



## **Addendum to the Fees in the High Court and Court of Appeal Consultation 2011**

On 15 November 2011 the government published a consultation (Consultation Paper CP15/2011) entitled "*Fees in the High Court and Court of Appeal Civil Division*". Among the fees proposed to be increased are the fees for judicial review claims in the High Court.

On 17<sup>th</sup> October 2011 judicial review proceedings relating to a refusal of the Home Secretary to treat submissions as a fresh asylum or human rights claim were transferred from the High Court to the Immigration and Asylum Chamber of the Upper Tribunal. We refer to such proceedings for judicial review as a "fresh claim" judicial review. Fees in the Upper Tribunal for fresh claim judicial reviews are equivalent to those previously taken for these cases in the High Court. The intention in transferring these claims was that Claimants should not be worse or better off in respect of fees by the transfer. As such it was always intended that any increase or decrease in fees in the High Court would be followed for the same process within the Upper Tribunal.

We are issuing this addendum to the High Court and Court of Appeal fee consultation and are asking for comments as to whether there are any reasons why fresh claim judicial review proceedings in the Upper Tribunal should be in a different position from judicial review proceedings in the High Court.

Particular attention is drawn to Questions 3, 4, 6, 7, 9, 18 and 19 but you should consider the whole document in the context of judicial reviews in the Upper Tribunal as well as the High Court and, in any response to the CP, we would be grateful if you could draw particular attention to any particular impact the proposals would have on increasing fees for fresh claim judicial review proceedings in the Upper Tribunal. The consultation paper is accessible for print or online response at the following page:

[www.justice.gov.uk/consultations/appeal-high-court-fees-cp15-2011.htm](http://www.justice.gov.uk/consultations/appeal-high-court-fees-cp15-2011.htm).