In accordance with Section 15 of the *Legal Profession Act* and Regulation 4.7 members are required to pay annual fees, including insurance, in order to maintain their membership status (e.g., practising, non-practising, retired, etc.). These fees are normally paid by the member or their organization or firm. The rationale set forth in this policy may apply to all types of refunds.

Annual fees are paid in advance. Occasionally, when a member retires, changes practising category or leaves a place of employment, there may be a prepaid balance in their member account that can be refunded to the member or firm/organization that paid the fees. The annual fee year runs from July 1 to June 30. Processing refunds requires a significant amount of administrative effort on the part of Society staff; as a result, some restrictions on refunds have been implemented (see section 1.8 – 1.9).

1.1 The **purpose** of the Annual Fee Refunds policy is to help ensure that members (or organizations paying the fee(s)) are fairly reimbursed for fees paid that relate to time periods where the fee paid is over and above the fee that was owed for that period.

1.2 All refunds must be approved by the Director, Finance & Administration or the Executive Director prior to the refund being issued.

1.3 **Fee types** and payment terms:

1.3.1 **Practising fees** can be paid in full by lump sum payment by June 30. Alternatively, they may be paid by preauthorized monthly payment (PAP) on the 20th of each month; the first payment will be for two (2) months plus a $60 administrative fee ($20 additional administrative fee for insurance). Preauthorized monthly payments are made two months in advance.
1.3.2 **Non-practising fees** must be paid in full by June 30. No refund will be issued for non-practising fees unless there is a change in category to practising.

1.3.3 **Retired lawyer fees** must be paid in full by June 30. No refund will be issued for retired fees unless there is a change in category to practising.

1.4 **Refund payee**: If the original category fee and the new category fee are to be paid by the same person/entity, then the refund can be applied towards the new amount owing. If not, the refund should go to the original payee.

1.5 There are numerous events that may trigger a refund:

1.5.1 **Change in practising category down** – the change will be effective the first day of the next month. Fees paid at the previous category for future months will be refunded. The new fee amount for the remainder of the year will be billed to the member or firm/organization. With the member’s and/or firm/organization’s consent, the refund may be applied against the new fee amount and the difference billed or refunded.

1.5.2 **Change in practising status up** – the change will be effective the first day of the month that practising status starts (i.e., fees are due for October 1-31 if practising status starts October 15). Fees paid at the previous category for future months will be refunded. The new fee amount for the remainder of the year will be billed to the member or firm/organization. With the member’s and/or firm/organization’s consent, the refund may be applied against the new fee amount and the difference billed or refunded.

*Note – Practising status is not effective until fees are received at the Society office, unless otherwise approved.*

1.5.3 **Change in member’s employer** – it is expected that the employee and employer will make an agreement on that portion of the fees and/or insurance and the Society will not refund the previous employer fees paid on the member’s behalf.

*Note – An exception will be made if the new employer pays fees for the same period(s) of time for the member. If this occurs, the previous employer will be refunded the double payment.*

The member and/or new employer will be invoiced for the member’s fees for the period of the first day of the month in which fees are owing (i.e., past the “paid through” date) until the end of the fee year (June 30). If PAP is to be used, depending on timing in the fee year, payment of two months in advance may be required to bring the member’s paid through date into proper status.

*Note – When a lawyer changes type of practice that results in a change of insurance rates (e.g., government, legal aid, regular), it will be factored into any refund calculations.*
1.6 **Refund**: A refund will be calculated as the pro-rated amount that a member has already paid for their former membership category pro-rated to the date that their category changes. It can be calculated as the number of months between the effective date of the member’s new category and the paid through date of the member’s former category multiplied by the rate of the member’s old category fee.

1.7 **Fees owing**: Fees owing are the amount that a member must pay for their new membership category as of the effective date of their category change. It can be calculated in one of two ways:

   1.6.1 If the member is not going on PAP, it can be calculated as the number of months between the effective date of the member’s new category and the date for the end of the membership year (June 30) multiplied by the rate of the member’s new category fee.

   1.6.2 If the member is going on PAP, it can be calculated as the number of months between the effective date of the member’s new category and the current paid through date for all members currently on PAP multiplied by the rate of the member’s new category fee.

1.8 **Refund minimums**: No refund for amounts less than two (2) full months of fees will be provided. It is understood that the amount of work required to process a refund exceeds this amount for the Society. Administrative PAP fees will not be refunded.

   1.8.1 If there is a change down in category late in the fee year (from Practising to Non-practising or Retired) and section 1.8 above applies, the balance in the member’s account will not be refunded but any amount available may be used to pay for the remainder of current year and next year Non-Practising or Retired fees.

1.9 No refund will be issued for Retired or Non-practising fees, unless it falls under 1.5.2 and there is a change in practising category up.

1.10 Refunds will only be processed for fees prepaid in advance. Retroactive refunds for changes happening earlier in the year will not be processed (e.g., Notice received by the Society in August for a change that happened in June – August will be used as the date for assessing the refund). Paid through dates will be updated on a member’s file at the time a refund cheque is issued.

1.11 The Society will work with members to ensure they are given adequate time to pay their fees when a change down occurs and fees must be paid for the full fee year. It is understood that one (1) month is considered adequate and any member not paying fees within one month will be administratively suspended. It is understood that it is the member’s responsibility to ensure their fees are paid in accordance with regulatory timelines.