



Fee Account terms and conditions

HM Courts & Tribunals Service offers customers a Fee Account service for the purpose of paying court fees.

The Fee Account service offers customers a streamlined fee payment and management service to support the processing of court business. Benefits to court users include:

- reduced administration overhead in raising and authorizing cheques
- no banking charges for each business cheque raised and processed
- control over payment method (customers can cancel the Direct Debit instruction at any time)
- reduced delays caused by re-issue of payments to replace unsigned, incorrect value or lost cheques
- refunds applied directly to a customer's account (avoiding the court administrative, postal and cheque banking delays).

Sign up documentation

In order to proceed with the Fee Account service, the following documents should be read and completed in full.

- Terms and Conditions including guidance notes (read)
- Application form (complete) and
- Direct Debit mandate (complete)

By proceeding with the application, you confirm that you are an authorised representative of the organisation named in the application, and that you have accepted these terms and conditions on behalf of that organisation.

HM Courts & Tribunals Service may revise the terms and conditions when required and you will be provided with 30 days advance notice before commencement of any such revisions.

Words and meanings

In these terms and conditions:

Service Fee Account service

You A customer of the HM Courts & Tribunals Service which is a user of the service or an applicant for the service

Service Compliance

The service is granted at the sole discretion of HM Courts & Tribunals Service and applications will be declined if the applicant does not satisfy the requirements for acceptance.

By proceeding with the application, you authorise HM Courts & Tribunals Service and their appointed providers/contractor to carry out credit reference checks with a registered credit reference agency.

HM Courts & Tribunals Service will require additional information to support the application for sole traders and may require additional information for other applicants to support the application. Additional information can be either the last three months bank statements (including the presentation of redacted bank statements if customer has preference), Annual Accounts or latest Management Accounts (if no annual accounts yet filed) or Income projections (monthly amount of court fees incurred). This must be provided to HM Courts & Tribunals Service upon request, sole traders may supply it at the time of their application. Failure to supply this additional information may delay the application approval process.

If a customer is unable to complete the additional information to support the application HMCTS may provide a temporary de-minimis credit limit on a weekly direct debit which will remain in place until such time that the customer supplies the additional information, the temporary credit limit can be removed in the event that the customer has a failed collection.

Government departments and local authorities will be subject to separate arrangements and will not be required to undergo a credit check.

No financial or organisational data supplied by you will be used for any other purpose without your express permission.

Refusal of applications

A response concerning your application will be made within seven days of receipt of the correctly completed application form and any of the supporting documents requested. If your application is refused HM Courts & Tribunals Service will contact you with an explanation as to the reason.

Fee Account number

On acceptance of your application you will be issued with a unique Fee Account number that will appear on the advance notification section of your itemised advance notice. Conditions of use of the Fee Account number apply as set out below and as further described in the guidance notes.

Cancelling a Direct Debit

You may cancel your Direct Debit instruction at any time by writing to your bank. A copy of the cancellation letter must be sent to the support team (contact details below).

Please note that cancelling the Direct Debit instruction removes access to the Fee Account service and all outstanding balances are to be paid within seven days.

Security of your financial details

HM Courts & Tribunals Service has an information security policy in place that meets the requirements of the Cabinet Office Security Policy Framework¹. All matters relating to the Service will be administered by HM Courts & Tribunals Service or its contractor, Liberata. No financial or organizational data will be used for other purposes without your permission.

¹ Visit www.cabinetoffice.gov.uk for further information

Itemised Advance Notice and Direct Debit Process

All accounts will receive an itemised advance notice of the direct debit collection, detailing each case with your unique reference number.

For all new customers and existing customers on a weekly direct debit collection, you will be provided with an advance notice detailing the value of the Direct Debit that will be collected. The advance notice will also detail all transactions that make up the total of the Direct Debit amount. The advance notice will be delivered, via email, to the billing email address nominated in your Direct Debit Customer Application Form.

HMCTS requests that a generic / shared organisation email account is used for this purpose, wherever possible. The Advance Notice will be issued, via email, each Tuesday. The Direct Debit collection date will be on the Friday following issue of the advance notice, if this falls on a bank holiday, the Direct Debit collection will be on the next working day after the Bank Holiday.

For existing customers on a monthly direct debit, you will be provided with an advance notice detailing the value of the Direct Debit that will be collected. The advance notice will also detail all transactions that make up the total of the Direct Debit amount. The advance notice will be delivered, via email, to the billing email address nominated in your Direct Debit Customer Application Form.

HMCTS requests that a generic / shared organisation email account is used for this purpose, wherever possible. The Advance Notice will be issued, via email, on the third working day of each month. The Direct Debit collection date will be on 16th calendar day of each month, if this falls on a weekend or bank holiday, the Direct Debit collection will be on the first working day following 16th of the month.

To use the service, you must:

- Fully complete the Direct Debit Customer Application form;
- Provide a valid UK Bank Account from which a Direct Debit can be collected;
- Ensure that sufficient funds are available in your bank account when payment is due to be debited;
- Provide a valid organisation email address for delivery of the advance notice; and

Please note that HMCTS will not be liable for any bank charges you incur should your Direct Debit be rejected for any reason and that HMCTS use a third-party company, Liberata to issue the advance notices and process the direct debit collections on their behalf

Fee Account service suspension

If the Direct Debit is rejected for any reason, HM Courts & Tribunals Service may suspend your account and prevent further processing. You will be required to make an alternative payment to settle the balance outstanding within seven working days.

HM Courts & Tribunals Service reserves the right to request that you complete a new Direct Debit mandate before the service is restored. Suspension and re-instatement are at the sole discretion of HM Courts & Tribunals Service

HM Courts & Tribunals Service may, at its discretion, withdraw the service if you:

- fail to satisfy credit check requirements
- fail to make funds available to satisfy any Direct Debit
- become insolvent
- have an administrative receiver appointed
- are subject to a winding up order

- propose an individual or voluntary arrangement or
- have been excluded from trading by a recognized body.

The service may also be withdrawn if you have a high volume of disputed transactions where the amount deducted by HM Courts & Tribunals Service is consistently shown to be correct.

If you do not use the service for 13 months, or such other period as HM Courts & Tribunals Service may choose, HM Courts & Tribunals Service reserves the right to withdraw the service from you. A new application will be required to continue with the service.

Credit limit

You will be informed of the amount of credit allocated to you when your unique Fee Account number is issued. This may be less than the limit you have requested, any queries about your credit limit should be directed to the Fee Account Support Team. HM Courts & Tribunals Service has the right to increase or decrease this limit at its discretion. You will be notified by email within three working days of any credit limit change.

Individual branches or businesses that are part of an overall group will be given a notional credit limit where those businesses are not recognized as separate business entities by HM Courts & Tribunals Service appointed credit reference agency. In these circumstances you will be notified of the notional branch credit limit based upon an equitable split of the group limit.

It is your responsibility to ensure the allocated credit limit is not exceeded, as failure to do so can result in the suspension of service. HM Courts & Tribunals Service will not be held liable for any consequences or impact of suspending your account.

You will be notified by email when you reach 80% of your credit limit. In such circumstances it is your responsibility to ensure you do not exceed your credit limit. You can prevent this by making an additional payment to your Fee Account. This can be done by contacting the Fee Account support team who will arrange for a separate Direct Debit to be collected from your bank. Alternatively, you may instruct your bank to make a payment clearly stating your Fee Account number, but you will need to contact the Support Team to ensure the payment is allocated to your account without delay.

Government departments and local authorities will be subject to separate arrangements and will not be required to undergo a credit check

Payment in advance accounts

You may request to open a debit account (payment in advance account), particularly where you wish to use the Facility but have not qualified for a credit account (Fee Account)

For payment in advance accounts the HM Courts & Tribunals Service will agree with you a spending limit and that amount will need to be paid to the HM Courts & Tribunals Service by BACS or an alternative method after your account has been set up. A minimum threshold amount will also be agreed. The sum is lodged with the HM Courts & Tribunals Service as cleared funds applied to your Payment in Advance Facility. You will be required to complete a Direct Debit mandate to facilitate subsequent payments. You will be notified of your account details and your payment in advance will be included within your notional credit limit. Operation of the Facility will then be as per the credit account Facility as outlined above in these Terms and Conditions.

Fee Account Support Team contact details

The Fee Account support team can be contacted at:

Email MiddleOffice.DDServices@liberata.com

Telephone 01633 652125

Address & DX

Liberata Fee Account Support Team

At:	Or:
Liberata PbA Support Team, PO Box 3166, Cardiff CF30 0FH	DX 134282 CARDIFF 46

Fee Account - guidance notes

Conditions of use

To use the service, you must:

- provide a valid UK bank account (no roll numbers and only eight-digit bank account numbers accepted) from which a direct debit payment can be made
- complete a Fee Account application form
- ensure sufficient funds are available in your bank account when payment is due to be debited
- provide a valid organisation email and postal delivery address as described in the application form - all correspondence will be to the billing address and not the email address provided on the application form
- ensure that each fee-attracting application lodged with the court, is accompanied by the correctly completed paperwork and/or a letter on business letterhead advising the fee to be paid to the court
- clearly and accurately quote your Fee Account number on any document sent to the court which requires a fee transaction in the form set out below
- participating courts will not process your application without your Fee Account reference (applications without a Fee Account number, that do not have any other form of valid payment attached, will be returned unprocessed. HM Courts & Tribunals Service cannot be held responsible for any delays in processing documents where this occurs.)

Charging of court fees

Court fees are determined by the relevant policy and published in the appropriate Statutory Instruments. Court fees are subject to renewal, generally annually, and may be increased or decreased. New fees may also be created, and existing fees may be removed. Statutory Instrument updates are published to customers and the general public well in advance of the fee's inception date. It is your responsibility to ensure that the correct court fee is quoted on any application or correspondence provided to the court for processing of a fee payment.

Fee attracting court documents and/or correspondence submitted for processing require you to state the amount of the court fee to be paid. Where the incorrect fee, or no fee, is stated the documents will be processed by the court **and** the correct fee **taken**. Where the court applies the correct fee and is required to alter the fee to a higher or lower value, you will be advised of the amount charged (when the documents are returned) so you can update your records for reconciliation purposes

Charging of remissions fees

Remission fee rates (if applied for) will be determined in the normal way by:

- complete and accurate application
- validity of the application and supporting evidence;
- the level of remission applied for and
- the fee type

If the court is not satisfied with the remission application and/or does not agree with the partial remission applied for, the court will return the documentation to you with a covering letter of explanation.

If the court is satisfied with the remission application, the court documents will be processed, and any partial contribution payable will be taken from your account.

It is your responsibility to satisfy the documentation requirements of HM Courts & Tribunals Service remissions scheme.

Withdrawal of claims

Courts process claims upon receipt, therefore refunds of fees will not be available after the date that the application is received by the court, even if the application is subsequently withdrawn. Therefore, please check your claim carefully before submitting it to ensure that you wish to proceed with the action. Refunds are only made in the circumstances detailed below.

Fee refunds

Fees may be refunded for the following reasons:

- a full or part fee is paid, and the applicant is subsequently granted a remission for all or part of the fee - the application for fee remission must be made no more than six months after the original fee has been submitted
- after payment has been taken at the court, the application/paperwork is found to be invalid - the full amount of the fee is then refunded or
- a case is settled prior to judgment and the applicant is eligible for a full or partial-refund on the original hearing payment as per statutory rules

The refund will be automatically applied directly to your Fee Account by the court and will be included in the next Fee Account itemised advance notice and Direct Debit settlement.

Working with the courts

On all fee-attracting documents submitted to the court, the Fee Account number must appear in bold immediately below your organization's contact details in the address block on the court forms. The Fee Account Number, and confirmation of its use, must be sent with any court documents. The confirmation letter must be provided using organization's letterhead paper and be signed by an authorised representative of the organisation.

If no court documents are provided (for example, sending confirmation to take hearing fees) the Fee Account number must be quoted, in bold, in any correspondence. All correspondence must (a) be provided on the organization's letterhead paper and be signed by an authorised representative; or (b) originate as an email from an authorised representative of the organisation.

Updating your details

You are required to notify HM Courts & Tribunals Service in advance of any changes to your business or billing contact details, including your email address/es, postal address/es, authorised representative, and/or bank account details. Where necessary you may be required to complete a new Direct Debit mandate.

To complete a new Direct Debit mandate, contact the Fee Account support team.

Queries

Any queries relating to the case should be directed to the court dealing with your claim.

Any queries relating to your Fee Account should be addressed to the support team,

MiddleOffice.DDServices@liberata.com

It is your responsibility to ensure that you have carried out your own reconciliation, including the updating of any incorrectly lodged fees noted by the court, prior to contacting the support team with a query.

When contacting the team, you should be prepared to supply the following information to assist in resolving the query in a timely way:

- your Fee Account number and customer name
- your case reference as lodged with the court and the FACCT fee reference stated on your itemised advance notice
- the date of lodgment with the court (if known)
- the advance notice number
- the case number of the matter and the party name/s to the matter