Tsiviilõiguse valdkonnas jätkuvad ELi õiguse kohaselt need pooleliolevaid menetlused, mis on algatatud enne üleminekuperioodi lõppu. Vastastikusel kokkuleppel Ühendkuningriigiga hoiab e-õiguskeskkonna portaal Ühendkuningriigiga seotud asjakohast teavet oma portaalis kuni 2024. aasta lõpuni.

Court fees concerning Small Claims procedure

Inglismaa ja Wales

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Introduction

A claimant is able to use the European Small Claims Regulation to take an action up to a sum of 2,000 Euros (excluding all interest, expenses and disbursements) against a defendant in a cross border case. A cross border case is where at least one of the parties is domiciled or habitually resident in a Member State other than a Member State of the court where the action is brought. The procedure can be used for both money and non-money claims in both civil and commercial matters. In England and Wales proceedings may be issued in the County Court but not in the High Court.

What fees are applicable?

Court fees for the European Small Claims Procedure are the same as those for the domestic small claims.

Payment of court fees is required in order to make an application for a European Small Claim. If you wish to pay by debit/credit card the relevant card details should be provided in the Appendix to “European Small Claims Procedure, Form A”.

In cases where a hearing is necessary to determine the dispute a hearing fee will also apply.

Should there be a need to enforce a claim a further court fee will be required. More details on the types of procedures available can be found on the enforcement pages for England and Wales.http://www.justice.gov.uk/downloads/courts/european-union-cross-border-claims/ex375_1005.pdf

How much shall I pay?

Court fees in England and Wales can be found in leaflet EX50 - Civil and Family Court Fees

For ease of reference, the small claim fees in the table below are correct as of 17 November 2016. Court fees are subject to change, so you should always check with the court, legal representative and any other individuals or organizations who are involved that an amount is still the current fee. These fees are in pound sterling (GBP), to calculate the equivalent in Euros a conversion must be applied on the day you wish to make the application.

1.1 On starting proceedings (including proceedings issued after permission to issue is granted by excluding CCBC cases brought by Centre users or cases rough by Money Claim OnLine users) to recover a sum of money where the sum claimed:	**Fee payable (£)**
(a) Does not exceed £300	*£35*
(b) Exceeds £300 but does not exceed £500	*£50*
(c) Exceeds £500 but does not exceed £1,000	*£70*
(d) Exceeds £1,000 but does not exceed £1,500	*£80*
(e) Exceeds £1,500 but does not exceed £3,000	*£115*

On proceeding to a hearing a further fee is payable.

A fee payable for the hearing of a case on the small claims track where the sum claimed:	
(i) Does not exceed £300	£25
(ii) Exceeds £300 but does not exceed £500	£55
(ii) Exceeds £500 but does not exceed £1,000	£80
(iii) Exceeds £1,000 but does not exceed £1,500	£115
(iv) Exceeds £1,500 but does not exceed £3,000	£170

If you wish to enforce the claim a further fee is payable.

You have to pay a court fee to make an application to the court and pay further court fees at different stages of the court case. You may qualify for a “fee remission” (depending on your personal circumstances) which means that you may not have to pay a court fee or only have to pay part of it. However, you have to apply for a separate remission for each fee payable throughout the court process. So, for example, applying for a remission when the first application is made would only give you the remission for that first “issuing” fee. This is because your personal circumstances might change during the court action, and you might no longer be eligible for a remission later in the case. Or you might become eligible for a fee remission during the case.

What happens if I do not pay the court fees on time?

If the claimant fails to fill in the relevant credit card details correctly or the payment fails for some reason, the court dealing will send Form B “Request by the court or tribunal to complete and/or rectify the claim form” to the claimant requesting that details of a valid credit card be provided to enable payment of the court fees. The application will not be taken any further if correct payment is not received.

How can I pay the court fees?

Payment of the court fee is made by providing correct payment details to the court. Initially this should be done by providing relevant details in “European Small Claims Procedure, Appendix to Form A”.

Payment is usually made by debit/credit card. Not all methods of payment in Form A are likely to be available at the court to which the application is being made. The claimant should contact the court and verify which method of payment can be used.
It may also be possible to pay using a credit card over the telephone. Many courts have facilities for taking card payments in this manner, but the relevant court should be contacted first to confirm payment can be made in this way.
Electronic payment can only be brought against someone with a UK address.

What shall I do after the payment?

If the application has been made correctly, the court will serve the claim form (with any accompanying documents) together with the European Small Claims Procedure Answer Form (Form C) on the defendant. A notice of issue will be sent at the same time to the claimant, together with a receipt of the payment transaction.
The receipt will typically be 8 x 12 cm and have the name of the court at the top with its postal address, and the amount paid with the date and time of payment at the bottom.
For more information please see European Union cross-border claims
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