



A Civil Fee Guide for Court Users

Court Fees – Do I have to pay them?

serving
the community
through the
administration
of justice

Northern Ireland Court Service
www.courtsni.gov.uk

We can provide this booklet in a wide range of alternative formats please contact the Information Centre at:

Northern Ireland Court Service

Information Centre

Windsor House

Bedford Street

Belfast BT2 7LT

Telephone 028 9032 8594

Facsimile 028 9041 2390

Textphone 028 9041 2920

Email: informationcentre@courtsni.gov.uk

www.courtsni.gov.uk

- 2 Introduction
- 4 Civil Legal Aid
- 5 Exemption
- 7 Remission
- 8 Special considerations for minors and persons under disability
- 9 Completing Form ER1
- 10 When you have completed Form ER1
- 11 What will happen next?
- 12 If you decide to pay the court fee
- 13 Retrospective Applications
- 15 About appeals
- 16 Useful Addresses

serving
the community
through the
administration
of justice

Introduction

If you are taking civil court proceedings or if you are being taken to court in a civil action the Court Service will need to carry out some work for which you may have to pay a fee.

You may obtain a list of Civil Court Fees, from the Court Service Information Centre, from your local court office (addresses are at the back of this booklet) or from our website **www.courtsni.gov.uk**

Fees apply to all civil court proceedings. However, in some situations help may be available in paying fees when a person;

- receives financial assistance through legal aid; or
- receives a specified benefit; or
- is experiencing hardship.

This booklet tells you whether you may be eligible for an exemption or remission and how to go about applying for these. This is part of the new exemption and remission policy, which started on 24 September 2007 and applies to civil fees payable from that date. If you have paid a fee on or after this date and believe that you should have applied for an exemption or remission you still can by claiming a refund.

There is more about refunds on page 13 under “Retrospective Applications”.

Please read this leaflet fully before applying for an exemption or remission – you will need to complete Form ER1 which is available from the Court Service Information Service, Windsor House, 9 - 15 Bedford Street, Belfast BT2 7LT, your local court office or the Court Service website at www.courtsni.gov.uk

You may need more than one form because you must fill in a separate form for each fee for which you would like exemption or remission.

If you would like more information, please contact your local court office or the Court Service Information Centre. But remember that court staff cannot give you **legal** advice about your case.

Civil Legal Aid

Depending on your financial circumstances you may be entitled to legal aid which will help with the cost of your case including the fees payable to the court.

You can only apply for exemption or remission if you do **not** already qualify for legal aid.

To find out more about legal aid contact your solicitor or the Legal Services Commission.

Legal Services Commission,
Waterfront Plaza,
8 Laganbank Road, Mays Meadow,
Belfast, BT1 3BN

Tel 028 9040 8888
www.nilsc.org.uk

Exemption

How do I qualify for exemption?

With the exception of Probate and Patients fees, where only remission can be applied for, you will be exempt from paying a fee if you receive:

- Income Support.
- Guarantee Credit under the State Pension Credit Act (Northern Ireland) 2002.
- **Income-based** Jobseeker's Allowance.
- Working Tax Credit and your gross annual income is less than the current cut-off* and either –
 - i) Child Tax Credit is paid to you, or a claim has been made jointly by you and your partner; or
 - ii) The Working Tax Credit has a Disability Element or Severe Disability Element (or both)

Your gross income is your income before income tax and other money is taken away.

The Inland Revenue will send you an award notice that shows your gross annual income. If it is more than the current gross annual income cut-off, the court may suggest that you apply for remission. If you receive Working Tax Credit, the award notice will show if you receive a 'disability element' or 'severe disability element'.

* please ask the court officer dealing with exemptions what the current gross annual income cut-off is.

When applying for exemption under Working Tax Credit, you will need to include a copy of the award notice with your form ER1.

You will **not** qualify for exemption if you are receiving:

- legal aid
- funding from an insurance company, trade union or other source

NOTE – Information provided by you will be submitted to the Social Security Agency for verification.

When your exemption application has been dealt with

It may be decided that you are:

- exempt from paying the court fee; or
- not exempt from paying the court fee.

If you are asked to pay the whole fee, or advised to apply for a remission.

If you have been refused exemption and you need to pay another fee later on in the proceedings and your circumstances have changed, you may apply again.

Remission

Remission Applications will be dealt with by the
Civil Processing Centre,
Royal Courts of Justice,
Chichester Street,
Belfast BT1 3JF

You can send your application directly to the Civil Processing Centre or through your local court office.

How do I qualify for remission?

If you are not exempt from paying a fee but you feel that you would suffer hardship if you did pay it, you may apply for a discretionary remission of the court fee.

It may be decided that you do not have to pay a court fee, or that you may pay a smaller fee. This is called remission.

When your remission application has been dealt with

It may be decided that you;

- should pay no fee; or
- may pay a smaller fee; or
- must pay the whole fee

If you need to pay another fee later on in the proceedings and your circumstances have changed since being refused, you may apply again for remission.

Special considerations for minors and persons under disability

If a person under 18 years old (a minor) is a party in a civil action, he/she must have any legal papers submitted on their behalf by an adult who will be named as guardian. Depending on severity, a person under disability may also require a guardian.

In the event of legal aid not being granted, the guardian may apply on behalf of the minor for exemption or remission of a court fee. However, it is unlikely that an exemption will apply as the minor will not be receiving a passporting benefit. In these circumstances the application should be made to seek remission of the fee.

It is important to note that this procedure only applies to cases where the child is a party to the litigation (e.g. named as the plaintiff on a civil bill), and not the subject of it (e.g. in relation to custody in family proceedings).

Completing Form ER1

Please give all the details that Form ER1 asks for and remember that the Court Service will need evidence for the information you have given in sections 3 and 4 of the form. If you do not provide the details or the evidence, your application for exemption or remission may be delayed or refused. Until a decision has been made about your application, the court case will not continue unless the court has to deal with something urgently.

Sections 1a to 1e are about the case. Section 1d asks you to give the title or number of the form that you would like the court office to process – for instance, a divorce petition or a small claims application.

Sections 2a to 2i are about you and benefits you may be receiving.

Sections 3 to 5 are about your income and expenditure. In order to come to a decision on whether you qualify for remission, the Court Service needs information on your financial circumstances. Therefore you will be required to provide evidence (in the form of pay slips, bank or mortgage statements) for information you have provided.

Section 6 is a declaration by you that all the information you have provided is true to the best of your knowledge. Providing false information can lead to prosecution.

When you have completed Form ER1

Take the form, or post it to your nearest court office or if your case is ongoing, the court that is dealing with it. If you are applying for remission you can also send your application directly to the Civil Processing Centre.

You must enclose with the form:

- the papers in the court case that you would like the court office to process – for instance, a divorce petition or a small claims application.
- the evidence to back up the details that you have given section 3 to 5 of Form ER1 - the evidence may be an original document or a photocopy of it.

If you take Form ER1 to the court, the court office will copy the evidence and return it to you. The court office will not charge you for these copies.

If you post Form ER1 to the court office, please send a copy of the evidence unless the court has asked specifically for the original document.

If you intend to post original documents, please ask the post office for advice on how to send them. The Court Service can not be responsible for your documents if it does not receive them.

What will happen next?

Your application will usually be dealt with within 5 working days of receiving all the required information, and before any of the papers in the court case are processed. However, your application will be dealt with at once if something needs to be done urgently – for instance, to stop an eviction or if a time limit for doing something is about to be reached.

If the Court Service has allowed your application and you do not have to pay a fee, it will process the papers in the court case. If it has not allowed your application, or if the fee has been reduced so that you must pay a smaller fee, it will send you a letter giving:

- the amount of the court fee that you must pay; and
- the reason for the decision

The papers in the court case will also be sent back with the letter.

If you do not agree with the decision and you applied for remission, you may appeal. If you were refused exemption, you may apply for remission.

If you decide to pay the court fee

If you are refused exemption or remission you may pay the court fee by;

- cash
- cheque
- postal order; or
- debit or credit card.

If you pay by cheque or postal order, please make it payable to **Northern Ireland Court Service**.

If you pay by cheque and it is dishonoured, the application and the court case will be stopped until payment has been made. That may mean that you have to pay additional costs. The Court Service will always seek to recover costs in relation to dishonoured cheques.

Retrospective Applications

Perhaps you may have paid a court fee without applying for exemption or remission or you may not have known that you could apply, or you may have thought that your circumstances did not allow you to apply. Even if you have paid a court fee, you may still apply retrospectively for exemption or remission and ask for a refund of the fee or part of it.

Applying retrospectively for an exemption or remission

If you are applying for exemption or remission of a fee you have already paid, you must complete Form ER1, answering 'yes' to section 1e and providing the date you paid the fee on. The original stamped document or copy of the stamped document must be provided.

Please note; the Court Service must receive your application on Form ER1 **within 6 months** of the date you paid the fee. The evidence provided by you must have the details that would have allowed the Court Service to consider your application if it had been made on the day when you paid the fee. Only fees paid on or after 24 September 2007 are eligible for consideration under this policy.

When your form has been dealt with

The Court Service will send you a letter giving the decision. The Court Service may have decided that you should have paid the whole fee, a smaller fee or no fee. If it has decided that you should have paid no fee or a smaller fee, it will refund the fee you paid or part of it.

If you think the decision was wrong

You may appeal against being refused remission. There is no appeal against being refused exemption.

About appeals

If you applied for remission and you think the Court Service decision was wrong you may appeal to the Appeals Officer. If you decide to appeal, please send a letter to the Civil Processing Centre along with your original application. In the letter state that you wish to appeal and why you do not agree with the decision.

If you would like

- to give more details about your, income and expenditure or circumstances; or
- give other additional evidence

you may send the extra details or evidence with your letter.

The Court Service must receive your letter of appeal **within 14 days** beginning on the day when you received the Court Service's letter refusing your application for remission.

The Appeals Officer will send you a letter giving the result of your appeal within 14 days, beginning on the day when the Court Service received your letter of appeal along with all relevant information and if applicable use the result of the appeal to deal with your application.

Useful Addresses

Antrim Court Office

The Courthouse
30 Castle Way, Antrim
BT41 4AQ

Phone: 028 9446 2661

Fax: 028 9446 3301

Armagh Court Office

The Courthouse
The Mall, Armagh
BT61 9DJ

Phone: 028 3752 2816

Fax: 028 3752 8194

Ballymena Court Office

The Courthouse
Albert Place, Ballymena
BT43 5BS

Phone: 028 2564 9416

Fax: 028 2565 5371

Bangor Court Office

The Courthouse
6 Quay Street, Bangor
BT20 5EA

Phone: 028 9147 2626

Fax: 028 9127 2667

Belfast Combined Courts

Laganside Courts
Oxford Street, Belfast
BT1 3LL

Phone: 02890 328594

Fax: 028 9031 0227

Coleraine Court Office

The Courthouse
46A Mountsandel Road
Coleraine, BT52 1NY

Phone: 028 7034 3437

Fax: 028 7032 0156

Craigavon Court Office

The Courthouse
Central Way, Craigavon
BT64 1AP

Phone: 028 3834 1324

Fax: 028 3834 1243

Downpatrick Court Office

The Courthouse
English Street, Downpatrick
BT30 6AB

Phone: 028 4461 4621

Fax: 028 4461 3969

Dungannon Court Office

The Courthouse
46 Killyman Road, Dungannon
BT71 6FG

Phone: 028 8772 2992

Fax: 028 8772 8169

Enniskillen Court Office

The Courthouse
East Bridge Street, Enniskillen
BT74 7BW

Phone: 028 6632 2356

Fax: 028 6632 3636

Larne Court Office

The Courthouse
Victoria Road, Larne
BT40 1RN

Phone: 028 2827 2927

Fax: 028 2827 6414

Limavady Court Office

The Courthouse
Main Street, Limavady
BT49 0EY

Phone: 028 7772 2688

Fax: 028 7776 8794

Lisburn Court Office

The Courthouse
Railway Street, Lisburn
BT28 1XR

Phone: 028 9267 5336

Fax: 028 9260 4107

Londonderry Court Office

The Courthouse
Bishop Street, Londonderry
BT48 6PQ

Phone: 028 7136 3448

Fax: 028 7137 2059

Magherafelt Court Office

The Courthouse
Hospital Road, Magherafelt
BT45 5DG

Phone: 028 7963 2121

Fax: 028 7963 4063

Newry Court Office

The Courthouse
23 New Street, Newry
BT35 6AD

Phone: 028 3025 2040

Fax: 028 3026 9830

Newtownards Court Office

The Courthouse
Regent Street, Newtownards
BT23 4LP

Phone: 028 9181 4343

Fax: 028 9181 8024

Omagh Court Office

The Courthouse
High Street, Omagh
BT78 1DU

Phone: 028 8224 2056

Fax: 028 8225 1198

Royal Courts of Justice

Chichester Street
Belfast
BT1 3JF

Phone: 028 9023 5111

Fax: 028 9031 3508

Strabane Court Office

The Courthouse
Derry Road, Strabane
BT82 8DT

Phone: 028 7138 2544

Fax: 028 7138 3209

Useful Addresses

**Court Service
Customer Service Centre**
PO Box 256
Londonderry
Phone: 028 7126 1329
Fax: 028 7137 2105

**Enforcement of
Judgments Office**
6th Floor Bedford House
Bedford Street, Belfast
BT2 7FD
Phone: 028 9032 8594
Fax: 028 9031 3520

Information Centre
Windsor House
9 - 15 Bedford Street, Belfast
BT2 7LT
Phone: 028 9032 8594
Text Phone: 028 9041 2920
Fax: 028 9041 2390



INVESTOR IN PEOPLE

For further information on the work of the Northern Ireland Court Service please contact

Northern Ireland Court Service

Information Centre
Windsor House
Bedford Street
Belfast BT2 7LT

Telephone 028 9032 8594
Facsimile 028 9041 2390
Textphone 028 9041 2920
Email: informationcentre@courtsni.gov.uk
www.courtsni.gov.uk

September 2007