
EXPLANATORY NOTE

(This note is not part of the Order)

This Order introduces a new, standardised fee remissions system for courts and tribunals, set out in the Schedule. The Schedule has been inserted into:

- the Non-Contentious Probate Fees Order 2004
- the Gender Recognition (Application Fees) Order 2006
- the Court of Protection Fees Order 2007
- the Civil Proceedings Fees Order 2008
- the Family Proceedings Fees Order 2008
- the Magistrates' Courts Fees Order 2008
- the Supreme Court Fees Order 2009
- the Upper Tribunal (Lands Chamber) Fees Order 2009
- the First-tier Tribunal (Gambling) Fees Order 2010
- the Upper Tribunal (Immigration and Asylum) (Judicial Review) (England and Wales) Fees Order 2011
- the First-tier Tribunal (Property Chamber) Fees Order 2013
- the Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013

Eligibility for remission or part remission of a fee will be based on two new tests - a disposable capital test and a gross monthly income test.

Paragraphs 3 and 4 of the Schedule set out the disposable capital test. Parties who satisfy the disposable capital test will receive a full fee remission, pay a contribution to the fee or have to pay the fee in full, as determined by the gross monthly income test set out in paragraphs 11 and 12 of the Schedule.

The gross monthly income test applies a series of thresholds to single people or couples, with an allowance for the number of dependent children they have. Parties with a gross monthly income below a certain threshold will receive a full fee remission.

Parties will be required to pay a contribution of £5 towards their fee for every £10 of gross monthly income they earn over the relevant threshold. Parties with income in excess of £4,000 above the relevant threshold will not be eligible for any remission or part remission of a fee.

The order also provides for a new fee of £215 payable in judicial review proceedings in the High Court and the Immigration and Asylum Chamber of the Upper Tribunal. The fee is payable where an application is made for reconsideration of permission at a hearing. If permission is granted at a hearing, the £215 fee payable at the start of a judicial review is not payable

For fees paid and applications for remission received before 7th October 2013, the current remission system will apply. Fees paid, or applications for remission received, on or after 7th October 2013 will be subject to the new remission system set out in the Schedule. The new judicial review fee will only apply to applications for judicial review issued on or after 7th October 2013.