

## Court fees do you have to pay them?

### Introduction

When you start a case in the High Court or in a county court, and sometimes during a case, the court will need to carry out some work for which you may have to pay a fee.

In this booklet, 'case' includes applications for court proceedings.

Some of the fees that you may have to pay are given in the leaflet 'County Court Fees'. Many people pay these fees but some people do not because:

- they do not have to pay a court fee, by law – the court calls this **exemption**

or

- they do not pay the whole court fee because the court has decided that if they paid it, they would suffer financial hardship. So, some people are allowed to pay a smaller fee, and some people do not pay any fee. The court calls this **remission**.

You may get the leaflet 'EX50 - County Court Fees', from a county court office. The leaflet is free. Or you may see the leaflet on our website [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk). If you would like information about other fees, please contact a customer service officer at the court.

### This booklet

will tell you more about exemption and remission, and how to apply for them. And even if you have already paid a fee you may still apply for exemption or remission and claim a refund. There is more about refunds on page 6.

If you would like more information, please contact a customer service officer at the court. But please remember that court staff cannot give you legal advice about your case.

## About exemption

You may be **exempt** from paying a court fee which means that you do not have to pay it, by law.

### You will be exempt from paying a fee if:

1. you or your partner receive Income Support.

Partner means someone to whom you are married, or in a civil partnership with; or someone who you live with as if you were married or in a civil partnership.

2. you or your partner receive Pension Credit guarantee credit.

3. you receive **Income-based** Job Seeker's Allowance.

4. either

- your gross annual income is less than the current cut-off\* and you receive Working Tax Credit with a 'disability element' or 'severe disability element';

or

- your gross annual income is less than the current cut-off\* and you and your partner receive Working Tax Credit **and** Child Tax Credit between you.

Your gross income is your income before income tax and other money is taken away.

The Inland Revenue will send you an award notice that shows your annual income. This is your gross annual income. If it is more than the current gross annual income cut-off, the court may suggest that you apply for remission (\*please ask a customer service officer at the court what the current gross annual income cut-off is). If you receive Working Tax Credit, the award notice will show if you receive a 'disability element' or 'severe disability element'.

5. you receive 'Legal Help' and you are involved in a 'family case'. If you are not sure if the case is a family case, please ask a customer service officer at the court.

If you receive 'Legal Help' but the case in which you are involved is **not** a 'family case', you or your partner where appropriate must be in receipt of one of the qualifying benefits listed above.

'Legal Help' means the legal advice and assistance given under the Community Legal Service scheme.

## If you would like to apply for exemption

please see page 4 of this booklet and then fill in form EX160.

If you are exempt, you will find that you answer 'Yes' to one of the questions 2f, 2g, or 2h.

## **When the court has dealt with your application**

It may have decided that:

- you are exempt from paying the court fee so that you do not have to pay anything
- or
- that you are not exempt from paying the court fee. The court may ask you to pay the whole fee, or suggest that you apply for remission. But if your circumstances change, you may apply for exemption again.

## **About remission**

The court may decide that you do not have to pay a court fee, or that you may pay a smaller fee, because if you paid the whole fee you would suffer financial hardship. This is called **remission**.

So, if you decide that you are not exempt from paying a fee but you think you would suffer financial hardship if you did pay it, you may decide to apply for remission of the court fee.

## **If you would like to apply for remission**

please see page 4 of this booklet and then fill in form EX160.

When you fill in the form, you will find that you answer 'No' to the questions 2f, 2g, and 2h, and then give details about your savings, income and payments on page 2 of the form.

## **When the court has dealt with your application**

It may have decided that:

- you should pay no fee
- or that you may pay a smaller fee
- or that you must pay the whole fee.

If the court decided that you should pay a smaller fee or the whole fee, and your circumstances change, you may apply for remission again.

## **If you think the decision was wrong**

you may appeal.

## About the form EX160

**You may need more than one form** because you must fill in a separate form for each fee for which you would like exemption or remission

If you need more than one form, please contact a customer service officer at the court. Or you may obtain copies of form EX160 from our website [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk).

Question 1d on form EX160 asks you to give the title or number of the form that you would like the court to process in the court case – for instance, a divorce petition or a claim form. If you would like the court to process more than one form, you may have to pay more than one court fee. So, you may decide to apply for exemption from paying, or remission of, more than one fee.

## When you fill in form EX160

please answer all the questions from 1a to 2f. Then follow the instructions beside your answer to question 2f because some of the other questions on the form may not apply to you – for instance, if you answer ‘Yes’ to question 2f, you need to answer question 2i and Part 9 only.

Please give all the details that form EX160 asks for, and remember that the court will need **evidence** for those details. If you do not provide the details or the evidence, your application for exemption or remission may be delayed. And until the court has made a decision about the application, the court case will not continue unless the court has to deal with something urgently.

**The evidence that the court needs** depends on how you answer questions 2f, 2g, 2h and 2i.

### Evidence 1

**If you answer ‘Yes’ to question 2f or 2g, but ‘No’ to question 2i**, the evidence must show that **1, 2, 3, 4 or 5** on pages 2 and 3 apply to you, or that **1, 2 or 4** on page 2 applies to your partner.

The evidence must show:

- the type of benefit or entitlement
- and the name of the person who receives it
- and the amount that is paid
- and the date when it was paid last. This date should be within the **last month**.

The evidence may be a current order book from the Department of Work and Pensions, or an award notice from the Inland Revenue. If you would like to provide other evidence, please contact the court.

## Evidence 2

If you answer 'Yes' to question 2f or 2g, and 'Yes' to question 2i, the evidence must be:

the evidence that the court needs for 'evidence 1'

and

a letter from your solicitor which confirms that

there is a Conditional Fee Agreement between you and your solicitor but that it does not cover your 'disbursements' (your solicitor will explain 'disbursements'). The court may also contact your solicitor.

A Conditional Fee Agreement may be called a 'no win, no fee' Agreement.

## Evidence 3

If you answer 'Yes' to question 2h, the evidence must be a letter from your solicitor that confirms that you receive 'Legal Help'. The court may also contact your solicitor.

## Evidence 4

If you answer 'No' to questions 2f, 2g and 2h, you will go to question 3 on page 2 of the form and answer all the questions on page 2. Please remember that the court will ask to see evidence for your answers – for instance, the court may ask to see bank statements.

Court fees pay part of the cost of running the courts. But that cost must be paid with public money if court fees are not paid because of remission. And if public money may be used, the courts must be certain that it's use is necessary. So a court will ask to see evidence before allowing remission of a fee.

## When you have filled in form EX160

take the form, or post it, to the office of the court that will deal with your case. You must enclose with form EX160:

- the papers in the court case that you would like the court to process – for instance, a divorce petition or a claim form.
- the evidence for the details that you have given on form EX160. The evidence may be an original document or a photocopy of it.

If you photocopy a document, please make sure the copy shows all the details that the court needs to see – for instance, if you copy pages of an order book make sure the copies show all the details needed for 'evidence 1'.

If you **take** form EX160 to the court, the court office will copy the evidence and return it to you. The court office will not charge you for these copies.

If you **post** form EX160 to the court, please send a copy of the evidence unless the court has asked for the original document.

If you post original documents, please ask the post office for advice on how to send them. The court will not be responsible for your documents if it does not receive them.

## What will happen next

The court will usually deal with form EX160 within 5 working days, and before it processes any of the papers in the court case. But the court will deal with form EX160 at once if it needs to do something urgently – for instance: to stop an eviction, if children are involved, or if a time limit for doing something is about to be reached.

If the court has **allowed** your application and you do not have to pay a fee, it will process the papers in the court case.

If the court has **not allowed** your application, or if the fee has been **reduced** so that you must pay a smaller fee, the court will send you a letter giving:

- the amount of the court fee that you must pay
- and
- the reason for the decision. If you do not agree with the decision and you applied for remission, you may appeal. If you applied for exemption, you may apply for remission.

With the letter, the court will send back the papers in the court case.

## If you decide to pay the court fee

you may pay by cash, cheque or postal order. If you pay by cheque or postal order, please make it payable to **HMCS**.

The court cannot accept your payment by debit card or credit card.

If you pay by cheque and it is dishonoured, the application and the court case will be stopped until payment has been made. That may mean that you have to pay additional costs. HM Courts Service will always try to recover dishonoured cheques.

## About refunds

You may have paid a court fee without applying for exemption or remission. Perhaps you may not have known that you could apply, or you may have thought that your circumstances did not allow you to apply. But even if you have paid a court fee, you may still apply for exemption or remission and ask for a refund of the fee or part of it.

## If you would like to apply for a refund

please see pages 2 and 3 of this booklet, and then apply for exemption or remission on form EX160.

**But** the court must receive form EX160 **within 6 months**, starting from the day when you paid the fee **and** the evidence must have the details that would have allowed the court to accept it on the day when you paid the fee.

## When the court has dealt with your form

it will send you a letter giving the decision. The court may have decided that you should have paid the whole fee, a smaller fee or no fee. If it has decided that you should have paid no fee or a smaller fee, it will refund the fee you paid or part of it.

## If you think the decision was wrong and you applied for remission

you may appeal.

## About appeals

if you applied for remission and you think the court's decision was wrong you may appeal to the Court Manager.

If you decide to appeal, please send a letter to the court, and in the letter say that you want to appeal and why you do not agree with the decision.

If you would like:

- to give more details about your savings, income, expenses or circumstances
- or
- give more evidence you may send the extra details or evidence with your letter.

The court office must receive your letter of appeal **within 14 days** beginning on the day when you received the court's letter giving the decision about your application for remission.

The court will:

- send you a letter giving the result of your appeal within 10 days, beginning on the day when the court office received your letter of appeal
- and
- use the result of the appeal to deal with your application

**If you do not agree with the result of the appeal to the Court Manager** you may appeal again, this time to the court's Area Director.

If you decide to appeal to the Area Director, please send a letter to the Area Director's office and in the letter:

- give the case number or the claim number
- and
- give the name of the court
- and
- say that you want to appeal and why you do not agree with the Court Manager's decision.

An Area Director is responsible for several courts in the same area of England and Wales. A Court Manager is responsible for each court.

The Area Director's office must receive your letter within 14 days beginning on the day when you received the court's letter giving the result of your appeal to the Court Manager. The court's letter will give the name and address of the Area Director's office.

The Area Director will decide what to do about your appeal and will see:

- your form EX160 and any extra details that you gave when you appealed to the Court Manager

and

- your evidence

and

- any other papers that you have given to the court.

The Area Director's office will send you a letter giving the result of your appeal within 10 days, beginning on the day when the office received your letter of appeal.

The court will use the Area Director's decision to deal with your application.

**Application for a fee exemption or remission (EX160)**

**For the court's use only**

In the  Royal Courts of Justice  
County Court

Reference Number

Signed  Span

Date

RCJ only: Solicitor's letter supporting questions 2h and 2i must be lodged with the issuing office by

Evidence for automatic exemption? Yes  No

Remission granted? Yes  No

Court fee £

Amount exempted or remitted £

Amount to pay (or 'Nil') £

**1 About the case**

- 1a Name of Claimant(s) or Petitioner(s)  
Please use BLOCK LETTERS
- 1b Name of Defendant(s) or Respondent(s)  
Please use BLOCK LETTERS
- 1c The case number or claim number  
(if you know it)
- 1d The title or number of the form that you would like the court to issue  
Please give details of one form only
- 1e Are you applying for a refund of a court fee **in this case?**  
See page 6 of the booklet

**Before you fill in this form** please see 'when you fill in form EX160' on page 3 of the leaflet 'court fees—do you have to pay them?'

No  Yes  The date when you paid the fee

**2 About you**

- 2a Surname or family name  
Please use BLOCK LETTERS
- 2b Other names  
Please use BLOCK LETTERS
- 2c Title
- 2d Address  
Please include the Post Code
- 2e Relationship status
- 2f Are you, or your partner, receiving:  
Income Support  
or Pension Credit guarantee credit?  
or between you, receiving Working Tax Credit and Child Tax Credit  
See page 2 of the booklet
- 2g Are you receiving:  
Income-based Job Seeker's Allowance  
or Working Tax Credit that has a 'disability element' or 'severe disability element'?  
See page 2 of the booklet
- 2h In this case, are you involved in a **family** case and receive 'Legal Help'?  
See page 2 of the booklet
- 2i In this case, do you have a Conditional Fee Agreement (a no win, no fee agreement) with a solicitor?  
**Please do not answer this question** if you have a Conditional Fee Agreement with a solicitor but answered 'No' to questions 2f, 2g and 2h.

Mr  Mrs  Miss  Ms

Married  Single  Civil partnership

Other

No  Go to question 2g.  
Yes  See 'evidence 1' on page 4 of the booklet. Then go to question 2i of this form.

No  Go to question 2h.  
Yes  See 'evidence 1' on page 4 of the booklet. Then go to question 2i of this form.

No  See 'evidence 4' on page 5 of the booklet. Then go to Part 3 of this form.  
Yes  See 'evidence 3' on page 5 of the booklet. Then go to Part 9 of this form.

No  Go to Part 9 of this form.  
Yes  See 'evidence 2' on page 5 of the booklet. Then go to Part 9 of this form.

### 3 Dependants

Dependants are people who you look after financially. They may be children, relatives or other people.

Give the number of children aged :

under 11 years	<input type="text"/>	11 to 15	<input type="text"/>
16 to 17	<input type="text"/>	18	<input type="text"/>

Other dependants: Please give details about who they are and why you look after them financially

### 4 Employment status

Please ✓ one of the boxes 1 to 4.  
If you are employed or self-employed, please describe your usual work.

Employed <sup>1</sup>	<input type="text"/>	Self-employed <sup>2</sup>	<input type="text"/>	Unemployed <sup>3</sup>	<input type="text"/>	Pensioner <sup>4</sup>	<input type="text"/>
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What is your usual employment or self-employment? How long have you been unemployed?

### 5 Property in which you live

If you ✓ box 5, please say why you live in the property – for instance, you may live with your parents.

In your own property <sup>1</sup>	<input type="text"/>	In rented property <sup>2</sup>	<input type="text"/>	In lodgings <sup>3</sup>	<input type="text"/>	In property that you own jointly with someone else <sup>4</sup>	<input type="text"/>	In another type of property <sup>5</sup>	<input type="text"/>
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Please explain

### 6 Your savings

Give an amount for each type of savings.  
If you do not have one of the types of savings shown, put 'NIL'.

Bank account (Current)	£	<input type="text"/>	Premium Bonds	£	<input type="text"/>
Bank account (Deposit)	£	<input type="text"/>	Stocks or Shares (or both)	£	<input type="text"/>
Building Society Account (1)	£	<input type="text"/>	National Savings Investments	£	<input type="text"/>
(2)	£	<input type="text"/>	Other savings Give details	£	<input type="text"/>

### 7 Your usual income

Give the amount you receive **each month** for each type of income.  
If you do not have one of the types of income shown, put 'NIL'. If you have weekly income, multiply it by 4.  
Add up the amounts and put the sum in the 'Total income each month' box.

Your usual <b>take-home</b> pay	£	<input type="text"/>	a month	Child Benefit	£	<input type="text"/>	a month
Your partner's usual take-home pay	£	<input type="text"/>	a month	Other benefit or income which is	£	<input type="text"/>	a month
Income from other people who live with you	£	<input type="text"/>	a month		£	<input type="text"/>	a month
Pension(s) (1) State	£	<input type="text"/>	a month		£	<input type="text"/>	a month
(2) Private or Occupational	£	<input type="text"/>	a month	<b>Total income each month</b>	£	<input type="text"/>	a month

### 8 Your usual expenses

Give the amount you pay **each month** for each type of expense.  
If you do not have one of the types of expense shown, put 'NIL'. If you have payments that you make each week, multiply them by 4.  
Add up the amounts and put the sum in the 'Total expenses each month' box.

Rent or Mortgage	£	<input type="text"/>	a month	Child care	£	<input type="text"/>	a month
Council Tax	£	<input type="text"/>	a month	Travelling expenses	£	<input type="text"/>	a month
Food and household essentials	£	<input type="text"/>	a month	Water and sewerage charges	£	<input type="text"/>	a month
Maintenance and Child Support	£	<input type="text"/>	a month	Court fines	£	<input type="text"/>	a month
Electricity	£	<input type="text"/>	a month	Outstanding debts	£	<input type="text"/>	a month
Gas, coal or oil	£	<input type="text"/>	a month	Clothing	£	<input type="text"/>	a month
Telephone	£	<input type="text"/>	a month	Other expenses which are	£	<input type="text"/>	a month
TV rent and licence	£	<input type="text"/>	a month		£	<input type="text"/>	a month
				<b>Total expenses each month</b>	£	<input type="text"/>	a month

### 9 Declaration ✓ box 1, 2 or 3

I declare that the information that I have given is true to the best of my knowledge and belief.  
I apply for exemption <sup>1</sup> remission <sup>2</sup> refund <sup>3</sup> of a court fee and I understand that:

- I will be asked to provide documents as evidence to support my statements.
- my application will not proceed if I do not provide the evidence.
- my application will be refused if I have not disclosed any relevant facts in this form.

Signed

Date