

## SCHEDULE

### Remissions and Part Remissions

#### *Gross monthly income test*

#### **Remission of fees—gross monthly income**

**11.**—(1) If a party satisfies the disposable capital test, no fee is payable under this Order if, at the time when the fee would otherwise be payable, the party or their partner has the number of children specified in column 1 of Table 2 and—

- (a) if the party is single, their gross monthly income does not exceed the amount set out in the appropriate row of column 2; or
- (b) if the party is one of a couple, the gross monthly income of that couple does not exceed the amount set out in the appropriate row of column 3.

**Table 2**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Number of children of party</i>	<i>Single</i>	<i>Couple</i>
no children	£1,085	£1,245
1 child	£1,330	£1,490
2 children	£1,575	£1,735

(2) If a party or their partner has more than 2 children, the relevant amount of gross monthly income is the appropriate amount specified in Table 2 for 2 children, plus the sum of £245 for each additional child.

(3) For every £10 of gross monthly income received above the appropriate amount in Table 2, including any additional amount added under sub-paragraph (2), the party must pay £5 towards the fee payable, up to the maximum amount of the fee payable.

(4) This paragraph is subject to paragraph 12.

#### **Gross monthly income cap**

**12.**—(1) No remission is available if a party or their partner has the number of children specified in column 1 of Table 3 and—

- (a) if the party is single, their gross monthly income exceeds the amount set out in the appropriate row of column 2 of Table 3; or
- (b) if the party is one of a couple, the gross monthly income of that couple exceeds the amount set out in the appropriate row of column 3 of Table 3.

**Table 3**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Number of children of party</i>	<i>Single</i>	<i>Couple</i>
no children	£5,085	£5,245
1 child	£5,330	£5,490

**Status:** This is the original version (as it was originally made).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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Number of children of party</i>	<i>Single</i>	<i>Couple</i>
2 children	£5,575	£5,735

(2) If a party or their partner has more than 2 children, the relevant amount of gross monthly income is the appropriate amount specified in Table 3 for 2 children, plus the sum of £245 for each additional child.

**Gross monthly income**

13.—(1) Subject to paragraph 14, gross monthly income means the total monthly income, for the month preceding that in which the application for remission is made, from all sources, other than receipt of any of the excluded benefits.

(2) Income from a trade, business or gainful occupation other than an occupation at a wage or salary is calculated as—

- (a) the profits which have accrued or will accrue to the party; and
- (b) the drawings of the party;

in the month preceding that in which the application for remission is made.

(3) In calculating profits under sub-paragraph (2)(a), all sums necessarily expended to earn those profits are deducted.