	Greater than £50,000,000 or unspecified	8,559.50
1.2	Filing a non-money claim (including any claim for possession that does not seek a monetary judgment). This fee will be the minimum fee payable in relation to all possession matters (a higher fee will instead be payable if the financial or arrears sums are equal to or greater than £15,000.01 in which case the fee payable will be charged in accordance with those prescribed at paragraph 1.1)	228.50
1.3	For the scheduling of any matter which is set down for a hearing (see guidance note 3) of more than 2 days duration (see guidance note 2), or is scheduled for less than 2 days but lasts more than 2 days, per day or part thereof	860.00
1.4	Filing/making any contested (see guidance note 1) application (including those made in court during the court hearing):	
(I)	Small Claims or Summary Procedure	138.50

	(II)	Ordinary Procedure	228.50
1.5	Filing/making any agreed (see guidance note 1) application (including those made in court during the court hearing):		
	(I)	Small Claims or Summary Procedure	48.00
	(II)	Ordinary Procedure	138.50
<b>2</b>	<b>CHANCERY PROCEDURE</b>		
2.1	Filing of any originating application		228.50
2.2	For the scheduling of any matter which is set down for a hearing (see guidance note 3) of more than 2 days duration (see guidance note 2), or is scheduled for less than 2 days but lasts more than 2 days, per day or part thereof		860.00
2.3	Filing/making any contested (see guidance note 1) application (including those made in court during the court hearing)		228.50
2.4	Filing/making any agreed (see guidance note 1) application (including those made in court during the court hearing)		138.50
<b>3</b>	<b>BANKRUPTCY MATTERS, where no statutory fee is prescribed</b>		
3.1	(I)	Application to the court to approve the distribution of assets	151.00
	(II)	Any other application to the court in relation to assets or accounts	151.00
<b>4</b>	<b>NON CONTENTIOUS PROBATE BUSINESS</b>		
4.1	(I)	Settling a draft testamentary application	59.00
	(II)	Filing, extension or withdrawal of a caveat	59.00
4.2	Filing an application for probate of a will or letters of administration where it is stated in the application that the gross estate in the Isle of Man (Note: The fees in this section include the cost of one sealed copy of the grant together with a plain copy of any will proved):		
	(I)	< 10,000	28.80
	(II)	10,000.01 - 50,000	170.00
	(III)	50,000.01 - 125,000	499.50
	(IV)	125,000.01 - 250,000	1,061.50
	(V)	250,000.01 - 500,000	2,123.00
	(VI)	500,000.01 - 1,000,000	4,245.50
	(VII)	Exceeds 1,000,000	8,490.00
	(VIII)	Filing an application for a grant of probate of a will or letters of administration where it is stated and sworn that the only asset is a policy of life assurance which has been effected with any insurance company in the Isle of Man by a person who has died domiciled elsewhere than in the Isle of Man where the gross value of the policy exceeds £50,000	266.00
4.3	(I)	Amendment to grant or the relevant record as a result of an error or omission (see guidance note 5)	28.80
	(II)	Application for a cessate grant	28.80
	(III)	Application for revocation of a grant	28.80

	(IV)	Application for a “de bonis non” grant – the fee payable will be based on the value of the un-administered portion of the estate as per paragraph 4.2	
	(V)	Application for an order pursuant to rule 40 of the Probate Rules 1988 (proving of a copy will)	28.80
4.4	Additional copies (see note at paragraph 4.2):-		
	(I)	Certified copy grant (per document)	5.30
	(II)	Certified copy will (per document)	5.30
	(III)	Certified copy grant & will (requested at the same time) - per bundle	8.40
	Affixing court seal & providing additional certified copy of:		
	(IV)	Certified copy grant (per document)	34.00
	(V)	Certified copy will (per document)	34.00
	(VI)	A copy grant & will (requested at the same time) - per bundle	64.00
	(VII)	Plain black and white copy/photocopy of any additional document (per page)	0.50
<b>5</b>	<b>FAMILY, CHILDREN, MATRIMONIAL OR CIVIL PARTNERSHIP PROCEEDINGS</b>		
5.1	Filing an initial application or cross-application for a divorce, annulment, separation or dissolution order		292.50
5.2	Filing an application to make a provisional order final. Application of:		
	(I)	Applicant	28.80
	(II)	Respondent (rule 48(2) Rules of the High Courts of Justice (Matrimonial Proceedings) 2004 Procedure)	138.50
5.3	Filing/making an application, etc.:		
	(I)	In any procedure for the variation of a maintenance agreement or like process	69.50
	(II)	Under Part 4, CYP Act 2001 (care, supervision orders) (save for stand-alone emergency applications)	228.50
	(III)	Which is agreed (see guidance note 1) (including those made in court during the court hearing)	69.50
	(IV)	Non-molestation order / occupation order – payable separately except when filed with an initial application	117.00
	(V)	under Schedule 6 to Civil Partnership Act 2011 or under Part 3 of the Matrimonial Proceedings Act 2003, or any like process for financial relief etc. (other than for amendment/variation - see paragraph 5.3(I))	138.50
	(VI)	Or an order under the Hague Convention	138.50
	(VII)	For an adoption order	138.50
	(VIII)	For a wardship order	138.50

	(IX)	For hearing a contested (see guidance note 1) matter under the Matrimonial Proceedings Act 2003, the Civil Partnership Act 2011 or under the Children & Young Persons Act 2001	138.50
	(X)	Which is contested (any other) (see guidance note 1) (including those made in court during the hearing)	138.50
5.4		Appeals under section 7(6) of Civil Partnership Act 2011 or section 19 of the Marriage Act 1984 (approval of places of registration)	228.50
5.5		Filing of a parental responsibility agreement	28.80
<b>6</b>	<b>APPEAL MATTERS (WHETHER TO THE STAFF OF GOVERNMENT DIVISION OR CIVIL DIVISION)</b>		
6.1		Filing/making of any notice or application within the Appeals process	345.50
6.2		For the scheduling of any appeal matter arising from proceedings pursuant to fees code 1 or 2 in this document which is set down for a hearing (see guidance note 3) of more than 2 days duration, (see guidance note 2) or is scheduled for less than 2 days but lasts more than 2 days, per day or part thereof	860.00
<b>7</b>	<b>ASSESSMENTS OF COSTS</b>		
7.1		Application for, or to set aside, a default/interim costs certificate	69.50
7.2		Application (request) for a detailed assessment hearing. Percentage of the total amount of the bill of costs (including VAT and disbursements).	5%
7.3		Following completion of the detailed assessment proceedings, percentage of the total allowed amount of the assessed bill of costs (including VAT and disbursements) from which will be deducted the relevant fee paid under paragraph 7.2 (note that the fee at 7.2 is the minimum total sum payable)	10%
7.4		Filing of an appeal or review of a decision made in detailed assessment proceedings	345.50
<b>8</b>	<b>MISCELLANEOUS – FEES PAYABLE IN MISCELLANEOUS MATTERS</b>		
8.1		Application to pay into Court, or a payment out of Court	28.80
8.2	(I)	Search of Court and other indices/records, lists etc. <b>if undertaken by staff</b> (per volume or other medium)	52.50
	(II)	Request for access to a court case file (see guidance note 6)	52.50
8.3	Filing/making of an application (including applications for consent orders or any applications made in any way including any within other documents or processes):		
	(I)	Small Claims or Summary Procedure (including requests for judgment and execution, or for execution only where a sum has previously been ordered to be paid)	44.00
	(II)	Small Claims or Summary Procedure (instalment order or attachment of earnings order)	69.50
	(III)	In any other procedure or process (not prescribed elsewhere in this order):	

	(a)	Contested (see guidance note 1) application (including those made in court during the court hearing)	228.50
	(b)	Filing any agreed (see guidance note 1) application (including those made in court during the court hearing)	138.50
8.4		Producing a copy recording of any court or other proceedings (or part thereof) on CD-ROM per compact disc or via other media per item produced	35.50
8.5		Application for a temporary advocates licence (which shall remain in force for no more than 12 months), pursuant to The Advocates Act 1995, s17 (such fee to be payable in addition to fees prescribed under the applicable Fees and Duties (Government Fees) Order in relation to the “drawing of a commission”)	574.00
8.6		Application for each/any additional year of a licence referred to at paragraph 8.5 (such fee to be payable in addition to fees prescribed under the applicable Fees and Duties (Government Fees) Order in relation to the “drawing of a commission”)	228.50
8.7		Application, pursuant to The Advocates Act 1995, s17 (3), for review of a decision made to grant or refuse an application for a temporary advocates licence	345.50

#### NOTES FOR GUIDANCE

- (1) Wherever in this Order reference is made to fees for an agreed or contested application, a contested application is defined as being one in which the application has been submitted without being accompanied by evidence of agreement between the parties.
- (2) Wherever in this Order reference is made to a fee payable for a hearing of a duration of more than 2 days, the fee payable will be calculated by multiplying the number of days scheduled by the daily fee rate (e.g. for a 2 day hearing the fee will be nil, for a 3 day hearing the fee will be 3 x daily rate). Where a hearing has been scheduled for 2 days or less and subsequently lasts for more than 2 days, the fees will be payable as if the hearing had been scheduled for the number of days heard.
- (3) Hearing fees will be payable by the party which seeks the hearing (by application or otherwise), and will generally be payable at the point of setting down/scheduling of the hearing. In any matter in which the party which has responsibility for the payment of the fee is disputed/unclear, the fee will be apportioned equally between the parties. In the absence of payment of such fee, the hearing may not take place.
- (4) Where a claimant is entitled to submit multiple claims within a single claim form as per the Rules of the High Court of Justice rule 4.1(2), a fee will be payable for each of the claims contained within the single claim form.
- (5) The fee shown at Fee Code 4.3(I) relates to any requested or required amendments to a grant or the relevant record resulting from application

errors or omissions, except where this relates to an increase to the declared value of the deceased's estate. Where an amendment is required to a grant to reflect the increased value of an estate the fee payable will be the balance between the fee paid and the applicable higher estate band fee shown in Fee Code 4.2 plus the amendment fee at Fee Code 4.3(I). No amendment fee will be payable as a result of any error or omission made by the Probate Office. Where a Grant or relevant record amendment relates to a lower estate value, an amendment fee will apply.

- (6) Where a request for access to a court file has been made in relation to Fee Code 8.2(II) the sum due will be calculated as per the following example scenario:
- Case reference ORD/1901/21
  - Contains 1 standard court file volume and 4 other files
  - The fee payable would be 1 + 4 x the fee stated
  - Should the request be specific so as to identify only certain files this would reduce the sums payable
  - In the example shown above, if the request was only for the standard court file, only 1 x the fee stated would fall due to be paid
  - Note the relevant item quantities may require to be identified before a definitive fee sum is sought and the file(s) produced
- (7) In any instance where a fee required to be paid pursuant to this Order has not been paid at the appropriate/required point in time, the relevant fee bearing service/process will not take place. In addition, the Chief Registrar may determine that no other application, process etc. (in any matter) brought or involving the person/entity concerned (save for any brought by any other party to the matter) will take place until all/any outstanding fees have been paid.



## ENDNOTES

### Table of Endnote References

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<sup>1</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.