



2024

# Court Fee Waiver Scheme: Guidance Document

GUIDANCE DOCUMENT: COURT FEE WAIVER SCHEME  
HEAD OF COURTS

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## INTRODUCTION

The court fee waiver scheme allows the Head of Courts to waive court fees that are payable in certain civil and family court proceedings.

This guide provides information to potential applicants about when a waiver may be granted and how to apply.

## WHO IS ELIGIBLE

You may be entitled to a court fee waiver if you are not reasonably able to pay the court fee.

You may also be eligible for a waiver if the proceedings for which the fee is payable —

- concern a constitutional issue, substantial question of law or other matter of significant public interest; and
- are unlikely to be commenced or continued unless the fee is waived.

This scheme is not an automatic waiver for anyone who can't afford to pay the fee. The Head of Courts will consider the interests of justice, described below, before a fee is waived.

### **EXCLUDED PROCEEDINGS**

Certain proceedings have been excluded from the Court Fee Waiver scheme.

The court fee for the following applications cannot be waived:

- Proceedings in connection with the administration or winding up of a deceased person's estate
- Proceedings to enforce a mortgage or other charge over property
- Proceedings for the possession of premises
- Proceedings for defamation
- Proceedings for breach of copyright, patent or trademark
- Proceedings under admiralty law
- Proceedings to wind up or dissolve a company or to restore a company to the Register of Companies
- Proceedings under the Electoral Ordinance 1988
- Proceedings under the Licensing Ordinance 1994 other than section 76 (prohibition orders).

### **WHEN AN APPLICATION IS TO BE MADE**

An application for a court fee waiver should be made at the same time as submitting the application to begin the court proceedings for which the fee waiver is sought.

To apply for a waiver, use the application form CFW1 annexed to this guidance.

You must complete and sign the form and lodge it at the court.

Applications for a fee waiver will not be considered in advance of receiving the application in court proceedings.

If you have already paid the fee, you can make a late application for a waiver. You must do this within 3 months after paying the fee and you will need to explain why you didn't apply for the waiver at the time. If the waiver is granted, the fee will be refunded to you.

### **WHO IS ELIGIBLE?**

If you are not reasonably able to pay the court fee, you may be eligible for a court fee waiver.

### **WHAT A PERSON CAN AFFORD**

The application form asks you for information about your financial situation so the Head of Courts can determine whether or not you can afford the fee.

If the Head of Courts requires further information, they can ask for other financial records to get a fuller picture of your financial circumstances. This might include copies of bank statements or other evidence of income, expenses and savings.

### **PROCEEDINGS INVOLVING MULTIPLE APPLICATIONS**

In some proceedings you may need to make multiple applications as the case progresses. If these additional applications have a fee, you will need to apply for a fee waiver for each application as it becomes payable.

Example - Divorce/Dissolution Proceedings.

There is a fee to start the process. There is then a fee when an application is made for the Decree Nisi/Conditional Order. There is then a fee for the Decree

Absolute/Final Order. Each of these will require a separate fee waiver application.

If you require any assistance with the form, please contact the court office.

### **INTERESTS OF JUSTICE**

The Head of Courts will consider the nature of court proceedings and whether it is reasonable in all the circumstances to waive the court fee so that the person can commence, defend, or otherwise participate in the proceedings.

### **IF YOUR APPLICATION IS REFUSED**

If the Head of Courts decides not to waive the court fee, you will be provided with reasons for that decision. You are entitled to apply to the Senior Magistrate to have the decision reviewed. To do that, you must complete the application for review form CFW2 and lodge it at the court within 14 days of the decision not to waive the fee.

### **DOCUMENT CONTROL**

Version Number	Date	Author	Comment
1.0	September 2024	Court Administration	To provide guidance on the Court Fees Waiver Scheme under the Administration of Justice (Amendment) Ordinance 2014 and the Court Fees (Waivers) Rules 2024

**FORM CFW 1: APPLY TO HAVE  
A COURT FEE WAIVED**

- Guidance Note: The court service cannot waive the court fee for applications in these proceedings:
- Proceedings in connection with the administration or winding up of a deceased person's estate
  - Proceedings to enforce a mortgage or other charge over property
  - Proceedings for the possession of premises
  - Proceedings for defamation
  - Proceedings for breach of copyright, patent or trademark
  - Proceedings under admiralty law
  - Proceedings to wind up or dissolve a company or to restore a company to the Register of Companies
  - Proceedings under the Electoral Ordinance 1988
  - Proceedings under the Licensing Ordinance 1994 other than section 76 (prohibition orders).

**Part 1 – Applying for a waiver because you cannot afford to pay the fee**

Fill in this Part if you are applying for a waiver because you cannot afford to pay the fee.

Give details of your income and essential expenses over the last 4 weeks. If you share income and/or expenses with a partner, provide only your income, your share of the expenses, and your share of any joint savings.

Common types of income and essential expenses are listed below. If they are relevant to you, fill in the amounts. If you have other kinds of income or essential expenses include them at the end of the list.

<b>Net Income</b> <i>(after POAT and RPC deductions)</i>	<b>£</b>	<b>Expenses</b>	<b>£</b>
<b>Main Employment</b>		<b>Mortgage</b>	
<b>2nd Employment</b>		<b>Rent</b>	
<b>3rd Employment</b>		<b>Electricity</b>	
<b>Welfare Benefits</b>		<b>Heating Fuel</b>	
<b>Family Allowance</b>		<b>Food</b>	
<b>Child Maintenance</b>		<b>Phone / Internet</b>	
<b>Other Income</b> <i>(please specify)</i>		<b>Car Expenses</b>	
		<b>Child care Fees</b>	
		<b>Child Maintenance</b>	
		<b>Loan or Hire Purchase payments</b>	
		<b>Other essential expenses (please specify):</b>	

<b>Total Income</b>		<b>Total essential expenses</b>	

<b>Partner's Net Income</b>	£
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<b>Total Savings</b>	£
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### Late application for refund

If you have already paid the court fee and are seeking a refund, fill in the following information. A refund can only be considered if you apply within 3 months after paying the fee.

Court Action Number:

Fee paid:

Date paid:

SCB Account information for refund<sup>1</sup>:

Reason application for fee waiver was not previously made:

### Part 2 – Applying for a waiver for proceedings concerning significant public interest

If you filled in Part 1, you don't need to fill in Part 2.

Fill in Part 2 if you are applying for a waiver because the proceedings —

- concern a constitutional issue, substantial question of law or other matter of significant public interest; and
- are unlikely to be commenced or continued unless the fee is waived.

Please explain how your circumstances meet these criteria:

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<sup>1</sup> NB: Cash refunds cannot be made by the court service. You must provide an SCB account number for the refund.

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**Part 3**

[ ] I am the applicant completing this form

I believe that my current financial circumstances mean that I may be entitled to the waiver of the court fee. I declare that the information I have given on this form is correct and complete. I understand that if I have given false information, criminal or civil proceedings may be brought against me. I understand that if I have given false information or I do not provide supporting information that may be requested by the Head of Courts, my application may be rejected and the full fee will be payable.

<b>Signed</b>	
<b>Name</b>	
<b>Date:</b>	



**FORM CFW 2: APPLICATION TO SENIOR MAGISTRATE FOR REVIEW OF DECISION NOT TO WAIVE COURT FEE**

File Number:

Date of decision not to waive court fee:

Date of this application for review:

An application for review must be made within 14 days after the decision not to waive the fee

**Grounds for review**

Please explain the grounds on which you think the Head of Court's decision not to waive the fee was incorrect and why you think the waiver should be granted.

**Attach any supporting document**

You don't need to attach documents that you gave the court when you applied for the waiver. But if you have any other supporting documents, please attached them to this form.

**[ ] I am the applicant completing this form**

I believe that my current financial circumstances mean that I may be entitled to the waiver of the court fee. I declare that the information I have given on this form is correct and complete. I understand that if I have given false information, criminal or civil proceedings may be brought against me. I understand that if I have given false information or I do not provide supporting information that may be requested by the Head of Courts, my application may be rejected and the full fee will be payable.

<b>Signed</b>	
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<b>Name</b>	
<b>Date</b>	