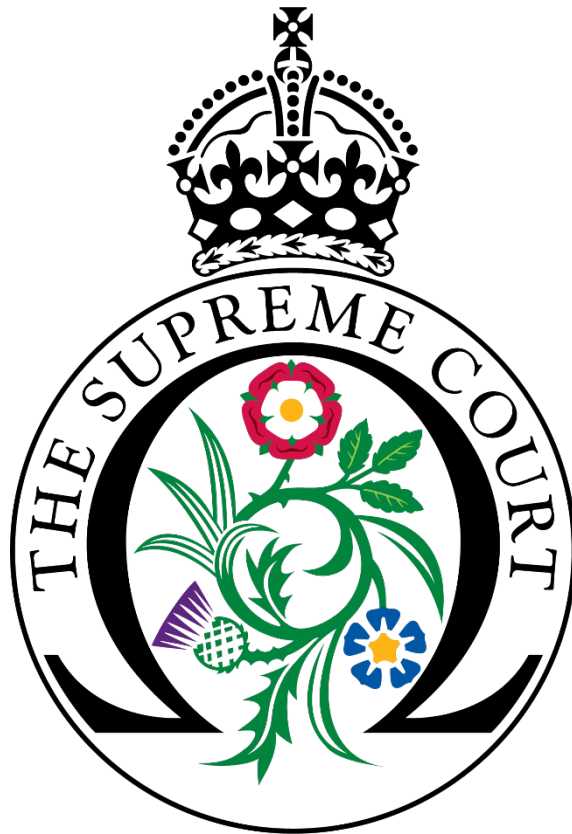


UK Supreme Court

Guidance on applying for help with fees



Please note: this guidance document only applies to applications made or fees paid on or after 27 November 2023.

UK Supreme Court: Guidance on applying for help with fees

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Who can get help with fees

You may not have to pay a fee, or you may get a discount if you:

- have no savings or investments, or only a small amount
- receive certain benefits
- have income below a certain amount

Help with fees is sometimes known as 'fee remission'.

When considering whether you are eligible for help with fees, we will first consider your savings and investments. Your savings and investments must be below a certain threshold for you to be eligible for help with fees. What the threshold is depends on the amount of the fee you have to pay. It can also depend on your age, and, if you have a partner, your partner's age. For more information, go to [How your savings affect whether you can get help with fees](#).

If your savings and investments fall below the threshold, we will consider your income. If you receive certain benefits, you will automatically be entitled to help with fees if your savings and investments are lower than the threshold and we will not require further information about your income. For more information, see the [guidance to question 8 \(If you receive benefits\)](#).

If you are not in receipt of the benefits listed in question 8, whether you receive help with fees will depend on your income, and your partner's income if you have one. Depending on your income, you may not have to pay a fee, you may get some discount, or, if your income is high enough, you may not be eligible for help with fees. The maximum income you can have and still be eligible for help with fees depends on whether you have a partner or any children. For more information, go to [How your income affects whether you can get help with fees](#).

Only individuals can apply for help with fees. This includes sole traders (people who run their own business). We may also reduce or waive a fee if you are a charitable or not-for-profit organisation applying for permission to intervene in an appeal. For more information, see [Applications for permission to intervene by charities and not-for-profits](#).

You cannot get help with fees for a fee to request a copy of a document.

If you are not eligible for help with fees for any reason and are likely to experience exceptional hardship, you may still request help with fees. For more information, see the [guidance to question 13 \(Exceptional circumstances\)](#).

When to apply for help with fees

You must apply for help with fees at the same time as you are making your application to the Supreme Court and would otherwise be paying the fee. Each fee requires a

separate help with fees application. Staff will let you know if you need to pay towards the fee or if they require more information.

You should apply for help with fees by filling out the [Help with Fees form](#) and filing the completed form, along with the necessary supporting evidence, in the UKSC Portal.

If you have paid a fee in the Supreme Court in the last three months, and you believe you were eligible for help with fees at the time the fee was paid, you can apply for a full or partial refund. For more information, see the [guidance to question 5 \(Applying for a refund\)](#).

You may have previously received help with fees for your case when it was being heard in the courts below. You will still need to apply for help with fees in the Supreme Court with up-to-date information about your financial circumstances. You should also provide a copy of your most recent Fee Remission Certificate or confirmation of grant of fee remission.

Question 1. Your personal details

The court needs details such as your name, date of birth and address to identify you.

A legal representative or litigation friend can apply on behalf of an applicant. The application is made in the name of the person who is the party to the legal action (the applicant) using their financial and personal details. The applicant's details must be included in question 1. However, if the form has been completed by a legal representative or litigation friend, that person must sign the declaration at question 16, and provide their own details at question 17.

We may use your personal information (and your partner's personal information, where applicable) to contact government departments to verify the information you have provided. This will help prevent you from being asked for further information before a decision is made.

Question 2. Your relationship status

If you have a partner, your partner's financial details will be taken into consideration, and you must give details of their savings and income.

Choose 'single' if:

- you are living alone (with or without dependent children) and rely on your own income
- you are permanently separated (including if you are in the process of applying for a divorce, dissolution or annulment) and you are not living with a new partner
- you have a partner, but they have a conflicting interest in the case you are bringing

If you have a partner but one of the above points applies, you should check the box that says single. You should not include your partner's financial circumstances when answering questions about your savings, investments, benefits or income in your application.

Choose 'married/living with someone' if:

- you are married or in a civil partnership
- you are living together as if you are married or in a civil partnership
- you are a couple and circumstances require you to live apart, for example, one or both of you are serving in the armed forces, in prison or living in residential care

If you have selected that you are married or living with someone, you must include your partner's financial circumstances when answering any questions about your savings, investments, benefits or income in your application.

Question 3. Are you acting in person?

If you are acting as a litigant-in-person, you should tick yes. If you are represented by a solicitor, you should include proof of the capacity in which your solicitor is acting (e.g., under a conditional fee agreement or pro bono). In certain circumstances, payment of the court fee by an appellant may be deferred if the appellant's solicitors are operating under a conditional fee agreement which imposes the liability to pay the court fees on the appellant personally and the solicitor confirms that the appellant would be eligible for fee remission and provides the necessary supporting evidence.

Question 4. About your application

You need to give the name of the application for which you are applying for help with fees. You can find this information on the title page of your portal application. If you do not know the answer to this question, leave it blank.

Question 5. Applying for a refund if you've already paid the fee

You can apply to get some, or all, of your money back if you have paid a fee in the last three months, and you believe that you were eligible for help with fees at the time the fee was paid.

If you are applying for a refund, you will need to provide details about the savings, investments, benefits and income you had at the time you paid the fee, rather than now. You should include your UKSC receipt and the bank details to which any refund should be paid.

Questions 6–7. Your savings and investments

Start by adding up your savings and investments. If you have a partner, remember to also include their savings and investments.

What to include in savings and investments:

- money in ISAs and any other savings account including matured child trust funds and junior ISAs
- any unspent income from previous months
- fixed rate or investment bonds
- any lump sum (for example, a redundancy payout)
- stocks and shares (including cryptocurrency)
- value of equity in second homes
- any other money or property you own in the UK (but see the exceptions in the paragraphs below)
- any money or property outside the UK. If you hold any savings in foreign currency, you should include the value of those savings in pounds sterling. You should subtract the cost of any banking charge or commission that you would have to pay if you converted the currency into sterling
- your share of any joint savings or investments that you have with your partner if your case is against them, or they have a conflicting interest in the case

Do not include the following in your savings total:

- wages or benefits
- personal or occupational pensions
- student loans or grants
- capital value of self-employed businesses
- any property which is your main or only dwelling
- the value of any vehicle which would leave you or your partner without motor transport if sold
- the value of any funds held on trust for you (or your partner) as a beneficiary, where you do not have entitlement to advances of any trust capital
- any cash value that you may receive if you surrendered an insurance contract
- your partner's savings or investments if your case is against them, or if they have a conflicting interest in the case
- any money which you have included as income in questions 10 and 11

Do not include payments from the following in your savings total:

- unfair dismissal awards or settlements of unfair dismissal claims
- medical negligence or personal injury awards
- capital insurance or endowment lump sum payments which you have been paid as a result of illness, disability or death

- capital payment made out of the Independent Living Funds
- the Armed Forces and Reserved Forces Compensation Scheme
- compensation as a result of the Grenfell Tower fire
- the Windrush Compensation Scheme (Expenditure) Act 2020
- the Lambeth Children’s Homes Redress Scheme
- the London Emergencies Trust payments
- the Medomsley Detention Centre Physical Abuse Settlement Scheme
- the Miscarriage of Justice Compensation Scheme
- the Criminal Injury Compensation Scheme
- the National Emergencies Trust payments
- the Infected Blood Support Schemes
- compensation relating to interment, forced labour, injury or loss of a child during the Second World War
- the Jesus Fellowship Redress Scheme
- the Vaccine Damage Payment Scheme
- compensation as a result of Variant Creutzfeldt-Jakob Disease
- the Victim of Overseas Terrorism Compensation Scheme
- the We Love Manchester Emergency Fund

How your savings affect whether you can get help with fees

If either you or your partner, if you have one, are aged 66 or over, and you have less than £16,000 in savings and investments, you may be able to get help with fees. If you have more than this amount, you will not be able to get financial help under the help with fees scheme.

If you (and your partner if you have one) are under 66 you will only be eligible for help with fees if your savings and investments fall below a certain amount. This amount depends on the court fee, and is set out in the table below.

| Your court fee | You must have less than this amount in savings and investments to be eligible for help with fees |
|---------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| £1,420 or less | £4,250 |
| More than £1,420 but less than or equal to £5,000 | 3 x your court fee |
| More than £5,000 | £16,000 |

Fees depend on the nature of your application or claim. Find out more about [Supreme Court fees](#).

Question 8. If you receive benefits

You will be able to get help with fees if you have less in savings than the relevant amount in the [section above](#) and you are receiving one of these benefits:

- income-based Jobseeker's Allowance (JSA)
- income-related Employment and Support Allowance (ESA)
- Income Support
- Universal Credit (and you earn less than £6,000 a year)
- Pension Credit (guarantee credit)

If any of the above applies, we do not need any further information about your income and you do not need to complete questions 9–13. However, if the only benefit in the above list you receive is Universal Credit, you must still provide evidence of your income and complete question 9 onwards.

If you receive one of the above benefits, you must attach proof that you receive these benefits dated within the last three months.

Question 9. Children living with you, or who you support financially

You need to give details of any children you or your partner support financially.

This includes children who are:

- under 16 and living at home
- between 16 and 19, single, living at home and in full-time education (not including studying for a degree or other higher education qualification)
- not living with you, but you (or your partner) pay regular maintenance for them.

Read more about [Child Tax Credit when your child reaches 16](#).

If you answer yes to this question, you must make sure that any Child Benefit, Child Tax Credit or income maintenance agreements for them are included in your answers to questions 10 and 11.

Questions 10-12. Your total monthly income

For question 10, you need to provide a breakdown of your income in the last calendar month. For example, if you apply for help with fees on 10 June, you should complete the table based on the income you received in May.

If your earnings (your wages or, if you are self-employed, your net profits) are not the same every month, you may provide your average earnings for the last three months, if that figure is lower. For other sources of income, you must provide the amount received in the last calendar month, not a three-month average.

For question 11, you should write down how much money you received in the previous calendar month. If you are single, this should be the same as the total provided in the table on question 10. If you have a partner, you will need to add the totals for you and your partner together.

There are some benefits which you should not include in your income breakdown. Additional guidance about how to find information about different kinds of income is given below.

What to include as income

You should include the following when calculating your income:

- gross wages (that is, before any tax or National Insurance payments have been taken off)
- your net profits if you are self-employed
- Child Benefit
- Working Tax Credit (but not any Childcare or Disabled Child Elements)
- Child Tax Credit (but not any Disabled Child Elements)
- maintenance payments
- contribution-based Jobseekers Allowance (JSA)
- contribution-based Employment and Support Allowance (ESA)
- Universal Credit (but not any Housing, Childcare, Carer or Disabled Child Elements)
- pensions (state, work, private savings element of pensions credit)
- rent from anyone living with you and other properties that you own
- cash gifts (including all one-off payments)
- loans
- financial support from others
- other income – for example, from online selling, dividends or interest payments. Please specify any other sources of income in the table in question 10.

What not to include as income

Do not include these benefits as income:

- advance payments made on account under Universal Credit or other legacy benefits
- Armed Forces Independence Payment
- Attendance Allowance
- Bereavement Support Payment
- Carer's Allowance
- carer element of Universal Credit
- childcare element of Universal Credit
- childcare element of Working Tax Credit

- direct payments for care and support services
- Disability Living Allowance
- disabled and severely disabled child elements of Child Tax Credit
- disabled and severely disabled child elements of Universal Credit
- disabled and severely disabled child elements of Working Tax Credit
- Exceptionally Severe Disablement Allowance
- financial support under an agreement for the foster care of a child
- housing element of Universal Credit
- Industrial Injuries Disablement Benefit
- limited capability for work or limited capacity for work and work-related activity elements of Universal Credit
- payments made out of the Social Fund
- payments out of the Independent Living Funds
- pension paid under the Naval, Military, and Air Forces etc. (Disablement and Death) Service Pension Order 2006
- Personal Independence Payment
- Severe Disablement Allowance

Where to find information about your income

You should attach proof of your income to your application for help with fees.

Wages

You should state the amount on your payslip covering the last full calendar month. If your wages in the previous calendar month were higher than your average wages for the last three months, you should provide your average earnings for the last three months.

Select the last calendar month or three-month average option below the income box in question 11 to show which time period of earnings you are providing.

Net profit from self-employment

Net profit is the revenue earned in the calendar month before the application was made, minus the business expenditure from that month.

If you are self-employed and need to enter your monthly earnings, you should calculate the net profit you made in the calendar month before you made the application. If your net profit in the previous calendar month was higher than your average net profit for the last three months, you should provide your average net profit for the last three months. If you are a partner in a business, you should only include your share of the profits.

The preferred method for calculating revenue and expenditure for simple businesses is to recognise income when it comes into the business and to recognise expenditure

when it goes out. This accounting method is called the “cash basis”. Profits calculated on an “accruals basis” will also be accepted.

Select the last calendar month or three-month average option below the income box in question 11 to show which time period of earnings you are providing.

You should include all bank accounts in which you receive income or pay business expenses to work out your net profit, whether personal or business accounts.

Child Benefit, Working Tax Credit and Child Tax Credit

You can usually find the monthly amount on the last page of the letter from HM Revenue and Customs (HMRC) or on any online account confirming that you are receiving Child Benefit, Working Tax Credit or Child Tax Credit.

Contribution-based Jobseeker’s Allowance (JSA), contribution-based Employment and Support Allowance (ESA) and Universal Credit

You can usually find the monthly amount on the letter from the Department for Work and Pensions (DWP) or on your online account confirming that you’re receiving the benefit.

Pensions

Your monthly pension amount should be on your pension statement.

Prisoner Income and Expenditure Statement

You can find your monthly income amount on your Prisoner Income and Expenditure Statement if you’re a prisoner.

Include your partner’s income

If you have a partner, remember to also include any money they receive. See the [guidance to question 2 \(your relationship status\)](#) if you are not sure whether to include your partner’s income.

No income

If you (and your partner, if you have one) do not have an income, you should explain how you support yourself in question 12 and provide any supporting evidence with your application.

If you live outside the UK

Convert your monthly income into pounds sterling (GBP) using the current exchange rate. Our staff will allow for small changes in the exchange rate from when you complete your application to the date it is assessed.

How your income affects whether you can get help with fees

Full fee remission

We can provide full fee remission if you have savings below a certain amount (see [How your savings affect whether you can get help with fees](#)) and you meet the income criteria below. This means you will not need to pay any fee for your application.

Single applicants: If you are single, you must have a monthly income less than £1,420 plus £425 for each child aged up to 13, and £710 for each child aged 14 or older.

For example, a single parent with one child aged under 13 must have a monthly income of less than £1,845. A single parent with one child aged 14 or older must have a monthly income of £2,130 or less.

If you have a partner: You must have a joint monthly income less than £2,130 plus £425 for each child aged up to 13, and £710 for each child aged 14 or older.

For example, if you are part of a couple and you have one child aged under 13, you must have a joint monthly income less than £2,555. If you and your partner have one child aged 14 or older, you must have a monthly income of £2,840 or less.

Partial fee remission

If you meet the savings criteria but your monthly income is more than the maximum permitted for full fee remission, you may still be able to apply for partial fee remission. This means you will only have to pay a contribution towards your fee.

You may be eligible for partial fee remission if:

- you are single and have a monthly income less than £4,420 plus £425 for each child aged 13 and under, and £710 for each child aged 14 or older
- you are part of a couple and have a joint monthly income less than £5,130 plus £425 for each child aged 13 or under, and £710 for each child aged 14 or older

Question 13. Exceptional circumstances

Where you believe that you are not realistically able to afford to pay your court fee, that paying the fee is likely to cause you exceptional hardship, or if you are facing other exceptional circumstances, you can ask the court to consider reducing or waiving your fee.

You can ask the court to do this even if you are not otherwise eligible for help with fees because you do not meet the savings and income requirements. If you wish the court to consider your exceptional circumstances, you should answer yes to question 13 and provide further details.

We will generally only grant your request if you are able to demonstrate that you are not realistically able to afford the fee in practice or that there are other circumstances

which justify remission of the fee. The circumstances of applicants will be considered on a case-by-case basis. This decision whether to reduce or waive your fee because of exceptional circumstances is taken by the Registrar on behalf of the Chief Executive of the Supreme Court.

In considering whether to reduce or waive your fee, we will require evidence about your exceptional circumstances, including why you are not able to afford your fee, or why there are other circumstances which justify remission of the fee. You must provide this evidence alongside your application.

The type of evidence that you should provide includes (where relevant):

- notices threatening legal action due to non-payment of bills or housing costs
- details of your income, savings and expenses
- any other relevant information to support your request for fee remission

You will not automatically have your fee reduced or waived because of your status, for example, if you are:

- unemployed
- a seasonal, or part-time worker
- a student
- in prison

You will still be asked to provide evidence to support your application.

In considering an application for exceptional fee remission we would expect you to demonstrate that you have taken all reasonable steps to exhaust alternative sources of funding.

In addition, if you have any form of legal expenses insurance we would expect to see evidence as to why that cover would not be able to fund your fee.

The decision of the Registrar as to whether to grant fee remission based on exceptional circumstances is final and is not open to review.

Question 14. Fee remission in the Court below

If you have been granted help with fees in the court from which you are appealing, you should answer yes and provide a copy of your most recent Fee Remission Certificate or confirmation of grant of fee remission with your application.

Question 15. Proof of income

Please ensure you provide all relevant evidence in support of your application attached with your completed form.

All evidence you provide in support of your application must be in English or accompanied by a translation into English and where evidence of your finances is

presented in a currency other than sterling it must be accompanied by a conversion. Translations and conversions should be from a recognised source (this can include online translation or conversion services).

Questions 16–17. Signing the form

You must sign and date the declaration and statement of truth to confirm you believe you may be entitled to help with fees and all the information you have given is true. If you have given false information in your application, criminal or civil proceedings may be brought against you.

If you are a legal representative or a litigation friend completing the form on someone's behalf, you will need to sign the declaration and statement of truth, confirming that the information the applicant has provided is correct. You will also need to complete question 17 with your name and contact details.

If you have completed the application yourself, rather than having a litigation friend or legal representative complete it for you, you do not need to answer question 17.

Providing further evidence

The court may ask you for additional evidence for your application. If this happens, the court will set out the information that you are required to provide. This may include bank statements, payslips or letters from Jobcentre Plus.

You must provide any information requested within seven days. If you do not send it within this time, your application will be treated as abandoned and will not be processed further. You will need to complete a new application for the court to consider.

Multiple applications

A multiple claim or application is when two or more people are named on the same court form.

In a multiple claim or application, everyone involved is responsible for the fees that need to be paid. Each person should make a separate application for help with fees.

If one of the group of applicants does not qualify for help with fees, then the full fee is payable.

Applications for permission to intervene by charities and not-for-profits

We may waive or reduce the fee where an application for permission to intervene is filed by a charitable or not-for-profit organisation which seeks to make submissions in the public interest. Your application should include proof of your organisation's charitable or not-for-profit status and explain why the submissions the organisation wishes to make are in the

public interest. The application should also explain why the organisation seeks fee remission, and what funds and resources are available to the organisation. The decision as to whether to grant full or partial fee remission will be taken by the Registrar on behalf of the Chief Executive. The Registrar's decision on these applications is final and is not open to review.

How to appeal

You can appeal if your application for help with fees is unsuccessful. You must explain why you are not happy with the decision and include any evidence that will support your appeal. You must make your appeal by completing an application for a review of the Registrar's Decision on the Portal within 14 days of the Registrar's decision to refuse your application and paying the relevant fee. Your appeal will be reviewed by a single Justice of the Supreme Court.