

GUIDANCE NOTES FOR APPLICATION FOR A FEE REMISSION

FEE REMISSION IS NOT AVAILABLE FOR PERSONS WHO ARE LEGALLY REPRESENTED**Introduction**

The Isle of Man Courts of Justice are committed to ensuring access to justice is protected for those who are less well-off.

When a court case is started in the Isle of Man (and on occasion, subsequently), some of the work carried out by the court will attract a fee. Where it appears to the Chief Registrar that the payment of a fee would, owing to the exceptional circumstances of the particular case or the parties to the case, involve undue hardship, the Chief Registrar may, upon receiving an application to do so, remit or defer the fee in that case

This guidance is designed to let you know, given your particular circumstances, if you qualify for a fee remission or if you have to pay a fee.

The fee remission system is based on Financial Means or Significant and Exceptional Hardship (see details below).

Before completing the Application for a fee remission form (HCFR01) you should read this guidance carefully. This guidance contains all the information you need to understand your entitlements and what evidence the court requires to process your application.

It is important to note that a separate application form, with supporting evidence, must be completed for each process you send to court for which you seek fee remission.

Please note court staff can refuse any evidence submitted which fails to satisfy the information provided or appears not to be genuine. Court staff can ask for further evidence to be submitted. If you refuse to provide that further evidence the application will be refused and the court fee will become payable in full.

Please remember Court staff can provide you with information, tell you about court forms and procedures, but they *cannot* give you legal advice or answer questions like "Will I win my case?" or "What evidence do I need?" You should seek legal advice from an advocate.

Information relevant to all remissions

If you are a vexatious litigant, or bound by a civil restraint order, you cannot apply for a fee remission in the first instance. In those circumstances, all required applications for permission to make an application to court will attract the full fee which must be paid. For vexatious litigants, applications for permission must be directed to the High Court. If the application is successful, you can make a retrospective application for a fee remission within 6 months and, if approved, obtain a refund in full or in part. A sealed court order giving permission must be provided as evidence.

It should also be noted that fees of £253.49 or below (save for fees at 5.3 of the current Courts and General Registry (Miscellaneous Fees) Order are not eligible for remission or deferral and that in addition the fees referred to at 4 and 7 of that Order are only eligible for deferral. (note the fees at 5.3 of the Fees Order may also be fully remitted)

Please note that when applications for remission are considered, in addition to the requirements for financial means assessment, the wider circumstances of the proceedings and the conduct of the applicant may also be considered.

Part 1 – About the case	
Case or Claim Number	This is normally found at the top of a court document. If you are issuing a new case or claim you will not yet have a case or claim number so leave this blank.
Title or number of form	Enter the information about the form you want the court to issue e.g. HC1 - Claim form (general) etc. A separate HCFR01 application with supporting evidence must be completed for each form you send to court.
Name of claimant(s)/applicant(s)	The name of the person(s) who starts the case or action.
Name of defendant(s)/respondent(s)	The person(s) who responds to or defends the case or action.
Part 2 – Your details	
Title, Surname/Family name First name and any middle names.	Title – tick the box appropriate to you. If “other” state the title by which you are known. Enter your full name including middle names.
Your address	Enter your full postal address at which you permanently reside and can be contacted. A “care of” address will not be permitted.
Date of birth	Enter in dd/mm/yyyy e.g. 28/04/1965.
Part 3 – Financial Means based on permitted Isle of Man benefits	
<u>FEE REMISSION IS NOT AVAILABLE FOR PERSONS WHO ARE LEGALLY REPRESENTED</u>	
<p>The fee remission system is available to you if you provide evidence that you currently receive any one of the following <u>Isle of Man</u> state benefits: Employed Person’s Allowance; Income Support; Income Based Job Seekers Allowance, or if you have an annual income greater than £4,000.</p> <p>If you are in receipt of one of the above benefits at the time of the application for remission, tick the appropriate box. You must provide evidence in the form of an official letter or cheque counterfoil from the appropriate benefit provider. It must contain your full name, address and postcode and confirm current receipt of the benefit.</p> <p>You must make sure that you have all the required evidence, correct and within date, before arriving at court or sending the application in the post. Failure to provide evidence will result in the application being refused and the full fee being payable.</p> <p>The fee may be remitted completely (it will not be payable), or the fee may in relation to the fees at 4 and 7 of the current Court Services Fees Order be deferred (for payment later) on the basis that the payment is anticipated to be paid at a stated point in the near future, in which</p>	

case you must indicate the basis of the deferral request and at what point the fee will be paid (see Part 4 below).

It should also be noted that fees of £253.49 or below (save for fees at 5.3 of the current Court Services Fees Order) are not eligible for remission or deferral and that in addition the fees referred to at 4 and 7 of that Order are only eligible for deferral.

Part 4 – Financial Means based on Significant and Exceptional Hardship

If you are not in receipt of any of the benefits described above but believe that your circumstances render you in significant and exceptional hardship, you may seek to have the fee remitted, in which case you must indicate the basis of the hardship.

Occasionally, where it is felt that a decision to remit may be more accurately made at a future point in time the remission decision may be deferred.

Where any fee is deferred, a signed undertaking to make the payment at a given time if requested to do so will be required.

It should also be noted that fees of £253.49 or below (save for fees at 5.3 of current Court Services Fees Order) are not eligible for remission or deferral and that in addition the fees referred to at 4 and 7 of that Order are only eligible for deferral (note the fees at 5.3 of the Fees Order may also be fully remitted in these circumstances).

Part 5 – Fees Remission – Deferral in relation to Fees at 4 and 7 of the current Court Services Fees Order only

In this section of the form you should indicate, by ticking the appropriate box, whether you are seeking to have the fee remitted completely (as you are in receipt of a qualifying benefit) or whether you wish to have payment of the fee remitted (as you are in receipt of a qualifying benefit or in a position of significant and exceptional hardship (note the fees at 5.3 of the Fees Order may also be fully remitted in these circumstances)), or if in relation to 4 and 7 of the current Court Services Fees Order you are seeking deferral of the fee to a stated point in time.

In relation to significant and exceptional Hardship you must indicate the basis of the hardship and provide evidence as to your means. To assist with that process we may ask you to complete a separate form with your means details. The means assessment model used will, as near as practicable, model that in place for Civil Legal Aid.

Part 6 – Declaration

Tick boxes

You must tick all 3 boxes for the application to continue. You must read the 3 declarations first and only tick the boxes if you agree that you have understood the contents of the declaration.

Part 7 – Statement of truth

This is where you must sign to state that everything in your application is true. Please sign in the box provided and enter the date you signed the application on in the date box. Also please print your full name in the box provided below your signature.