

**Court of Protection and
Office of the Public Guardian**

Fees, exemptions and remissions

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Part A: About this booklet

This booklet sets out the fees payable to the Court of Protection (the 'Court') and the Office of the Public Guardian (the 'OPG') from 1 October 2007 and how you may be eligible for an exemption or remission of those fees under certain circumstances.

Part B: Fees payable from 1 October 2007

Office of the Public Guardian fees

Enduring Power of Attorney (EPA) registration fee	£120
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Payable when the application for registration is made.

Lasting Power of Attorney (LPA) registration fee	£150
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A separate registration fee is payable for Property and Affairs LPAs and Personal Welfare LPAs when each application for registration is made.

Appointment of Deputy fee	£125
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A one-off payment for placing the Deputy's details on a register and carrying out a risk assessment to determine the appropriate Deputy supervision regime.

Application to search the registers fee	£25
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Covers a search of the three OPG registers: LPAs, EPAs and Court orders appointing Deputies.

Deputy supervision fees

There are three types of supervision and each attracts a different annual fee which is payable annually in arrears on 31 March.

Type I (highest)	£800 p.a.
Type II (lower)	£175 p.a.
Type III (minimal)	£ 0 p.a.

Each case will be reviewed regularly and the type of supervision allocated may change as circumstances change.

Supervision fees will be calculated on a pro-rata basis if:

- there has been more than one type of supervision applied in a one-year period; or
- supervision has been in place for less than one year.

Details of pro-rata calculations will be shown on the annual invoice.

Court of Protection fees

Application fee	£400
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Payable on making an application to start Court proceedings, or on making an application for permission to start proceedings.

Appeal fee	£400
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Payable on filing an appellant's notice appealing a Court decision or seeking permission to appeal a Court decision.

Hearing fee	£500
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Payable where the Court has held a hearing to decide the application and has made the final order, declaration or decision.

Copy of document fee	£5
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Copy of certified document fee	£25
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Note: Applications and hearings relating to objections to the registration of EPAs and LPAs will not incur a fee, nor will some appeals.

Part C: Fees questions and answers

Who is responsible for paying fees?

OPG fees

EPA and LPA registration fees: payable by the person seeking to register the EPA or LPA, and claimable back from the Donor's (person who made the EPA or LPA) funds.

Appointment of Deputy registration fee: payable by the person for whom the Deputy was appointed.

Application to search the registers fee: payable by the person making the application.

Supervision fees: Type I and II supervision fees are payable from the funds of the person for whom the Deputy was appointed. No fee is payable for Type III supervision.

Court fees

Application fee and appeal fee: payable by the person making the application or appeal - however the Court may decide the applicant can recover the fee from the person the application or appeal is about or from another party.

Hearing fee: payable by the person making the application - however the Court may decide the applicant can recover the fee from the person the application is about or from another party. If the hearing relates to an appeal it is payable by the person making the appeal.

Copy of document and copy of certified document fee: payable by the person requesting the document.

How should fees be paid?

Fees are payable by cheque or direct debit. Contact us for further information about how to pay by direct debit.

Cheques should be made out to either the 'Court of Protection' or the 'Office of the Public Guardian' - depending on who you are dealing with - and an accompanying letter should include the case number (if known) and your contact details.

Are fees payable if the person who lacks capacity or the applicant dies?

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This will depend on the fee in question.

EPA and LPA registration fees, appointment of Deputy fee and application to search the registers fee: no refund is available.

Supervision fees: if the person who lacks capacity dies, fees are payable up to their date of death. If the Deputy dies, supervision fees are payable up to their date of death, and new fee arrangements will need to be made in relation to a replacement Deputy.

Court application fee and appeal fee: if the person lacking capacity dies within five days of the application or appeal being lodged the fee will be refunded. If the applicant dies the fee is not refundable however it can be transferred to a new application or appeal.

Court hearing fee: if the person lacking capacity dies the hearing will not be held and no fee is payable. If the applicant dies but the hearing still goes ahead (i.e. a new applicant takes over) then the fee remains payable.

Part D: Exemptions and remissions questions and answers

This section applies to the person who is responsible for paying the fee (see Part C).

Am I eligible for a fee exemption?

You are eligible for a fee exemption if you receive any of the following means-tested benefits and you have not been awarded damages of more than £16,000, which were disregarded when determining your eligibility for the benefit:

- Income Support;
- Income-based Job-Seeker's Allowance;
- State Pension Guarantee Credit;
- A combination of Working Tax Credit and either Child Tax Credit, Disability Element or Severe Disability Element;
- Housing Benefit; or
- Council Tax Benefit.

Am I eligible for a fee remission?

If you do not qualify for a fee exemption, you may be eligible for a fee remission if your gross annual income* is within the bands shown in Table 1.

Income	Remission
Up to £11,500	no fee to pay
£11,501 to £13,000	75% remission - you need to enclose 25% of fee
£13,001 to £14,500	50% remission - you need to enclose 50% of fee
£14,501 to £16,000	25% remission - you need to enclose 75% of fee
Over £16,000	You are not entitled to a fee remission.

Table 1

*Gross annual income is the amount received before you pay tax and national insurance. It may come from:

- employment;
- non-means-tested benefits;
- pensions; and/or
- Interest from capital investments.

What if I am not eligible for an exemption or remission but still cannot afford the fee?

It is possible that you may not be eligible for an exemption or remission under the criteria set out in Part D, however payment of the fee would nevertheless cause you or your dependents undue hardship.

For example, it may be that payment of a fee would make it difficult to meet your normal living expenses such as food costs and bills. Or you may need to make a number of repeat applications relating to a single matter and feel that paying a fee on each occasion would cause hardship.

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In such circumstances you may apply for the fee to be waived by writing a letter explaining your situation and including it with your application to the Court or the OPG. At this stage you do not need to send payment.

What if I cannot afford to pay now but will be able to pay later?

If you are awaiting receipt of funds, for example from a damages award or an inheritance, and cannot pay the fee immediately, you may be permitted to postpone payment. To do this you should include a letter with your application asking us to postpone collection of the fee and explain the reason for your request.

How do I make an application for a fee exemption or remission?

To apply for a fee exemption or remission you should complete the form that you can detach from this booklet and which is also downloadable from our website. Send it together with your application to the Court or OPG and include any documentation in support of your claim.

For **exemptions** you should include a photocopy of a recent document confirming your benefit entitlement. For **remissions** you should include a photocopy of a recent payslip, pension entitlement slip, tax return or interest statement.

If you are applying for an **exemption** you do not need to pay the fee when you make your application. If it is decided that you are not eligible for an exemption you will be asked to make the full payment.

If you are applying for a **remission** you should only send that portion of the application fee you are accountable for as set out in Table 1 on page 13. If it is decided that you do not qualify for a remission you will be asked to pay the total fee less any amount already paid.

What if my application for a fee exemption or remission is unsuccessful?

We will consider all requests to waive, remit or postpone all or part of a fee. If it is not possible to agree to your request you will be informed in writing.

If you are unhappy with the decision, you can appeal in writing to the Head of Finance and Resources (at the address shown in Part E), who will carry out a review of the original decision.

If the original decision is upheld it will be referred to the Public Guardian for confirmation and you will be advised of the final outcome. No further requests for a review will be considered.

Part E: Contact us

We are always happy to discuss your circumstances if you are unsure about what to do.

Court of Protection and the Office of the Public Guardian

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Disclaimer

OPG and Court staff can provide advice about OPG and Court processes only, and cannot provide legal advice or services. We recommend that you seek independent legal advice where appropriate. Information in this publication is believed to be correct at the time of printing, however we do not accept liability for any error it may contain.

Fees, exemptions and remissions

Court of Protection

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