





The content

Debt Advice Handbook 15th edition

Description

With living costs and unemployment rising, budgets squeezed and problem debt on the increase, no adviser should be without this essential guide to the practice and process of giving money advice in England and Wales.

Who's this book for?

It is essential for debt advisers, welfare rights advisers, lawyers, local authority and housing association staff, social workers and union official.

What does it do?

The handbook provides the most comprehensive information needed by advisers on the key stages of money advice, including interviewing clients, establishing liability, prioritising debts, preparing a financial statement, negotiating with creditors and dealing with bailiffs. Fully indexed and cross-referenced to law, regulations and official guidance, and to court and tribunal decisions Includes tactical guidance and examples

What's new?

Fully updated to cover all recent changes to legislation, caselaw and court procedure and practice Emphasis is placed on taking due care of vulnerable clients and making sure that any payment arrangements agreed are appropriate. There is a focus on sustainable credit arrangements that do not affect a client's abilities to pay essential living expenses and priority debts.

Properties

Author(s):
CPAG

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4. Court fees

Remission of fees

Most steps taken in court proceedings have a fee to cover administrative costs, which must be paid to the court before the particular step can be taken. The fees are set annually by statutory instrument and details can be obtained from any court office, the HM Courts and Tribunals Service (HMCTS) website or leaflet EX50A. The current version is effective from 8 April 2025. 1

Joint litigants are jointly liable to pay the fees. If one qualifies for full or partial remission (see here), the other must pay the full fee, unless they also qualify for a remission. If neither qualify for remission, they must either agree between them which one will pay the fee or come to an arrangement to pay the fee between them.

If the client has no money with them to pay the fee and does not apply for remission, the court may nevertheless process the court action in an emergency if the interests of justice would be compromised if a delay occurs – eg, to suspend an eviction the following day. A court officer makes the decision and their decision is final. The client must undertake to apply for fee remission within five days and to pay the fee if this application fails. If the client fails to do so, the matter is referred to the district judge, who may revoke any order made in the court action.

1 gov.uk/government/publications/fees-in-the-civil-and-family-courts-full-list-ex50a

Remission of fees

A client not funded by the Legal Aid Agency for the proceedings may be eligible for full or partial remission of the fees if their income and capital below certain limits. ¹

If the client is aged 66 or over, a capital threshold of £16,000 applies, irrespective of the fee level. If their capital is worth £16,000 or more, they do not qualify for remission. If they are 65 or under, a sliding scale of fee bands with different capital thresholds applies – eg, for a fee of up to £1,420, the capital threshold is £4,240.

The ‘disposable capital’ of the client’s household is taken into account – ie, the client’s own capital and any capital belonging to their partner, such as savings, investments and second homes, including jointly held capital. Some capital is disregarded – eg, the family home.

In addition to having capital below a certain amount, a client is exempt from paying all or part of a fee if their (and/or their partner’s) gross monthly income (excluding certain benefits, payments and tax credits) is below a certain amount. This figure depends on whether the client’s household includes children. If their gross monthly income is more than the threshold, there is a three-banded taper scheme which means that the more the client’s monthly income exceeds the threshold, the more they have to pay towards their fee.

A client is not eligible for any fee remission if their gross monthly income is more than £4,420 (if single) or £5,130 (if in a couple), plus £425 for each dependent child up to age 13 and £710 for each dependent child aged 14 or over.

If the client is getting universal credit (with gross annual earnings of less than £6,000), income support, income-based jobseeker's allowance, income-related employment and support allowance or the guarantee credit of pension credit, they get full fee remission, provided their capital is low enough.

In addition, the court has discretion to allow full or partial remission of a fee if there are exceptional circumstances. Guidance suggests that the client may not have to pay a fee if n unexpected event that has seriously affected their ability to pay the fee and that this circumstance is exceptional – eg, they have received a letter or notice threatening action due to non-payment of bills. The decision is made by the court officer and is a final decision which cannot be appealed.

An application for fee remission should be made on Form EX160 or completed online at gov.uk/get-help-with-court-fees (this generates a reference number, which must be included on the court application). HMCTS publishes an accompanying leaflet (EX160A) (also available from the website). Clients do not need to provide proof of their income unless the court requests it. If someone is getting benefits, the court will contact the DWP if necessary.

If the application for remission is not made at the same time as the court action is taken, any fee can be refunded retrospectively, provided an application is made within three months of the fee being paid. This time limit can be extended if there is a good reason.

A refusal of full or partial remission can be appealed to the court delivery manager in writing within 14 days. The letter should state why the client believes the decision is wrong and can include further information and evidence. The court manager should notify the client of the appeal decision within 10 days. There is a further right of appeal to the operational manager, again within 14 days. There is no further appeal.

1 For further discussion, see J Phipps and E Wilkinson, 'Fee remissions', *Adviser* 161