

SCHEDULE

Remissions and Part Remissions

General

Resources and income treated as the party's resources and income

14.—(1) Subject to sub-paragraph (2), the disposable capital and gross monthly income of a partner of a party is to be treated as disposable capital and gross monthly income of the party.

(2) Where the partner of a party has a contrary interest to the party in the matter to which the fee relates, the disposable capital and gross monthly income of that partner, if any, is not treated as the disposable capital and gross monthly income of the party.

Application for remission of a fee

15.—(1) An application for remission of a fee must be made at the time when the fee would otherwise be payable.

(2) Where an application for remission of a fee is made, the party must—

- (a) indicate the fee to which the application relates;
- (b) declare the amount of their disposable capital; and
- (c) provide documentary evidence of their gross monthly income and the number of children relevant for the purposes of paragraphs 11 and 12.

(3) Where an application for remission of a fee is made on or before the date on which a fee is payable, the date for payment of the fee is disapplied.

(4) Where an application for remission is refused, or if part remission of a fee is granted, the amount of the fee which remains unremitted must be paid within the period notified in writing to the party.

Remission in exceptional circumstances

16. A fee specified in this Order may be remitted where the Lord Chancellor is satisfied that there are exceptional circumstances which justify doing so.

Refunds

17.—(1) Subject to sub-paragraph (3), where a party pays a fee at a time when that party would have been entitled to a remission if they had provided the documentary evidence required by paragraph 15, the fee, or the amount by which the fee would have been reduced as the case may be, must be refunded if documentary evidence relating to the time when the fee became payable is provided at a later date.

(2) Subject to sub-paragraph (3), where a fee has been paid at a time when the Lord Chancellor, if all the circumstances had been known, would have remitted the fee under paragraph 15, the fee or the amount by which the fee would have been reduced, as the case may be, must be refunded to the party.

(3) No refund shall be made under this paragraph unless the party who paid the fee applies within 3 months of the date on which the fee was paid.

(4) The Lord Chancellor may extend the period of 3 months mentioned in sub-paragraph (3) if the Lord Chancellor considers that there is a good reason for a refund being made after the end of the period of 3 months.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Legal Aid

18. A party is not entitled to a fee remission if, under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(1), they are in receipt of the following civil legal services —

- (a) Legal representation; or
- (b) Family help (higher); or
- (c) Family help (lower) in respect of applying for a consent order.

Vexatious litigants

19.—(1) This paragraph applies where—

- (a) a restraint order is in force against a party; and
 - (b) that party makes an application for permission to—
 - (i) issue proceedings or take a step in proceedings as required by the restraint order;
 - (ii) apply for amendment or discharge of the order; or
 - (iii) appeal the order.
- (2) The fee prescribed by this Order for the application is payable in full.
- (3) If the party is granted permission, they are to be refunded the difference between—
- (a) the fee paid; and
 - (b) the fee that would have been payable if this Schedule had been applied without reference to this paragraph.

Exceptions

20. No remissions or refunds are available in respect of the fee payable for—

- (a) copy or duplicate documents;
- (b) searches.

(1) 2012 c. 10.