



## COURTS SERVICES FEES ORDER 2023

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Statutory Document No. 2023/0101



*Interpretation Act 2015*

## COURTS SERVICES FEES ORDER 2023

*Laid before Tynwald:*

*Coming into Operation: in accordance with article 2*

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

### 1 Title

This Order is the Courts Services Fees Order 2023.

### 2 Commencement

This Order comes into operation on the day it is made.<sup>1</sup>

### 3 Interpretation

(1) In this Order—

“**civil legal aid**” is to be construed in accordance with the Legal Aid Act 1986;

“**chancery procedure**” is to be construed in accordance with Part 5, Chapter 4 (chancery procedure) of the Rules of the High Court of Justice 2009<sup>2</sup>;

“**employed person’s allowance**” is to be construed in accordance with the Social Security Contributions and Benefits Act 1992<sup>3</sup>;

“**income support**” is to be construed in accordance with the Social Security Contributions and Benefits Act 1992;

“**income based job seeker’s allowance**” is to be construed in accordance with the Social Security Contributions and Benefits Act 1992;

“**ordinary procedure**” is to be construed in accordance with Part 5, Chapter 5 (ordinary procedure) of the Rules of the High Court of Justice 2009;

<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> SD 352/09.

<sup>3</sup> The Schedule to the Social Security Contributions and Benefits Act 1992 (Application) Order 1994 sets out the Social Security Contributions and Benefits Act 1992 (1992 c.4) as it is applied to the Island subject to the exceptions, adaptations and modifications specified in that Order.

“**proceedings**” is to be construed in accordance with the High Court Act 1991;  
“**relevant record**” is to be construed in accordance with the Probate Rules 1988<sup>4</sup>;  
“**small claims procedure**” is to be construed in accordance with Part 5, Chapter 2 (small claims procedure) of the Rules of the High Court of Justice 2009;  
“**summary procedure**” is to be construed in accordance with Part 5, Chapter 3 (summary procedure) of the Rules of the High Court of Justice 2009; and  
“**table**” means the table in the Schedule.

#### **4 Fees in respect of entries 4, 5.3(ii) and 7**

- (1) This article applies to a matter described in entry 4.1 to 4.4, 5.3(ii), and 7.1 to 7.4 of column 2 of the table.
- (2) The fee payable by a person (P) in respect of such a matter is that specified in the corresponding entry in column 3 of the table.
- (3) Such a fee is payable in full and immediately when it falls due.
- (4) Despite paragraph (3) where condition 1 and condition 2 are satisfied, a fee payable in respect of a matter to which this article applies may –
  - (a) be paid in instalments such that the full fee is paid within a period not exceeding three months beginning with the day the fee fell due; or
  - (b) be deferred for a period not exceeding 12 months beginning with the day the fee fell due.
- (5) Condition 1 is that P is not legally represented in the proceedings (including any appellate proceedings) at the time the fee arises.
- (6) Condition 2 is that, at the time the fee arises, P –
  - (a) is in receipt of employed person’s allowance, income support or income based jobseeker’s allowance; or
  - (b) has an annual net income of less than £4,501.

#### **5 Fees less than £240.00**

- (1) This article applies to a matter described in an entry in column 2 of the table –
  - (a) which is not a matter referred to in article 4; and
  - (b) in respect of which the fee specified in the corresponding entry in column 3 of the table is less than £240.00.
- (2) The fee payable by P in respect of such a matter is that specified in the corresponding entry in column 3 of the table.
- (3) Such a fee is payable in full immediately it falls due.

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<sup>4</sup> GC 166/88 as amended by GC176/92.

## **6 Fees equal to or greater than £240.00: P legally represented**

- (1) This article applies to a matter described in an entry in column 2 of the table where —
  - (a) the matter is not a matter within article 4;
  - (b) in respect of which the fee specified in the corresponding entry in column 3 of the table is equal to, or greater than, £240.00; and
  - (c) P is legally represented in the proceedings (including any appellate proceedings) at the time the fee arises.
- (2) The fee payable by P in respect of such a matter is that specified in the corresponding entry in column 3 of the table.
- (3) Such a fee is payable in full immediately it falls due.

## **7 Fees equal to or greater than £240.00: P not legally represented**

- (1) This article applies to a matter described in an entry in column 2 of the table where —
  - (a) that matter is not a matter within article 4;
  - (b) the fee payable in respect of the matter in the corresponding entry in column 3 of the table equal to, or greater than, £240.00;
  - (c) P is not legally represented in the proceedings (including any appellate proceedings) at the time the fee arises; and
  - (d) P, at the time the fee arises, —
    - (i) is not in receipt of employed person's allowance, income support or income based jobseeker's allowance; or
    - (ii) has an annual net income greater than £4,500.
- (2) The fee payable by P in respect of such a matter is that specified in the corresponding entry in column 3 of the table.
- (3) Such a fee is payable in full immediately it falls due.

## **8 Revocation**

The Court Services Fees Order 2021<sup>5</sup> is revoked.

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<sup>5</sup> SD 505/94

**MADE**

**DR ALEX ALLINSON**  
*Minister for the Treasury*

## SCHEDULE

[Article 4(1)]

## COURT FEES

Fee Item No. 1	Fee Description	Fee
<b>1</b>	<b>SMALL CLAIMS/SUMMARY/ORDINARY PROCEDURE</b>	
1.1	Filing a claim or counterclaim as appropriate:	
	(i) Up to £300	30.00
	(ii) £300.01 - £500	46.00
	(iii) £500.01 - £1,000	64.00
	(iv) £1,000.01 - £1,500	78.00
	(v) £1,500.01 - £3,000	86.50
	(vi) £3,000.01 - £5,000	108.50
	(vii) £5,000.01 - £10,000	163.50
	(viii) £10,000.01 - £15,000	223.50
	(ix) £15,000.01 - £50,000	363.00
	(x) £50,000.01 - £100,000	619.00
	(xi) £100,000.01 - £150,000	797.50
	(xii) £150,000.01 - £200,000	975.50
	(xiii) £200,000.01 - £300,000	1,332.00
	(xiv) £300,000.01 - £500,000	1,499.00
	(xv) £500,000.01 - £1,000,000	2,396.00
	(xvi) £1,000,000.01 - £5,000,000	2,998.00
	(xvii) £5,000,000.01 - £10,000,000	4,045.50
	(xviii) £10,000,000.01 - £50,000,000	4,942.00
	(xix) Greater than £50,000,000 or unspecified	8,987.50
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)	240.00
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	903.00
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	145.50
	(ii)	Ordinary Procedure	240.00
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	50.50
	(ii)	Ordinary Procedure	145.50
<b>2</b>	<b>CHANCERY PROCEDURE</b>		
2.1	Filing of any originating application		240.00
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		903.00
2.3	Filing/making any contested (see guidance note 1) application (including those made in court during the court hearing)		240.00
2.4	Filing/making any agreed (see guidance note 1) application (including those made in court during the court hearing)		145.50
<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	158.50
	(ii)	Any other application to the court in relation to assets or accounts	158.50
<b>4</b>	<b>NON CONTENTIOUS PROBATE BUSINESS</b>		
4.1	(i)	settling a draft testamentary application	62.00
	(ii)	filing, extension or withdrawal of a caveat	62.00
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	30.00
	(ii)	10,000.01 - 50,000	178.50
	(iii)	50,000.01 - 125,000	524.50
	(iv)	125,000.01 - 250,000	1,114.50
	(v)	250,000.01 - 500,000	2,229.00
	(vi)	500,000.01 - 1,000,000	4,458.00
	(vii)	Exceeds 1,000,000	8,914.50
	(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	279.50



4.3	(i)	Amendment to grant or the relevant record as a result of an error or omission (see guidance note 5)	30.00
	(ii)	Application for a cessate grant	30.00
	(iii)	Application for revocation of a grant	30.00
	(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)	30.00
4.4	Additional copies (see note at paragraph 4.2):-		
	(i)	Certified copy grant (per document)	5.50
	(ii)	Certified copy will (per document)	5.50
	(iii)	Certified copy grant & will (requested at the same time) - per bundle	9.00
	Affixing court seal & providing additional certified copy of:		
	(iv)	Certified copy grant (per document)	35.50
	(v)	Certified copy will (per document)	35.50
	(vi)	A copy grant & will (requested at the same time) - per bundle	67.00
(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		307.00
5.2	Filing an application to make a provisional order final. Application of:		
	(i)	Applicant	30.00
	(ii)	Respondent (rule 48(2) Rules of the High Courts of Justice (Matrimonial Proceedings) 2004 Procedure <sup>6</sup> )	145.50
5.3	Filing/making an application, etc.:		
	(i)	In any procedure for the variation of a maintenance agreement or like process	73.00
	(ii)	Under Part 4, Children and Young Persons Act 2001 (care, supervision orders) (save for stand-alone emergency applications)	240.00
	(iii)	Which is agreed (see guidance note 1) (including those made in court during the court hearing)	73.00
	(iv)	Non-molestation order / occupation order – payable separately except when filed with an initial application	123.00

<sup>6</sup> SD 103/04

	(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))	145.50
	(vi)	Or an order under the Hague Convention	145.50
	(vii)	For an adoption order	145.50
	(viii)	For a wardship order	145.50
	(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	145.50
	(x)	Which is contested (any other) (see guidance note 1) (including those made in court during the hearing)	145.50
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)	240.00
5.5		Filing of a parental responsibility agreement	30.00
<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	363.00
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	903.00
<b>7</b>	<b>ASSESSMENTS OF COSTS</b>		
7.1		Application for, or to set aside, a default/interim costs certificate	73.00
7.2		Application (request) for a detailed assessment hearing. Percentage of the total amount of the bill of costs (including VAT and disbursements). The sum is non-refundable	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 non-refundable and is therefore the minimum total sum payable)	10%
7.4		Filing of an appeal or review of a decision made in detailed assessment proceedings	363.00
<b>8</b>	<b>MISCELLANEOUS – FEES PAYABLE IN MISCELLANEOUS MATTERS</b>		
8.1		Application to pay into Court, or a payment out of Court	30.00
8.2	(i)	Search of Court and other indices/records, lists etc. if undertaken by staff (per volume or other medium)	55.00
	(ii)	Request for access to a court case file (see guidance note 6)	55.00

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)	46.00
	(ii)	Small Claims or Summary Procedure (instalment order or attachment of earnings order)	73.00
	(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)	240.00
	(b)	Filing any agreed (see guidance note 1) application (including those made in court during the court hearing)	145.50
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		37.50
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, section 17 (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”)		602.50
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”)		240.00
8.7	Application, pursuant to The Advocates Act 1995, section 17 (3), for review of a decision made to grant or refuse an application for a temporary advocates licence		363.00
8.8	Application for, or to vary, a Domestic Abuse Protection Order (except any such application under section 15(3) of the Domestic Abuse Act 2020)		123.00

#### 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

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.

***EXPLANATORY NOTE***

*(This note is not part of the Order)*

This Order, made under the Interpretation Act 2015, revokes and replaces the Courts Services Fees Order 2021 (SD 2021/0077).

All fees were increased by 5% (with an element of rounding) in line with general budget assumptions for fees collected in 2023/24.