

GUIDANCE NOTES FOR APPLICATION FOR A FEE REMISSION

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, 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, reduce or remit 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 made up of three parts:-

Remission based on permitted benefits and remission based on your weekly income provide a full remission of the court fee if you are in receipt of a means tested benefit or your gross weekly income is below a certain amount.

Remission based on weekly expenses provides a part remission or contribution toward the fee if you would suffer undue financial hardship if you had to pay.

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 currently serving a prison sentence, or on remand or in custody you will only be eligible to apply under Remission 3. You are required to provide a copy of your Prisoner's income and expenditure statement along with evidence of any other income and expenditure.

If you are a vexatious litigant, or bound by a civil restraint order, you cannot apply for a fee remission in the first instance. All applications for permission 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.

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 – Full remission based on permitted benefits	
<p>This remission is available to you if you provide evidence that you currently receive any one of the following benefits:-</p> <ul style="list-style-type: none"> • Family Income Supplement • Income Support • Disability Working Allowance • Income Based Job Seekers Allowance <p>If you are in receipt of one of the above benefits, tick the appropriate box. You must provide evidence in the form of an official letter or cheque counterfoil from the appropriate benefit provider dated no more than 1 month old. It must contain your title, full name, address and postcode and confirm current receipt of the benefit.</p> <p>You must make sure that they 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>Part 4 – Weekly income</p> <p>In order to calculate your eligibility for exemption it is necessary to ascertain the full extent of your income. Please enter weekly amounts in the relevant boxes. If you receive income on a monthly basis, to provide the most accurate weekly amount, multiply by 12 (months) and divide by 52 (weeks).</p>	
<p>Employment</p>	
Status	<p>Here you should indicate whether you are a single person, or you are part of a couple. If you are a single person you must provide evidence to support all your income. If you are part of a couple you must provide evidence to support your and partner's income – whether you, or your partner are involved in the court proceedings or not.</p> <p>A partner is someone who lives with you as a couple, whether or not you are married and are of the same or different sex.</p>
Employed/Self employed	<p>If you or your partner is a director of a limited company, you must declare it in this section.</p> <p>If either of you are a director then please provide a list of companies that you are a director of.</p> <p>If you (or your partner) do jobs for an employer we need to know details such as how much you are paid, where the job is and how much time the job requires.</p>
Paid employment	<p>You must provide original wage slips from all jobs. You must also declare any cash-in-hand work.</p> <p>If you are paid monthly then the last 3 months wage slips, no more than 4 months old.</p> <p>If you are paid weekly then the last full month of wage slips, no more than 6 weeks old.</p>
Self employment	<p>You must provide:</p> <ul style="list-style-type: none"> • Most recent tax return (self assessment); and • Most recent self assessment tax calculation; and • Current proof of income.
<p>Other sources of weekly income</p>	
Maintenance payments	<p>If you receive either child maintenance, or maintenance for yourself from your (ex) spouse/partner, you must provide an original copy of the document(s) that shows the amount paid and how often it is paid, in respect of each child that maintenance is received for. The evidence must show current</p>

	<p>payments:</p> <ul style="list-style-type: none"> • Sealed court order; or • Signed voluntary agreement.
<p>Pensions</p>	<p>If you receive income from a state, private or occupational pensions, you must provide:</p> <ul style="list-style-type: none"> • Current notification, letter or statement confirming current pension payments.
<p>Benefits in kind</p>	<p>This can include any financial benefit you receive from any member of your family.</p> <p>If you receive income from stocks, shares or any other financial arrangement where income is obtained, you must provide:</p> <ul style="list-style-type: none"> • Current statements showing the arrangement where income is obtained.
<p>All other sources</p>	<p>This can include:</p> <p><u>People living with you</u></p> <p>If you receive money from any persons living with you in payment of rent, board, contribution to the household etc, you must provide:</p> <ul style="list-style-type: none"> • A letter from the person paying money to reside at your home address confirming the arrangement, the amount paid and dated within the last month. <p><u>Rental income from any and all properties</u></p> <p>If you receive any income from the rent of properties, you must provide:</p> <ul style="list-style-type: none"> • Tenancy agreement or lease relating to each property showing the rents currently being paid and frequency. <p>If you receive any other income by any other means not listed, such as selling goods privately or publicly, including sales on the internet, you must provide current official documentary evidence. The evidence must show the amount of income received, by what method and how often.</p> <p><u>Stocks, shares, bonds or any other financial arrangement</u></p> <p>If you receive income for stocks, shares or any other financial arrangement where income is obtained, you must provide current statements showing the arrangement and how much income is obtained.</p> <p>If you receive income by any other means not listed here, such</p>

	<p>as selling goods privately or publicly, including sales on the internet, you must provide official documentary evidence. The evidence must show the amount of income received, by what method and how often.</p> <p>WARNING</p> <p>To prevent delay, applicants must make sure they have all required evidence, correct and within date, before arriving at court or sending the application in the post.</p> <p>Failure to provide evidence will result in the application being refused and the full fee being payable.</p>
<p>Benefits</p> <p>If you are in receipt of any benefit payments, excluding those in Part 3 of the application form, you must provide:</p> <ul style="list-style-type: none"> • A benefit entitlement notice or letter, dated within the last month confirming how much is currently being received and how often. <p><u>Excluded benefits</u></p> <p>The following benefits are excluded for any calculation of gross annual income under remission 2:</p> <ul style="list-style-type: none"> • Child benefit. • Disability living allowance. • Attendance allowance. • War Disablement Pension. • War Widow Pension (only some of this is disregarded). • Maintenance payments (the first £20.85 is disregarded). 	
<p>Part 5 – Weekly expenses</p> <p>In order to calculate your eligibility for exemption it is necessary to ascertain the full extent of your income. Please enter weekly amounts in the relevant boxes. If you pay on a monthly basis, to provide the most accurate weekly amount, multiply by 12 (months) and divide by 52 (weeks).</p>	
<p>Housing costs</p>	<p>The total you pay for a mortgage, rent or board per week, This figure does not include any rates payments or any other utility bill payments. The evidence provided must be current; and shows the amount and frequency.</p> <ul style="list-style-type: none"> • Mortgage statement

	<p>I. If a mortgage is on a flat, the housing costs will include extra costs for ground rents and service charges; (this includes the total mortgages the applicant has on properties they own in addition to their main dwelling); or</p> <ul style="list-style-type: none"> • Tenancy Agreement for rented premises; or • Rent book signed by the landlord; or • Receipts from board payments; or • Rent statement from landlord.
<p>Rates.</p>	<p>If you are responsible for paying rates on your property, you should declare how much these rates are. You must provide:</p> <ul style="list-style-type: none"> • The most recent letter confirming the amount due on your rates.
<p>Child maintenance.</p>	<p>If you pay child maintenance, you must provide an original copy of the document(s) that shows the amount you are paying and how often it's paid, in respect of each child that maintenance is paid for. The evidence must show current payments:</p> <ul style="list-style-type: none"> • Sealed court order; or • Signed Voluntary agreement (signed by both parents).
<p>Total weekly expenses</p>	<p>Add together all the figures you have entered and put the total in the box. The total amount will be either your single weekly expenditure or yours and your partner's joint weekly expenditure</p>
<p>Part 6 – The Household/Children</p>	
<p>Dependant persons (adult or child) living with you.</p>	<p>A dependent person is someone who is financially supported by you and does not have an income of their own. A child is only classed as dependant if you are receiving child benefit for that child.</p>
<p>Children of your own not living with you.</p>	<p>This could be if your child lives with their other parent or other family member.</p>
<p>Details of any Child or Young Person under 21 who normally lives with you</p> <p>You cannot include</p>	

<ul style="list-style-type: none"> • A child or young person who has left school or college. • A child for whom you receive a boarding allowance from Social Services or local authority 	
<p>You can include</p> <ul style="list-style-type: none"> • A child or young person who is not your own. • A child or young person who normally lives with you, (e.g. a child or young person at boarding school) 	
<p>Enter the Full names (including middle names) of any persons under the age of 21 who normally live with you. Also include their current age, and their date of birth,</p>	
<p>Continuing full-time education.</p>	<p>The child is in continuing full-time secondary education if they are 16 or over, but under the age of 20 and in full time education or approved training of more than 12 hours per week and studying for a qualification up to and including "A" level standard or equivalent (the child or young person must have commenced that full-time education prior to their 19th birthday).</p>
<p>Child/Young person not living with you at present.</p>	<p>Please provide details as to why the child/young person is not currently living with you. Include details such as length of time they have not lived with you as well as providing details as to where they are living</p>
<p>Details of any independent members of the household.</p>	<p>Please give the full name of any independent member of the household, i.e. those who are not financially dependent on you.</p> <p>Please also give their occupation, and provide details of their contributions to the household. These contributions may include:</p> <ul style="list-style-type: none"> • any rent or board paid to you; • payment or contributions towards any household bills such as electricity, gas, telephone or internet; • purchasing of any household items such as furniture or other items; and • any other contributions to the household. <p>You also need to declare their relationship to yourself, i.e. brother, sister (or other family member) or partner etc.</p>

Part 7 – Child care	
<p>If you have dependant children, you may pay for childcare. This can include:</p> <ul style="list-style-type: none"> • Nursery; • Child minder; • Pre-school care; or • After school care. <p>Childcare costs do not include school fees.</p> <p>You will need to provide:</p> <ul style="list-style-type: none"> • Receipts from a nursery; or • Proof of payments to a pre-school or after school club; or <p>Receipts from a child minder.</p>	
Part 8 – Capital	
Do you or your partner have savings over £13,000?	Savings can include money held in bank accounts, building society accounts, post office accounts or any other savings accounts.
<p>Do any of the children you have claimed for have savings over £13,000?</p> <p>Details of accounts held in building societies, banks or savings accounts (including Post Office accounts)</p>	<p>This applies in regard to children who are financially dependant in you, or any children you may have who are not currently living with you.</p> <p>Any and all accounts held in your name (and/or your partner's name) must be declared. Even if the balance of the account is small, or you are in an overdraft, you must declare it.</p> <p>You must also provide a copy of a statement for the last 3 months of each account.</p> <p>If you have any credits or direct debits coming out of your account with a value of more than £50, you will need to provide an explanation.</p>
Life interest in any property or land.	If someone has designated ownership of land to you for your lifetime (e.g. a field for grazing animals) you need to provide the name of the owner of the property/land and the address of the property/land.

Interest in a trust fund.	If you are the beneficiary of a trust fund, or you are holding a fund on trust for another person (e.g. a child) you need to provide the name of the beneficiary of the fund and the name of the fund.
Private Pensions.	Please do not enter information about any life insurance policies or endowment policies you or your partner may have. Please provide information if either you and/or your partner make contributions to a private pension fund (this does not include national insurance). This does include any pension arrangement with your employer. Please provide a copy of the most recent document available showing the amount you contribute towards any private pension fund.
Total capital	<p>Please add up your total capital (including that of your partner) and anything else of value that you or your spouse/partner own.</p> <p>Examples include:</p> <ul style="list-style-type: none"> • Property or land (other than your main dwelling, i.e. where you and your spouse/partner live); • Cash in hand; • Money held in any bank, building society or Post Office accounts; • Premium Bonds • Shares • Insurance policies; • Valuable possessions (e.g. caravans, antiques etc); and • Money owed to you (e.g. from a private loan). <p>DO NOT INCLUDE</p> <ul style="list-style-type: none"> • Your main dwelling and its household furniture and effects; • Tools and equipment required to work or for your business; and • Articles of personal clothing.
Part 8 – Child care	
Do you use a registered child minder or other organisation	This does not include any family members or friends who may look after any of your children. Please note that you can only claim this allowance for children who are under 13 years of age. If the answer is yes please confirm the amount paid. Also please provide a document giving evidence of these payments.

<p>If you don't use the child care service to attend work.</p>	<p>Please provide an explanation as to why you are making sue of a paid child-care service if it is not to enable you to work. For example you may still be in full time education and need someone to look after your child while you are in classes.</p>
<p>Part 9 – Declaration</p>	
<p>Tick boxes</p>	<p>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.</p>
<p>Part 10 – Statement of truth</p>	
	<p>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.</p>