



Court of Protection - Fees, exemptions and remissions

Part A - About this booklet

This booklet sets out the fees payable to the Court from 1 October 2007 and how you may be eligible for an exemption or remission of those fees under certain circumstances.

Part B - Fees payable from 1 October 2007

- **Application fee** - £400: payable on making an application to start court proceedings or on making an application for permission to start proceedings.
- **Appeal fee** - £400: payable on filing an appellant's notice appealing a court decision or seeking permission to appeal a court decision.
- **Hearing fee** - £500: payable where the court has held a hearing to decide the application and has made a final order, declaration or decision.
- **Copy of document fee** £5: payable on requesting a copy of a document filed during court proceedings.

Applications and hearings relating to objections to the registration of enduring powers of attorney (EPA) and lasting powers of attorney (LPA) will not incur a fee, if the applicant is an attorney, or a person entitled to receive notice of the application for registration. If you are person entitled to receive notice, you will have received either an LPA001 notice (LPA) or an EP1PG notice (EPA).

Part C - Fees: questions and answers

Who is responsible for paying fees?

- Application fee, Appeal fee and Hearing fee: payable by the person making the application or appeal – unless you are applying for a fee exemption or remission, you must send the fee with the application, even if you intend to recover the fee from the person the application is about.
- Copy of document fee: payable by the person requesting the copy document.

How should fees be paid?

Fees are payable via cheque. Cheques should be made payable to the Court of Protection and an accompanying letter should include case number (if known) and your contact details.

Can I recover the fee from the person the application is about?

This will depend on the type of application. If your application relates to the person's property and affairs, then you can recover the fee from the person the application is about. If your application relates to a health and welfare matter, then you must pay the fee yourself. However, if you are already the deputy or attorney for the person, you may recover any expenses incurred from carrying out your duties, which includes court fees, even if your application relates to a health and welfare matter.

The court may decide not to allow the applicant to recover the fee and costs from the person the application is about; or it may decide that another party to the court application should pay the fees and costs. If you need the court to make a decision about payment of fees or costs, you should request it in your application.

Are fees payable if the person the application is about dies?

- Application fee and Appeal fee: if the person the application is about dies within five days of the application or appeal being lodged, the fee will be refunded.
- Court hearing fee: if the person the application is about dies, the hearing will not take place and no fee is payable.

If the applicant is receiving services funded by the Legal Services Commission as part of the Community Legal Service, will they qualify for remission?

No, the solicitor is responsible for paying all the court fees associated with those services. The solicitor will recover any fees paid from the Legal Services Commission.

Part D - Exemptions and remissions: questions and answers

How do I apply for a fee remission or exemption?

To apply for a fee exemption or remission you should complete the form attached to this booklet and which you can also download from our website. Send it together with your application to the Court and include any documentation in support of your claim.

For **exemptions or full remission based on receipt of benefits**, you should include a photocopy of a recent document confirming your benefit entitlement. For **remission based on gross annual income**, you should include a recent payslip, pension entitlement slip, tax return or interest statement.

If you are applying for an **exemption**, you do not need to pay the fee when you make your application. If it is subsequently decided that you are not eligible for an exemption, you will be asked to make the full payment.

If you are applying for a **remission** you should only send that portion of the application fee you are accountable for as set out in the table on page 9. If it is decided that you do not qualify for a remission, you will be asked to pay the total fee, less any amount already paid.

On whose circumstances will you assess eligibility for exemption or remission?

You can only apply for a fee **exemption** if you are the person making the application or appeal; so if you are applying for an exemption you should complete the form with details of your own circumstances. If you are entitled to recover the fee from the person the application is about, you can only apply for a fee **remission**, and should complete the form with details of their circumstances.

Am I eligible for a fee exemption?

You are eligible for a fee exemption if you receive any of the following and you have not been awarded damages of more than £16,000, which were disregarded when determining your eligibility for the benefit:

- Income Support
- Income related employment and support allowance
- Income-based job-seekers' allowance;
- State pension guarantee credit;
- a combination of working tax credit and either child tax credit or disability element or severe disability element;
- Housing benefit; or
- Council tax benefit;

Am I or the person the application is about eligible for a fee remission?

If you are entitled to recover the fee from the person the application is about, we will remit the entire fee if the person is in receipt of the benefits listed above and as long as they have not been awarded damages of more than £16,000, which were disregarded when determining their eligibility for the benefit:

If you do not qualify for a fee exemption, or the person the application is about is not in receipt of the above benefits, then you or the person may be eligible for a fee remission if your or their gross income* is within the bands shown in Table 1:

Income	Percentage of fee remitted
Up to £12,000	no fee to pay
£12,001 to £13,500	75% remission You need to send 25% of the fee
£13,501 to £15,000	50% remission You need to send 50% of the fee
£15,001 to £16,500	25% remission You need to send 75% of the fee
Over £16,500	You are not entitled to fee remission and must pay the full fee

*Gross income is the amount received before you pay tax and national insurance. Income may come from:

- employment;
- non-means-tested benefits;
- pensions; and/or
- interest from capital investments.

What if I or the person the application is about are not eligible for an exemption or remission but still cannot afford the fee?

It is possible that you may not be eligible for an exemption or remission under the criteria set out in part D, but payment of a fee would cause you or your dependents undue hardship.

For example payment of the fee would make it difficult to meet your normal living expenses such as food costs and bills, or you may need to make repeated applications to court about a single matter and paying a fee on each occasion would cause hardship.

In such circumstances, you may apply for the fee to be waived by writing a letter explaining your situation and including any documentation you think will help us reach a decision. At this stage you do not need to send payment.

What if my application for an exemption or remission fails?

We will consider all requests to waive the whole or any part of a fee. If we cannot agree to your request we will inform you in writing and tell you the reason why.

If you are unhappy with the decision you can appeal in writing to the Court Manager, who will review the original decision and if your appeal is refused, the Court Manager will tell you the reasons why.

If the original decision is upheld you can appeal a final time to the Area Director. The Area Director's decision is final and no further requests for review will be considered.

Part F - Contact us

We are always happy to discuss your circumstances if you are unsure about what to do.

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The Royal Courts of Justice
Thomas More Building
Strand
London WC2A 2LL

Phone Number: 0300 456 4600

Fax Number: 08707 394005

Email: courtofprotectionenquiries@hmcts.gsi.gov.uk

Website: www.justice.gov.uk or www.direct.gov.uk

DX 44450 Strand

HMCS Disability Helpline: 0800 358 3506 (if you cannot write or require this information in large print, Braille or sign language video. If you are deaf or hard of hearing you can use the textphone service on 0191 478 1476).

International Calls: + 44 300 456 4600

International Faxes: +44 8707 394005

Disclaimer

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.