

Court fees - Do you have to pay them?

Introduction

Her Majesty's Courts Service (HMCS) is committed to ensuring access to justice is protected for those less well-off.

When court cases are started in England and Wales, some of the work completed by the court will attract a court fee as set out in leaflet EX50 Fees.

This guidance is designed to let you know whether, given your circumstances, you qualify for a concession or have to pay a fee.

The fee concession system is made up of three concessions. Concessions 1 and 2 provide a full remission of the court fee if you are in receipt of a means-tested benefit or you have a gross annual income below a certain amount. Concession 3 provides a part remission or contribution toward the court fee if you would suffer financial hardship if you had to pay the fee.

Please read this guidance carefully before completing form EX160. This booklet contains all the information you need to understand your entitlements and what evidence the court needs to process your request.

If you would like more information please contact a Customer Service Officer at court. Court staff can assist you on court procedures and help you complete the form **but they cannot tell you what to write or give you legal advice.**

Prisoners: If you are currently serving a prison sentence, or on remand or in custody in one of Her Majesty's Prisons, Remand Centres, or Young Offenders Institutes, you will only be eligible to apply for remission under concession 3.

Vexatious Litigants: If you are a vexatious litigant you cannot apply for fee remission in the first instance. Applications for permission must be directed to the High Court where you will pay the full fee of the application. If the application is successful, you can make a retrospective application for a fee remission within six months, and if successful, obtain a refund in full or in part.

Litigants bound by a Civil Restraint Order: If you are bound by a Civil Restraint Order you cannot apply for fee remission in the first instance. All applications for permission will attract the full fee which must be paid. If the application is successful, you can make a retrospective application for a fee remission within six months, and if successful, obtain a refund in full or in part.

Foreign Nationals: If you reside outside England or Wales, but are involved in legal proceedings in England or Wales, you can apply under concessions 2 or 3. Concession 1 only applies if you are in receipt of a means-tested benefit and reside within the United Kingdom, Republic of Ireland, Channel Islands or Isle of Man.

Completing Form EX160

You must complete a separate EX160 application for every process you ask the court to consider.

Section 1: About the Case

Case or Claim Number: This is normally found in the top right hand corner on a court document. If it relates to a new case, you will not have a case or claim number so leave this blank.

Name of Claimant/Petitioner: The person(s) who starts the process or brings the action.

Name of Defendant/Respondent: The person who responds to or needs to defend the action or case.

Section 2: Your Details

Title, Surname/Family Name and First Name: Please tick the box or, if 'other', state the title by which you are known. Please enter your full name including any middle or secondary names.

Address and postcode: Please enter your full postal address including postcode, at which you permanently reside and can be contacted. A 'care of' address is not permitted on this form.

Date of Birth: Please enter in DD/MM/YYYY form, e.g. 01/07/1963

Section 3: Full Remission based on permitted benefits - Concession 1

This concession is available to you if you can provide evidence that you receive any one of the following four means- tested benefits:

- Income-Support
- Income-Based Jobseeker's Allowance
- State Pension Guarantee Credit
- Working Tax Credit with no element of Child Tax Credit

If you are in receipt of one of the four means tested benefits, please tick the appropriate box and go to section 6.

If you are not in receipt of one of the four means tested benefits, please tick 'none of these' and go to section 4.

Evidence: If you have ticked 'Yes' you will be asked to provide evidence to support your application. The court officer can only accept evidence in the form of:

- An original letter or entitlement notice, signed by a named member of staff from the appropriate benefit provider (details on page 13 - Useful Contacts) dated no more than **1 month old**. It must contain your full name, address, title and postcode.

If you receive State Pension Guarantee Credit or Working Tax Credit, your evidence letter can be dated up to **1 year old**.

Section 4: Full Remission based on gross annual income - Concession 2

This concession is available to you if you can provide evidence of your status, dependant children, name and address and that your single or joint gross annual income does not exceed the limits set out in the tables below.

Children: Please tick Yes or No. If Yes, state the number of children who are financially dependent on you.

Evidence:

- Current Child Tax Credit Award, or
- Current Child Benefit notification

Status: Please tick either single or part of a couple. A couple must reside at the same address. Please complete the details below the box you have ticked.

Evidence:

- Any original document stating full name(s) and address, such as a utility bill, bank statement etc

Gross Annual Income: This is your total earnings from all sources for the year, before any deductions such as tax or National Insurance, have been made.

Evidence:

If you are employed this can be:

- Original wage slips:
Paid monthly: last 3 months wage slips no more than 4 months old; or
Paid weekly: last full month of wage slips no more than 6 weeks old; and
- Last 3 months bank statements.

If you are self employed this can be:

- Most recent tax return (self assessment); or
- Most recent full years profit and loss accounts; and
- Last 3 months bank statements;
- Any other official document which shows any other income (e.g. statement of rent paid from other properties, permitted benefit entitlement letter, statement from ownership of stocks and shares etc.).

If you are single: Please look at the table below. The number of dependant children you have will determine the gross annual income limit available to you. Check the table to see if your gross annual income is within the limit appropriate to your situation:

Number of Children	Total Gross Annual Income Limits
None	£12,000
One	£14,470
Two	£16,940
Three	£19,410
Four	£21,880

Additional Children: If you have more than four children, please add £2,470 for each extra child thereafter to the figure for four children.

E.g. If you are single with five children, add £2,470 to £21,880. Your gross annual income must not exceed £24,350.

If you are part of a couple: Please look at the table below. The number of dependant children you have will determine the gross annual income limit available to you.

Work out your joint total by adding together the gross annual income of you and your partner. Check the table to see if your joint gross annual income is within the limit appropriate to your situation.

Number of Children	Total Joint Gross Annual Income Limits
None	£16,000
One	£18,470
Two	£20,940
Three	£23,410
Four	£25,880

Additional Children: If you have more than four children, please add £2,470 for each extra child thereafter to the figure for four children.

E.g. If you are part of a couple with five children, add £2,470 to £25,880. Your joint gross annual income must not exceed £28,350

If your single or joint gross annual income does exceed the limits set out in the tables above, tick the declaration and go to section 5.

If your single or joint gross annual income does not exceed the limits set out in the tables above, tick the declaration and go to section 6.

Section 5: Part Remission based on a means test - Concession 3

This concession is available to you if you do not qualify for concessions 1 or 2. You may be entitled to a remission following a means test based on your income and expenditure. The court fee, in whole or in part may be payable if your disposable income is over a certain level.

Please state your monthly income and expenditure if applying as a single person.

If applying as part of a couple and reside at the same address, state all your separate monthly income and all your joint expenditure. Remember you or your partner may receive income from different sources. Each one must be stated. You will be asked to provide evidence to support your application.

Please write your figures in the boxes provided on the form for each part that applies to you.

Monthly Income

Net Monthly Pay: Your actual 'take home' pay each month after deductions such as Income Tax and National Insurance.

Evidence:

If you are employed this can be:

- Original wage slips:
 - Paid monthly: last 3 months wage slips no more than 4 months old; or
 - Paid weekly: last full month of wage slips no more than 6 weeks old; and
- Last 3 months bank statements.

If you are self employed this can be:

- Most recent tax return (self assessment); or
- Most recent full years profit and loss accounts; and
- Last 3 months bank statements.

Income from people living with you: Amount received per month from people living at your address who pay you rent or board; a relative, lodger, or a non-dependant child.

Evidence:

- Rent book or receipts; or
- Statement from the person paying rent/board to confirm the amounts and arrangements in place.

Pension: Amount received per month from pension payments.

Evidence:

- Any official letter or entitlement notice.

Child Benefit and Other Benefits: Amount received per month from Child Benefit and any other benefit payments **excluding:**

- ×Attendance Allowance
- ×Back to Work Bonus
- ×Budgeting Loan
- ×Carer's Allowance
- ×Cold Weather Payment
- ×Community Care Grant
- ×Constant Attendance Allowance
- ×Council Tax Benefit
- ×Crisis Loans
- ×Direct Payments made under Community Care, Services for Carers and Children's Services
- ×Disability Living Allowance
- ×Exceptionally Severe Disablement Allowance
- ×Financial support under an agreement for the care of a foster child
- ×Funeral Payment
- ×Housing Benefit
- ×Income-based Jobseeker's Allowance
- ×Income Support
- ×Independent Living Fund Payments
- ×Severe Disablement Allowance
- ×State Pension Guarantee Credit
- ×Working Tax Credits with no element of Child Tax Credit

Evidence:

- Current Child Benefit entitlement notice; or
- Any official letter or entitlement notice, dated no more than **1 month old**, for any permitted benefit given.

Total Monthly Income: Please add together all the figures you have entered and put the total in the box. If applicable, do the same for your partner's total monthly income.

Monthly Expenditure

Monthly housing costs: The total you pay for a mortgage, rent or board per month. If applying as part of a couple, this figure will be your joint payment.

Evidence:

- Mortgage statement (if mortgage is on a flat, the housing costs will include extra costs for ground rents and service charges); or
- Tenancy Agreement for rented premises; or
- Rent book signed by the landlord; or
- Receipts from board payments; or
- Statement from landlord.

Monthly Fixed Allowances: These are fixed allowances given to you for:

- **Partner:** £142 per month. Do not enter this figure if you are applying as a single person
- **Dependent Child:** £198 per month per child. Do not enter this figure if you do not have dependant children
- **General Living Expenses:** £279 per month

These allowances do not apply to you if you are a prisoner, as set out on page 1.

Monthly Child Maintenance: If child maintenance is paid state the figure in the appropriate box to reflect the terms under which the maintenance is paid; court order, voluntary arrangement or Child Support Agency (CSA).

Evidence:

- Sealed court order; or
- Signed voluntary arrangement; or
- CSA assessment

Child Care Expenses: If you have dependant children, childcare may be paid; nursery, child minder, after school care etc. **Childcare costs do not include school fees.**

Evidence:

- Receipts from a nursery; or
- Proof of payments to a pre-school or after-school club; or
- Receipts from a child minder or nanny.

Payments under a Court Order: If you make monthly payments as a result of any court order or judgment (excluding child maintenance) please give details here.

Evidence:

- A sealed court order giving the payment details, and
- Receipts of payments made to a claimant or the court

Total Monthly Expenses: Please add together all the figures you have entered and put the total in the box. The total amount must be either your single monthly expenditure or yours and your partner's joint monthly expenditure.

What happens next: You will be asked to provide evidence on each figure you have given. **Failure to provide evidence will result in the application not being processed and the full fee being payable if you want to proceed.**

An officer of the court will calculate your disposable income based on the figures you have provided.

The Court Officer's Decision: The court officer will tell you how much contribution you must pay, whether in full, part or none at all. You can appeal if you do not agree with the court officer's decision. Please see page 10 for details of how to appeal.

Section 6: Refunds

If you have paid a court fee within the **last 6 months** and now realise you could have applied for a remission; you can apply for a refund. Please tick the 'Yes' box, enter the date you paid and go to section 7.

Evidence:

- That **you** paid the fee you are requesting the refund of by way of a:
 - Court receipt; or receipted documents giving details of the fee and date paid; and
 - The date paid must be within the last 6 months; and
- Appropriate evidence for the concession you are applying for that would have allowed the court to accept it on the day you paid the fee. Benefit letters and other evidence should be dated for the period you paid the fee and not the date you apply for the refund.

This does not apply to you if you are a vexatious litigant or a litigant bound by a Civil Restraint Order, as set out on page 1.

If you are not applying for a refund, please tick the 'No' box and go to section 7.

Section 7: Declaration

All applicants must complete and carry out the request contained in the declaration. Failure or refusal to do so will result in the EX160 application not being processed. Tick all three boxes and go to section 8

Section 8: Statement of Truth

All applicants must sign and date the statement of truth to confirm all the information provided is true.

Only the applicant themselves can sign and date the statement of truth.

No third party information or signature is allowed except where an EX160 is completed on behalf of a minor.

The application will be refused if section 8 is unsigned or if any figures entered on the EX160 are found to be false or that you cannot provide evidence to support your application.

The Procedure

Your EX160 application will be processed within 5 working days of receipt, unless it is an emergency application. For more details on Emergency Applications see page 11 of this booklet.

If the court officer allows a full remission, the papers in the case will be processed.

If the court officer allows a part remission a letter will be sent stating the contribution you should pay. Payment should be made within 7 days. The papers relating to your case will not be processed until the fee is received.

If the court officer refuses the application, the EX160 and supporting evidence will be returned to you explaining the reason for refusal and stating the court fee payable.

If you do not agree with the court officer's decision, you can appeal.

How to appeal

What you need to do:

- Appeal in writing to the Court Manager.
- Appeal by the date specified in the court officer's refusal letter (this will be approximately 14 days from the date you receive the letter).
- Set out your grounds for appeal.
- Enclose your evidence and any further evidence which was not available to the original officer at the time of refusal.
- The Court Manager will consider your appeal and notify you of the decision within 10 working days.
- **If the appeal is allowed**, the court officer will process the EX160 and court papers.
- **If the appeal is refused**, the Court Manager will tell you the reasons why. You can appeal a final time to the Area Director whose name and address will be supplied. You must follow the same procedure as set out above. The Area Director's decision is final. Alternatively, you can pay the court fee, the amount of which will be set out in the Court Manager's letter.

Emergency applications

The Court Manager has the power to grant a full or part remission without supporting evidence on emergency matters only if:

- your evidence is not available at the time the application is being made, and
- you do not have the money to pay the court fee, and
- the interests of justice will be compromised if a delay occurs.

The Court Manager is the only person who can make the decision that an application is an emergency and their decision is final.

Matters which could be considered an emergency can include applications involving:

- Children
- Domestic Violence
- Injunctive provisions
- Suspending an imminent eviction
- Extending a time limit about to run out

If your application is considered an emergency and you do not have either the required evidence or the money to pay the court fee, you will be asked to give an undertaking.

Undertakings

An undertaking is a promise made to the court to do something within a specified time.

The undertaking will state that you promise to:

- Supply the court with the appropriate evidence to support the EX160, or
- Pay the required court fee.

This promise must be completed within 5 days of the undertaking being given.

Before giving an undertaking, you must be certain you can comply with it.

Failure to comply with an undertaking carries sanctions which are very serious. Failure to comply with an undertaking within the time limit can result in:

- Having the case stopped
- Having your claim/defence struck out
- Having the order which was obtained, revoked

Multiple Party or Class Action applicants

Where there are two or more claimants or defendants involved in the same case, they will be jointly liable for any court fees payable during the case. Each claimant or defendant will be entitled to apply for fee remission in full or in part. If one or more claimant or defendant gets a remission in full or in part, the remaining claimants or defendants (if any) will become jointly liable for the fee.

Example 1: four claimants of the same case issue a claim. Three of them would qualify for a remission. The fourth claimant doesn't qualify for any remission so would have to pay the issue fee in full.

If two or more claimants or defendants gain a part remission under concession 3, their contribution amounts will be added together.

Example 2: four claimants of the same case issue a claim. Two of them receive a full remission under concessions 1 and 2. The other two claimants apply under concession 3 and have to pay a contribution. Their contributions are added together as payment in part of the fee.

Useful contacts

Citizens Advice Bureau

Please go to the CAB website below to find out your nearest branch or check the Yellow Pages.

www.citizensadvice.org.uk

Community Legal Service Direct

Tel: 0845 3454345

www.clsdirect.org.uk

Department of Work and Pensions

www.dwp.gov.uk

Her Majesty's Courts Service

Please go to the HMCS website below to find out the address and contact details of your nearest court

www.hmcourts-service.gov.uk

Her Majesty's Revenue and Customs

Tel: 0845 3003900

www.hmrc.gov.uk

Job Centre Plus

Tel: 0845 6060234

www.jobcentreplus.gov.uk

The Pension Service

Tel: 0845 6060265

www.pensionservice.gov.uk

Things to remember

- Court staff cannot give legal advice. For free legal information, help and advice, contact Community Legal Service Direct or Citizens Advice Bureau (details opposite). You can also go to a Law Centre or Consumer Advice Centre, check the Yellow Pages for details.
- Please seek advice from Royal Mail before sending original documents in the post. The court is not responsible for original documents it does not receive.
- Applications for fee remissions will not be approved without the required documentary evidence except when the application is deemed an emergency.
- Courts accept payment by cash, postal orders or cheques, which should be made payable to HMCS. Some magistrates' courts accept debit cards, please check with your local court office.
- If you pay by cheque and it is dishonoured, the court will take steps to recover the money. Non-payment will result in your case being stayed or even struck out.