

Crime and Courts Bill

Fact Sheet: Disclosure of information for calculating fees of courts, tribunals etc

1. Fee remissions (full or partial fee waivers) are provided to users of fee charging services in the civil courts, tribunals, the UK Supreme Court and the Office of the Public Guardian¹ for people who are on low incomes. They ensure that access to justice is protected for individuals who are less well off. Individuals who apply for certain fee remissions must supply a completed application form and up-to-date hard copy proof of their receipt of qualifying state benefits.

How does the remissions policy currently work?

2. The current remission system in the civil courts of England and Wales is made up of three eligibility criteria, although a few tribunals, the Court of Protection and the Office of the Public Guardian operate with some variations:
 - Remission 1 – A full fee remission for an individual in receipt of one of the following qualifying state benefits: Income Support, income-based Jobseekers Allowance, Pension Credit guarantee credit, income-related Employment and Support Allowance and Working Tax Credit (but not also receiving Child Tax Credit).
 - Remission 2 – A full fee remission for single individuals with a gross annual income (income before tax and other deductions) of less than £13,000 or couples with a combined gross annual income of less than £18,000. For each dependant child these annual income limits increase by £2,930.
 - Remission 3 – A full or partial fee remission for an individual based on an income and expenditure means test to calculate the individual's (and, if applicable, their partner's) monthly disposable income.
3. An application may be rejected if the applicant's evidence does not support the information provided or if the evidence does not appear genuine. At present, there is no legal authority for Her Majesty's Courts and Tribunals service, the Office of the Public Guardian or UK Supreme Court to obtain any personal information about individuals from Her Majesty's Revenue and Customs (HMRC) or the Department of Work and Pensions (DWP).

¹ Her Majesty's Courts and Tribunals Service's leaflet EX50 - "Civil and Family Court Fees" - sets out some of the most commonly charged civil and family court fees. Full information on individual fees charged by the Ministry of Justice and UK Supreme Court are contained within the relevant Statutory Instruments. For example, there is a fee of:

- £200 to lodge an application for permission to appeal for the Lands Chamber of the Upper Tribunal
- £130 to register an enduring power of attorney and a lasting power of attorney for the Office of the Public Guardian.

What is the Government proposing to do?

4. Most of these existing qualifying state benefits will be consolidated into a single new working age benefit known as Universal Credit from mid-2013/14 onwards. An automatic fee remission for all those adults in receipt of Universal Credit would extend the scope of the fee remission system beyond those that are currently eligible through the receipt of qualifying state benefits.²
5. In the absence of access to the detail of an applicant's Universal Credit entitlement, it is expected that all individuals in receipt of Universal Credit will need to be means-tested. This would be more costly and time consuming to administer than the current qualifying state benefit criteria.
6. An information sharing gateway would enable the creation of an IT interface to provide rapid proof of fee remission eligibility. This would allow the courts, tribunals, the UK Supreme Court and the Office of the Public Guardian to obtain proof of fee remission eligibility directly from DWP, HMRC or a Northern Ireland Department³ rather than requiring the individual to contact DWP, HMRC or a Northern Ireland Department as happens at present. This will reduce the amount of evidence users will need to provide in order to be granted a fee remission and will avoid the additional administration costs of means-testing applicants in receipt of Universal Credit.
7. The objective is to streamline the fee remission system in courts and tribunals. The intended effects of the policy are to:
 - verify remission eligibility quickly and accurately;
 - protect the taxpayer subsidy by limiting opportunity for fraud and dishonesty;
 - ensure that the remission system is targeted to those individuals who genuinely cannot afford to pay fees;
 - reduce the burden on courts, tribunals, UK Supreme Court, and Public Guardian users to provide evidence of remission eligibility;
 - reduce the burden on other Government Departments to produce duplicate proof of benefit entitlement; and
 - ensure that the remission system will operate effectively once Universal Credit has been introduced.

**Ministry of Justice
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² Universal Credit will remove the distinction between in-work and out-of-work support and as a result will be available to a greater number of individuals than the current qualifying state benefits.

³ At present, this gateway would apply to the Northern Ireland Housing Executive, the Department for Social Development for Northern Ireland, the Land & Property Services for Northern Ireland, and the Department for Finance and Personnel for Northern Ireland.