

Changes to legislation: The Civil Proceedings Fees Order 2008, Cross Heading: Disposable capital test is up to date with all changes known to be in force on or before 06 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F1}SCHEDULE 2

Remissions and part remissions

Textual Amendments

- F1** Sch. 2 substituted (7.10.2013) by [The Courts and Tribunals Fee Remissions Order 2013 \(S.I. 2013/2302\)](#), arts. 1, 6(4), [Sch.](#) (with art. 13)

Disposable capital test

[^{F2}Disposable capital test

3. Subject to paragraph 4, a party satisfies the disposable capital test if the fee payable by the party and for which an application for remission is made is—

- (a) up to and including £1,420 and the party’s disposable capital is less than £4,250;
- (b) £1,421 to £5,000 and the party’s disposal capital is less than three times the amount of the fee payable;
- (b) £5,001 or more and the party’s disposable capital is less than £16,000.]

Textual Amendments

- F2** Sch. 2 para. 3 substituted (27.11.2023) by [The Courts and Tribunals \(Fee Remissions and Miscellaneous Amendments\) Order 2023 \(S.I. 2023/1094\)](#), arts. 1(2), [3\(3\)\(b\)](#) (with art. 6)

[^{F3}Disposable capital test - deeming provisions for those aged 66 or over]

4. Subject to paragraph 14, if a party or their partner is aged [^{F4}66] or over, that party satisfies the disposable capital test if that party’s disposable capital is less than £16,000.

Textual Amendments

- F3** Sch. 2 para. 4 heading inserted (27.11.2023) by [The Courts and Tribunals \(Fee Remissions and Miscellaneous Amendments\) Order 2023 \(S.I. 2023/1094\)](#), arts. 1(2), [3\(3\)\(c\)\(i\)](#) (with art. 6)
- F4** Word in Sch. 2 para. 4 substituted (27.11.2023) by [The Courts and Tribunals \(Fee Remissions and Miscellaneous Amendments\) Order 2023 \(S.I. 2023/1094\)](#), arts. 1(2), [3\(3\)\(c\)\(ii\)](#) (with art. 6)

Disposable capital

5.—[^{F5}(1)] Subject to paragraph 14, disposable capital is the value of [^{F6}any savings and investments] belonging to the party on the date on which the application for remission is made, unless it is treated as income by this Order, or it is disregarded as excluded disposable capital.

[^{F7}(2) In sub-paragraph (1), reference to “savings and investments” includes, but is not limited to—

- (a) bonds;
- (b) stocks and shares; and
- (c) the value of any land or property.]

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Textual Amendments

- F5** Sch. 2 para. 5 renumbered as Sch. 2 para. 5(1) (27.11.2023) by [The Courts and Tribunals \(Fee Remissions and Miscellaneous Amendments\) Order 2023 \(S.I. 2023/1094\)](#), arts. 1(2), **3(3)(d)(i)** (with art. 6)
- F6** Words in Sch. 2 para. 5(1) substituted (27.11.2023) by [The Courts and Tribunals \(Fee Remissions and Miscellaneous Amendments\) Order 2023 \(S.I. 2023/1094\)](#), arts. 1(2), **3(3)(d)(ii)** (with art. 6)
- F7** Sch. 2 para. 5(2) inserted (27.11.2023) by [The Courts and Tribunals \(Fee Remissions and Miscellaneous Amendments\) Order 2023 \(S.I. 2023/1094\)](#), arts. 1(2), **3(3)(d)(iii)** (with art. 6)

Disposable capital - non-money resources

6. The value of [^{F8}any savings and investments that do] not consist of money is calculated as the amount which that resource would realise if sold, less—

- (a) 10% of the sale value; and
- (b) the amount of any borrowing secured against that resource that would be repayable on sale.

Textual Amendments

- F8** Words in Sch. 2 para. 6 substituted (27.11.2023) by [The Courts and Tribunals \(Fee Remissions and Miscellaneous Amendments\) Order 2023 \(S.I. 2023/1094\)](#), arts. 1(2), **3(3)(e)** (with art. 6)

[^{F9}Disposable Capital - resources held outside the United Kingdom

7.—(1) Capital resources in a country outside the United Kingdom count towards disposable capital.

(2) If there is no prohibition in that country against the transfer of a resource into the United Kingdom, the value of that resource is the amount that resource would realise if sold to a buyer in the United Kingdom.

(3) If there is a prohibition in that country against the transfer of a resource into the United Kingdom, the value of that resource is the amount which that resource would realise if sold in that country, in accordance with paragraph 6.]

Textual Amendments

- F9** Sch. 2 para. 7 substituted (27.11.2023) by [The Courts and Tribunals \(Fee Remissions and Miscellaneous Amendments\) Order 2023 \(S.I. 2023/1094\)](#), arts. 1(2), **3(3)(f)** (with art. 6)

Disposable capital - foreign currency resources

8. Where disposable capital is held in currency other than sterling, the cost of any banking charge or commission that would be payable if that amount were converted into sterling, is deducted from its value.

Disposable capital - jointly owned resources

9. Where any [^{F10}any savings and investments are] owned jointly or in common, there is a presumption that the resource is owned in equal shares, unless evidence to the contrary is produced.

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Textual Amendments

F10 Words in [Sch. 2 para. 9](#) substituted (27.11.2023) by virtue of [The Courts and Tribunals \(Fee Remissions and Miscellaneous Amendments\) Order 2023 \(S.I. 2023/1094\)](#), arts. 1(2), **3(3)(g)** (with art. 6)

Excluded disposable capital

10. The following things are excluded disposable capital—

- (a) a property which is the main or only dwelling occupied by the party;
- ^{F11}(b)
- ^{F12}(c)
- (d) any vehicle, the sale of which would leave the party, or their partner, without motor transport;
- ^{F13}(e)
- (f) the capital value of the party's or their partner's business, where the party or their partner is self-employed;
- (g) the capital value of any funds or other assets held in trust, where the party or their partner is a beneficiary without entitlement to advances of any trust capital;
- (h) a jobseeker's back to work bonus;
- (i) a payment made as a result of a determination of unfair dismissal by a court or tribunal, or by way of settlement of a claim for unfair dismissal;
- (j) any compensation paid as a result of a determination of medical negligence or in respect of any personal injury by a court, or by way of settlement of a claim for medical negligence or personal injury;
- (k) the capital held in any personal or occupational pension scheme;
- (l) any cash value payable on surrender of a contract of insurance;
- (m) any capital payment made out of the Independent Living Funds;
- ^{F14}(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);]
- (o) any capital insurance or endowment lump sum payments that have been paid as a result of illness, disability or death;
- (p) any student loan or student grant;
- (q) any payments under the criminal injuries compensation scheme.]
- ^{F15}(r) any payments under the Armed Forces Compensation Scheme;
- (s) any compensation paid as a result of the Grenfell Tower fire;
- (t) any payments under the Lambeth Children's Homes Redress Scheme;
- (u) any payments from the London Emergencies Trust;
- (v) any payments under the Medomsley Detention Centre Physical Abuse Settlement Scheme;
- (w) any payments under the Miscarriage of Justice Compensation Scheme;
- (x) any payments from the National Emergencies Trust;
- (y) any payments under the Infected Blood Support Scheme;

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- (z) any payments in relation to internment, forced labour, injury or loss of a child during the Second World War;
- (za) any payments under the Jesus Fellowship Redress Scheme;
- (zb) any payment under the Vaccine Damage Payment Scheme;
- (zc) any compensation paid as a result of variant Creutzfeldt-Jakob Disease;
- (zd) any compensation paid under the Victims of Overseas Terrorism Compensation Scheme;
- (ze) any payments under the We Love Manchester Emergency Fund; and
- (zf) any compensation paid under the Windrush Compensation Scheme (Expenditure) Act 2020.]

Textual Amendments

- F11** Sch. 2 para. 10(b) omitted (27.11.2023) by virtue of [The Courts and Tribunals \(Fee Remissions and Miscellaneous Amendments\) Order 2023 \(S.I. 2023/1094\)](#), arts. 1(2), **3(3)(h)(i)** (with art. 6)
- F12** Sch. 2 para. 10(c) omitted (27.11.2023) by virtue of [The Courts and Tribunals \(Fee Remissions and Miscellaneous Amendments\) Order 2023 \(S.I. 2023/1094\)](#), arts. 1(2), **3(3)(h)(i)** (with art. 6)
- F13** Sch. 2 para. 10(e) omitted (27.11.2023) by virtue of [The Courts and Tribunals \(Fee Remissions and Miscellaneous Amendments\) Order 2023 \(S.I. 2023/1094\)](#), arts. 1(2), **3(3)(h)(i)** (with art. 6)
- F14** Sch. 2 para. 10(n) substituted (coming into force in accordance with arts. 1-3 of the amending S.I.) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2017 \(S.I. 2017/422\)](#), arts. 1(2), **33(b)**
- F15** Sch. 2 paras. 10(r)-(zf) inserted (27.11.2023) by [The Courts and Tribunals \(Fee Remissions and Miscellaneous Amendments\) Order 2023 \(S.I. 2023/1094\)](#), arts. 1(2), **3(3)(h)(ii)** (with art. 6)

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order applied (with modifications) by [S.I. 2024/814 art. 16](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 3D3E inserted by [S.I. 2024/538 art. 2\(2\)](#)