

## COURT OF APPEAL MEDIATION SCHEME

### FEES SCHEDULE

The fees payable by the parties under the Court of Appeal Mediation Scheme will be as set out in this Schedule.

#### **Non-family mediations**

The standard fee per party for a Court of Appeal Mediation is £850 plus VAT, a total of **£998.75**. This includes CEDR Solve's costs of administering and setting up the mediation, and also the mediator's fee. The fee is payable in advance of the mediation **as soon as all parties have agreed the identity of the mediator and the date of the mediation**, and should be paid to CEDR Solve, who will issue a VAT invoice to each party for the sum due. CEDR Solve will be responsible for paying the mediator's fee.

The full fee is payable if the mediation takes place or if the mediation is cancelled less than 24 hours of the start time for the mediation. Reduced fees per party will be payable if the mediation is cancelled after the fee becomes payable but before the mediation, in accordance with the following scale:

Less than 28 days but more than 14 days before the mediation date	<b>£125</b> plus VAT per party
Less than 14 days but more than 7 days before the mediation	<b>£400</b> plus VAT per party
Less than 7 days but more than 24 hours before the mediation	<b>£600</b> plus VAT per party
Less than 24 hours before the mediation	<b>Full fee i.e. £850</b> plus VAT per party

CEDR Solve will issue a refund for the balance if the fee has already been paid prior to notice of cancellation being given.

#### **Family law mediations**

Parties may opt for the fixed fee as above for non-family cases if they prefer, the whole fee then being payable in advance.

Alternatively the parties may opt for an hourly rate based on the mediator's actual preparation and mediation time, paying the mediator direct at a global rate of **£170 per hour plus VAT**, splitting that hourly rate between them if they so choose by arrangement with the mediator. The parties will be responsible for paying an advanced fixed fee to CEDR Solve for administration and setting up the mediation of **£350 plus VAT per party**.

If the parties opt for an hourly rate, the mediation fee, plus the CEDR Solve administration fee, will be no more than £850 plus VAT in total per party, i.e. the amount of the usual fixed fee under the Court of Appeal Mediation Scheme. Subject to this limit, the parties can agree whatever ceiling they choose with the mediator direct. If any fee requested by the mediator on this basis is not paid by the party concerned, the whole of the balance of the fee referable to that party will become immediately payable and recoverable by CEDR Solve acting for the Court.

## **Waiver of fees**

A party may apply to the Court of Appeal for waiver of the fee if unable to afford it. The criteria for making and granting such an application are that:

- if any party is unable to obtain funding from the Legal Services Commission or any other funder for the mediation **and** is eligible for waiver of Court fees **and** has completed the Court's application form for fee waiver; or
- in any other case the Court of Appeal deems it appropriate to waive a party's fees under the Court of Appeal Mediation Scheme in the light of information given to it by an appellant or respondent as to being precluded for reasons of insufficient funds.

The Court of Appeal may agree that one or both parties to an appeal wishing to use the Court of Appeal Mediation Scheme may have their whole fee waived, and will notify each respective party accordingly in writing (though not the other party or parties to the appeal). Any applicant who is aggrieved by such a decision may seek a review from the Court of Appeal.

CEDR Solve will issue a refund for the balance if the full administration fee has already been paid prior to notice of cancellation being given.

## **Additional fees in appeals involving a heavy mediation workload**

In appeals (whether family or non-family) with exceptionally high amounts at stake (in excess of £1 million) or of exceptional complexity, CEDR Solve is authorised by the Court to indicate that such a mediation is more appropriately dealt with on commercial terms through external providers, the Court of Appeal Mediation Scheme being aimed particularly at those who might otherwise find it difficult to gain access to mediation services. Alternatively a fee acceptable to both CEDR Solve and the mediator, and which requires approval by the Court, may be negotiated for the case to continue under the Court of Appeal Mediation Scheme if preferred by the parties.

CEDR Solve  
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