



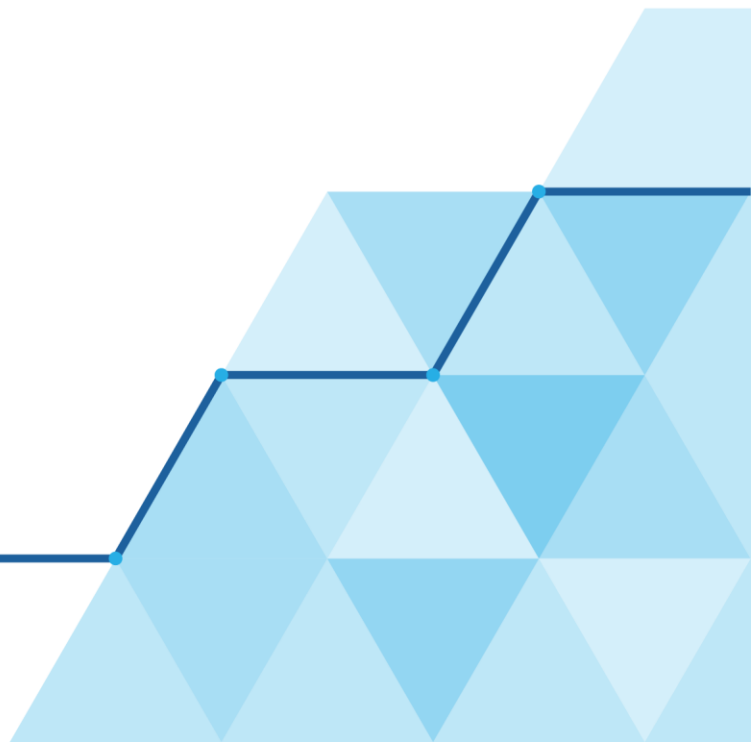
Ministry
of Justice

Proposal for reform:

Alignment of the Fees for Online and Paper Civil Money and Possession Claims

This consultation begins on 20 November 2020

This consultation ends on 30 December 2020





Ministry
of Justice

Proposal for reform

Alignment of the Fees for Online and Paper Civil Money
and Possession Claims

A consultation produced by the Ministry of Justice. It is also available at
<https://consult.justice.gov.uk/digital-communications/civil-money-possession-claims-fees>

About this consultation

To: This consultation is aimed at users of the civil court system, the legal profession, the judiciary, the advice sector, and all those with an interest in the civil court system.

Duration: From 20/11/20 to 30/12/20

Enquiries (including requests for the paper in an alternative format) to: Fees Policy Team
Ministry of Justice
102 Petty France
London SW1H 9AJ
Email: mojfeespolicy@justice.gov.uk

How to respond: Please send your response by 30 December 2020 to:
Fees Policy Team
Ministry of Justice
102 Petty France
London SW1H 9AJ
Email: mojfeespolicy@justice.gov.uk

Contents

Ministerial Foreword	3
1. The Case for Alignment	4
Introduction	4
The scope of this consultation	6
Background	6
Legislation	7
Previous consultations	8
Impact of aligning online and paper fees	8
Consultation period	9
2. The Proposal	10
Introduction of a consolidated fee	10
Summary of the Proposal	11
3. Questionnaire	13
4. Impact Assessment, Equalities and Welsh Language	15
Impact Assessment	15
Equalities	15
Equalities statement	16
About you	17
Contact details/How to respond	18
Complaints or comments	18
Extra copies	18
Publication of response	18
Representative groups	18
Confidentiality	19
Consultation principles	20
Annex A: Affected Fees	21

Proposal for reform:

Alignment of the Fees for Online and Paper Civil Money and Possession Claims

Ministerial Foreword

An effective court and tribunal system benefits the whole of society by ensuring that rights and obligations can properly be upheld and enforced. Our courts and tribunals have, I am proud to say, delivered a world class justice system which is admired by all. The people it serves trust them to be fair and effective and uphold the rule of law.

The Lord Chancellor has a duty to ensure that there is an efficient and effective court system. In addition, we must also protect access to justice. For many years, our court and tribunal system has run on the principle that those who use courts or tribunals should pay the full cost of the service they receive, if they can afford to do so. This allows us to set other fees below the cost of the service or not charge a fee at all to help ensure access to justice. In spite of this, the income received from fees covers less than half of the costs of running the courts and tribunals. This gap burdens the taxpayer. In 2019/20, there was a net fee income of £724m against the £2bn running costs of Her Majesty's Courts and Tribunals Service.

Whilst the proposal outlined in this consultation will not plug this gap, it will make an important contribution to ensure that our courts and tribunals have the necessary resources to deliver their much-needed services. In addition, it will help simplify the existing fee structure by ensuring that fees for paper and online services will be the same.

The Government has made significant progress towards meeting its aim to modernise the courts and tribunals system. When we first introduced online services in 2001, digital services were far from being the default option that they are today. I am pleased to say that online claims now account for just under 90% of money claims up to the value of £100,000 which reflects the positive change that has taken place over the last 19 years.

This proposal aims to provide much needed funding to Her Majesty's Courts and Tribunals Service, simplify our existing fee structure and to ensure that those who can afford to pay a fee pay the same fee for the same service regardless of whether they use the paper or online route. Should the Government decide to take forward this proposal, it will be subject to a debate in Parliament before it can come into force.

Chris Philp

Parliamentary Under Secretary of State
(Minister for Immigration Compliance and the Courts)

1. The Case for Alignment

Introduction

1. Her Majesty's Courts and Tribunals Service (HMCTS) plays an essential role in our democracy. It provides a place where people can enforce and defend their rights, while upholding the rule of law and ensuring that everyone has access to justice. People interact with courts and tribunals at some of the most difficult times of their lives, for example when they are:
 - victims and witnesses of crime
 - defendants accused of crimes
 - consumers in debt or with other disputes
 - people involved in the adoption or protection of children
 - businesses involved in commercial disputes
 - individuals asserting their employment rights or challenging the decisions of Government bodies
 - people affected by relationship breakdown
2. Courts and tribunals deliver significant benefits to the whole of society. For example, civil courts (namely the county court, the High Court and the Court of Appeal) are central to the resolution of simple or complex civil disputes in England and Wales. More broadly, courts and tribunals may also pass judgements that establish legal principles which generally apply to, and benefit, everyone.
3. That is why the courts and tribunals system – underpinned by two overarching principles, namely the need to protect access to justice, and to run efficiently and effectively – are a fundamental part of our society. The Lord Chancellor has a personal, statutory and constitutional duty to protect access to justice, and ensuring that those who need to access courts or tribunals are not denied this right. Likewise, he also has a statutory obligation to ensure that courts and tribunals can operate efficiently and effectively. To fulfil these obligations, the Lord Chancellor has the power to prescribe fees. The legislation which provides the Lord Chancellor's duty and powers in regard to fee setting is set out in paragraphs 19–22.
4. Fees have been paid as a means of helping to meet the cost of HMCTS for many years and are generally paid by users of the courts and tribunals system. The fee a person pays to make a claim depends on the type of court application being made.
5. However, as part of our duty to protect access to justice, we have established a fee remission scheme, Help with Fees (HwF), which users may access if they feel they are

Proposal for reform:

Alignment of the Fees for Online and Paper Civil Money and Possession Claims

unable to afford a fee, and which they may also apply to up to 3 months after having paid the fee. HwF considers several factors including the applicant's income, savings, the size of the fee and whether they are in receipt of certain benefits. Successful applicants may receive a partial or total remission to their fee. For those who do not qualify for HwF but still feel they are unable to afford the fee, a remission can also be granted outside the main HwF assessment in exceptional circumstances. This is considered on a case by case basis by officers of the court. Remissions are not available for fees paid for copy or duplicate documents and searches. They are generally not available for businesses.

6. A simple and rational fee structure offers the best way to have a properly funded justice system and protect access to justice in the long term, which is why we endeavour to assess the cost of the courts and tribunals and review the fees that users pay. In 2019/20, there was a net fee income of £724m against the £2bn running costs of HMCTS. Like other Government departments, the Ministry of Justice has a responsibility to reduce its spending and assess its costs to deliver savings which would ultimately reduce the financial burden on the taxpayer. Simultaneously, a simple and rational fee structure will help HMCTS users to easily understand the fees involved when they start to make a claim.
7. In its effort to modernise HMCTS, and thus benefit both users and taxpayers by reducing certain administrative costs, the Government has launched a £1bn investment programme to reform the courts and tribunals system and update its procedures. We have done so by, among other things, designing online services which are joined up, effective and easy to navigate. For online civil money and possession claims we have applied a discount to encourage users to issue those claims online. This discount also better reflects the lower cost of administering the online service when compared to the cost of administering a paper-based system for claims. The modernisation programme has therefore brought about wide-ranging efficiencies across HMCTS.
8. In accordance with the Lord Chancellor's statutory duties set out in paragraph 3, and in line with the Government's continuous efforts to deliver efficiencies across HMCTS, it is now important that we review the difference in online and paper fees for civil and possession claims. For reasons we go on to explain in Chapter Two, there is a strong case for aligning the fees for these online cases with their paper equivalents. While ensuring consistency for both online and paper claimants, this proposal would help to simplify our fee structure and contribute to funding the costs of HMCTS.
9. Therefore, should the proposal set out in Chapter Two be implemented, the online discount on the issue fee for civil and possession claims will be removed. This alignment will contribute to funding the costs of HMCTS, further helping to fund the justice system and minimising the burden to the taxpayer. Given that the policy intent behind the online discount has been achieved, those who may not be able to access

online services should not be required to pay a higher fee for using the paper route than those who make the same claim online.

10. The proposal would raise an estimated £12-33m p.a. from 2022/23 onwards if implemented. An Impact Assessment has been published alongside this document.

The scope of this consultation

11. This document sets out for consultation the Government's proposal to align the fees for online civil money and possession claims with their paper fee equivalents. The proposal, if implemented, will remove the online discount which sought to encourage users to issue claims online. We are seeking views on this proposal which is set out in more detail below under Chapter Two 'The Proposal' (page 10). The claims affected by this proposal are those cases issued via the following online platforms: Money Claim Online (MCOL), Online Civil Money Claims (OCMC), Possession Claims Online (PCOL) and those issued through the County Courts Business Centre (CCBC).
12. The Government is seeking views from users of the civil court system, the legal profession, the judiciary, the advice sector, and all those with an interest in the civil court system.

Background

13. A modern court and tribunal system allows us to have a civil jurisdiction which provides a seamless end to end journey for users. This includes having systems which enable users to make a claim right through to settling a dispute as simply as possible. As part of that system, users will have the opportunity to access mediation.
14. In 2001, the Government introduced its first online platform MCOL which sought to provide a complete service to manage civil money claims. MCOL is easily accessible on the internet and allows parties to start and respond to a money claim online. OCMC is a newer platform and is currently in the pilot stage.
15. OCMC enables litigants in person to issue and progress certain county court claims online. It is also designed to encourage the use of mediation services to help settle disputes. This service is currently available to litigants in person for claims that do not exceed £10,000 in value. The scope of this pilot and the claims suitable under the pilot are set out in the Civil Procedure Rules (CPR) Practice Direction (PD) 51R, paragraph 2.1(3). As OCMC develops, MCOL will slowly be phased out to make way for a new digital pathway for claims above £10,000, which will facilitate a more streamlined single service.

16. Currently users who wish to issue a civil money claim online with a value above £10,000 fall outside of the scope of OCMC. These users can however issue claims up to £100,000 via MCOL, and the scope of these claims is set out in CPR PD 7E.
17. The CCBC handles county court claims for a specified amount of money made through MCOL. For users who issue bulk money claims, the CCBC provides a service which allows them to electronically file large volumes of county court claims for money via Secure Data Transfer (SDT). Given the high volume of claims issued via SDT, such users tend to be debt purchasing organisations, utility companies, social housing organisations, lenders and local authorities.
18. For possession claims other than accelerated possessions, users are able to issue a claim via PCOL or via the paper-based system which involves issuing at a local court. PCOL is a simple and secure way of making or responding to online claims. CPR 55 sets out the type of possession claims which fall under the scope of PCOL.

Legislation

19. Court and tribunal fees are subject to legal requirements and policy considerations. The power to charge fees in the civil courts of England and Wales is set out in a number of primary pieces of legislation, including the Courts Act 2003 and the Mental Capacity Act 2005. Section 92 of the Courts Act 2003 provides the Lord Chancellor with a single fee-setting power, with Treasury consent, to prescribe the fees payable in respect of anything dealt with in the Senior courts, county courts and magistrates' courts. When setting fees in the civil court system, the Lord Chancellor is required to have due regard of the principle that access to the courts must not be denied.
20. The Civil Proceedings Fees Order 2008 (CPFO) specifies the fees payable in relation to civil proceedings in the High Court and the county court. Issue fees for money claims are banded according to the value of the claim. When compared to the paper route, there are currently lower banded fees for claims issued online through MCOL, PCOL and the CCBC. The difference between the applicable online fees and their paper equivalents is set out in Chapter Two 'The Proposal'. A breakdown of issue fees by the value of claim band is shown in **Annex A**.
21. The general policy on fee charging across all of Government is set out in HM Treasury's 'Managing Public Money' handbook, where the standard approach is to set fees to recover the full cost of the service. As a principle, fees should generally be set at a level that recovers at least part of the cost of the service. A large proportion of fees are charged at the cost of the service or below it (non-enhanced fees). Certain court fees, such as the fees subject to the proposal in this document, are set above the cost of service (enhanced fees). Such fees can only be set with the explicit parliamentary

approval following the introduction of the 'enhanced power' provided in s.180 of the Anti-Social Behaviour Crime and Policing Act 2014 (the Act).

22. The power provided under s.180 specifies that, before setting a fee at an enhanced level, the Lord Chancellor must have regard to:
 - a. the financial position of the courts and tribunals including any costs not being met by current fee income; and
 - b. the competitiveness of the legal services market.
23. The Government has considered the factors set out above. For reasons we go on to explain below under Chapter Two 'The Proposal', there is a need to contribute to funding the costs of HMCTS to improve the current financial position of courts and tribunals. With regards to the competitiveness of the legal services market, we do not expect the alignment of online and paper fees to negatively impact competition within the legal services market. Under the proposal, all users will be expected to pay the same issue fee when starting a money claim. The proposed consolidated fees as set out in Annex A are unlikely to be detrimental to competition within the legal services sector. We have published an accompanying Impact Assessment alongside this document.

Previous consultations

24. Civil court fees have been the subject of a number of earlier public consultations which considered proposals for reform and how fees should be used to fund HMCTS. The policy of encouraging users to make claims online by applying a discount on fees has existed for a long time. Users who issue bulk claims have had a discount on the issue fees since 2004, fees for claims issued via PCOL have been discounted since 2006, and fees for claims issued via MCOL have been discounted since 2007. Following previous consultation exercises in 2013 and 2014, the Government applied discounts of 10% to online fees again in 2015 for claims started via the CCBC or MCOL. The purpose of this online discount was to incentivise users to issue online. This incentive was applied to reflect the lower cost of administering the online service when compared to the cost of administering paper-based claims due to the efficiencies that digital allows us when processing claims.

Impact of aligning online and paper fees

25. We have published an Impact Assessment alongside this consultation. It sets out the estimated impact that the proposal would have if it were to be implemented. Further details on the impact of the proposal are considered in Chapter Three 'Impact Assessment, Equalities and Welsh Language'.

Proposal for reform:

Alignment of the Fees for Online and Paper Civil Money and Possession Claims

Consultation period

26. This consultation seeks views on the proposal that the online and paper fees should be aligned to the level of the higher paper fee. The closing date for responses is 30 December 2020.

2. The Proposal

Introduction of a consolidated fee

27. Court and tribunal fees are the main source of direct income for the Ministry of Justice. Fees contribute to the funding of HMCTS which is operationally responsible for the administration of all fees. Unless otherwise stated, a user would need to pay a fee for starting processes such as issuing a claim, filing a counterclaim, or applying to enforce a court order. There are also general fees for civil proceedings such as application and hearing fees. The CPFO, as amended, sets out the fees payable in the civil courts and is available online at: <https://www.legislation.gov.uk/uksi/2008/1053/introduction/made>
28. Currently the CPFO provides a scale of fees for the issuing of money claims, with a lower scale of issue fees prescribed for the same claims if issued online through MCOL, or through the CCBC in the case of bulk claims. The issue fee payable depends on the value of the money being claimed. The general position is that the higher the value of the claim, the higher the issue fee that a user would be expected to pay. For users who lodge a civil money claim online up to the value of £300, they would currently pay a discounted issue fee of £25, whereas its paper counterpart is subject to a £35 issue fee. At the same time, a user who lodges a claim online up to the value of £10k would be subject to an issue fee of £410 whereas its paper counterpart is subject to an issue of fee of £455. A more detailed breakdown of the applicable fees is set in **Annex A**.
29. For the purposes of the CPFO, OCMC is a subset of MCOL. Similarly, fees are prescribed for starting proceedings for the recovery of land in the county court and for applying for a warrant of control, with a lower fee payable where these same claims are done through the PCOL. These online fees were discounted to reflect the lower running cost of the services and to encourage more online claims.
30. As noted in paragraph 23 the Government has considered the financial position of the courts and tribunals. For the civil courts, the total running costs in 2019/20 was £545 million and the income collected by the civil courts was £550 million once remissions are taken into account. To ensure that the courts are properly funded and are sustainable over time, the fees paid by users of the service have been increased in previous years. The last fee increases were applied in 2014 and 2015. The income raised from fees ultimately reduces the taxpayer subsidy required to fund HMCTS and enables us to cross-subsidise other parts of the courts and tribunals system. For example, the Government currently do not charge fees for domestic violence protection orders and non-molestation orders, and for cases before the First-tier Tribunal

concerning mental health. It is right that fees charged in respect of one service can be used to cross-subsidise other services where similar in nature.

Summary of the Proposal

31. We propose to remove the online discount applied to fees for users of the CCBC, MCOL, PCOL and OCMC to align them with the paper fees which are currently charged in the CPFO. If implemented, the proposal will be affected via an affirmative statutory instrument that will amend the fees order to reference a single consolidated fee for both paper and online claims. At present our intention is for these proposals to take effect from May 2021.
32. As fees are the main source of direct income for the MoJ, it is important to consider them in order to meet the Lord Chancellor's statutory duty to ensure an efficient and effective courts system. The Lord Chancellor also has a personal, statutory and constitutional obligation to protect access to justice. The income raised from fees does not currently meet the full cost of running HMCTS.
33. In 2019/20, the total value of fee charges was approximately £817m of which almost £93m was remitted (due to remission schemes such as HwF), resulting in a net fee income of £724m against the £2bn running costs of HMCTS. Under the proposal the estimated £12-33m p.a. from 2022/23 onwards will, if implemented, contribute to funding the costs of HMCTS which are not currently being met by the income raised from fees. The estimated funding from the alignment will also help to deliver efficiencies across the court and tribunal system and enable us to continue subsidising the areas which do not attract a fee.
34. The removal of the online discount is justified as digital services, where available, have now become the default option for most people when trying to access a service, accounting for just under 90% of money claims up to the value of £100,000. Based on this, the objective behind the online discount has been achieved. Access to justice will still be protected even with aligning online and paper fees. Those who feel they cannot afford a fee may apply to our fee remissions scheme, HwF, which is currently only available to individuals, not companies (with some exceptions) and is not available to users of all online platforms such as in the case of MCOL.
35. Aligning these fees will help simplify and rationalise the existing civil fee structure as all users will pay the same consolidated fee, whether they lodge a claim online or via the paper route. Simplicity in fee structures will help with fee administration and reduce the risk of error and delay, allowing users to easily understand the fees involved before starting a claim. It will also help to ensure consistency with similar programmes such as the County Court Online pilot, which currently charges the same fee for both online and paper claims. Alignment will also address the issue of individuals who may be unable

Proposal for reform:

Alignment of the Fees for Online and Paper Civil Money and Possession Claims

to access an online service currently paying the higher paper fee, compared to those who issue the same claim online.

36. OCMC is a significantly enhanced service in terms of its ease of use, speed and the safeguards it employs which prevent users from submitting incorrect forms which can delay proceedings. Previous stakeholder feedback to HMCTS has indicated very high satisfaction rates, especially with regards to OCMC, with users preferring the online route due to its ease of use. These attributes will continue to incentivise the use of the online route. More detail on demand responses and our assessment of this is set out in the accompanying Impact Assessment.
37. We have set in detail the affected fees below and are grateful for your views on the following questions set out in Chapter Three Questionnaire.

3. Questionnaire

38. In summary, we would welcome responses to the following questions set out in this consultation paper. A list of the affected fees, and their proposed new value, can be found in Annex A.

Question 1: In light of our proposal as set out in Chapter Two, do you agree with the principle that online and paper fees should be the same? Please give reasons for your answer.

39. In respect of issue fees, the CPFO sets out the issue fees for money claims which are banded according to the value of the claim. Fees for claims issued online through MCOL and through the CCBC are cheaper than the paper route. Our proposal is that the issue fees for claims issued online are raised to match their equivalent paper fees so that there is a single standard fee for both online and paper claims. This alignment would also apply to users of OCMC and would continue to apply to users of County Court Online.

Question 2: Do you agree that the discounted online issue fees for MCOL and OCMC should be aligned with its paper issue fees? Please give reasons for your answer.

40. In respect of the Recovery of Land, the CPFO allows PCOL users to pay a fee of £325 for a standard possession order compared to the paper fee of £355. Our proposal is that the PCOL fee of £325 is increased to align with the £355 paper fee.

Question 3: Do you agree that the discounted online fee for PCOL users should be aligned with its equivalent paper fee? Please give reasons for your answer.

41. In respect of Warrant of Control, for applications relating to the enforcement of a judgment, order of the County Court or a warrant of control against goods (except a warrant to enforce payment of a fine) fee 8.1(a) of the CPFO allows for MCOL and CCBC users to pay a lower fee of £77 compared to £110 for the same paper fee. Our proposal is that the online fee is raised from £77 to £110.

Question 4: Do you agree that the discounted online fee for warrant of control should be aligned with its paper fee? Please give your reasons for your answer.

Proposal for reform:

Alignment of the Fees for Online and Paper Civil Money and Possession Claims

42. In respect of a request for a further attempt at execution of a warrant at a new address following a notice of the reason for nonexecution, fee 8.2 exempts the fee for a further attempt following suspension and for CCBC cases brought by Centre users. Our proposal is that the exemption for centre users is removed for the request for a further attempt at execution of a warrant at a new address. The exemption for a further attempt following suspension will remain unaltered.

Question 5: Do you agree that the exemption for centre users who request a further attempt at an execution of a warrant should be removed? Please give reasons for your answer.

43. Please refer to the Impact Assessment published alongside this consultation for the following question.

Question 6: As part of our assessment of the potential demand response, we would be grateful for feedback from consultees on the relative importance of different factors in the decision to take a case to court. These factors might include the court fee, other associated costs, the probability of success, the likelihood of recovering any debt, and any non-financial motivations such as any prior experience of court processes.

44. Please refer to the equality assessment set out below for the following question.

Question 7: Do you consider whether the proposal will have a disproportionate impact on individuals with protected characteristics? Are there any potential modifications that we should consider to mitigate this impact? Please give reasons for your answer

Thank you for participating in this consultation exercise.

4. Impact Assessment, Equalities and Welsh Language

Impact Assessment

A formal Impact Assessment has been prepared for this proposal and has been published alongside this consultation. One of the key assumptions underpinning the proposals is that the removal of the online discount for online civil money and possession claims will potentially generate £12–33m p.a. to funding the costs of HMCTS from 2022/23 onwards for the Ministry of Justice.

Equalities

Under the Equality Act 2010, the Government is required, as part of policy development, to consider the equalities impact of our proposal. In summary, public authorities subject to the equality duty must have regard to the following when exercising their functions:

- eliminate discrimination, harassment and victimisation and other conduct
- prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and those who do not.

For the purposes of the equality impact statement the relevant protected characteristics under the EA are: race; sex; disability; sexual orientation; religion and belief; age; marriage and civil partnership; gender reassignment; pregnancy and maternity.

Consideration has been given to the impact of the proposals in this consultation paper against the statutory obligations under the EA. The reforms are directed exclusively to all court users who wish to make an online civil money or possession claim. The assessment is that the removal of the online discount is justified under the assumption that online is now the default position and that no direct or indirect discrimination applies to protected characteristic groups resulting from this reform. If evidence of any such discrimination were to come to light, we would consider the impact of such discrimination against the objectives pursued by the reforms and consider the potential for modifications to mitigate the impact.

Equalities statement

The proposal will affect court users who wish to make either an online civil money claim or an online possession claim. Under the proposal, the online discount applied to these claims will be removed and it is assumed that online platforms have become the default option for users who wish to make such claims. Based on this assumption, there is no longer a reasonable justification to incentivise users to make claims online.

Under the proposal, both users of the online platforms: OCMC, MCOL, PCOL and the CCBC and its equivalent paper-based system will pay the same consolidated court fee.

The proposals will not result in people being treated less favourably because of any protected characteristic and therefore our assessment is that the proposals are not directly discriminatory within the meaning of the Equality Act 2010. We also do not consider that this proposal will amount to indirect discrimination within the meaning of the Equality Act 2010.

We do not consider that the proposed change will provide significant opportunities to advance equality of opportunity.

A Welsh version of this document can be found at: <https://consult.justice.gov.uk/digital-communications/civil-money-possession-claims-fees>

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by 30 December 2020 to:

Fees Policy

Ministry of Justice
Legal Support and Fees Policy
Access to Justice
10.16 –10.18, 10th Floor
102 Petty France
London SW1H 9AJ

Email: mojfeespolicy@justice.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Ministry of Justice at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <https://consult.justice.gov.uk/digital-communications/civil-money-possession-claims-fees>.

Alternative format versions of this publication can be requested by emailing MOJ Fees Policy at mojfeespolicy@Justice.gov.uk

Publication of response

A paper summarising the responses to this consultation will be published in due course. The response paper will be available on-line at <https://consult.justice.gov.uk/>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation (GDPR) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

If you do not wish your name/corporate identity to be made public in this way then you are advised to provide a response in an anonymous fashion (for example 'local business owner', 'member of public').

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

For more information see the Ministry of Justice Personal Information Charter.

Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the Cabinet Office Consultation Principles 2018 that can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf

Annex A: Affected Fees

The tables below detail the fees affected by our proposals and their respective numbers as set out in the Civil Proceedings Fees Order (CPFO).

Issue Fees

Fee 1.1 in the CPFO covers paper fees whereas fee 1.2 concerns proceedings in County Court Business Centre (CCBC) cases brought by Centre users or cases brought by Money Claim Online (MCOL) users, to recover a sum of money.

Both fees 1.1 and 1.2 are banded according to the value of the claim.

Fee Number (in CPFO)	Value of Claim	Paper form Fee	Online Claim Fee	Proposed Fee
1.1(a) and 1.2(a)	Up to £300	£35	£25	£35
1.1(b) and 1.2(b)	£300.01 to £500	£50	£35	£50
1.1(c) and 1.2(c)	£500.01 to £1,000	£70	£60	£70
1.1(d) and 1.2(d)	£1,000.01 to £1,500	£80	£70	£80
1.1(e) and 1.2(e)	£1,500.01 to £3,000	£115	£105	£115
1.1(f) and 1.2(f)	3,000.01 to £5,000	£205	£185	£205
1.1(g) and 1.2(g)	£5,000.01 to £10,000	£455	£410	£455
1.1(h) and 1.2(h)	£10,000.01 to £100,000*	5% of the claim	4.5% of the claim	5% of the claim

* Fee 1.1(h) applies to claims which exceed £10,000 but do not exceed £200,000.

Proposal for reform:
Alignment of the Fees for Online and Paper Civil Money and Possession Claims

Recovery of Land

Fee Number	Fee Description	Paper Fee	Online Fee (PCOL)	Proposed Fee
1.4	On starting proceedings for the recovery of land: (a) in the High Court* (b) in the County Court, other than where fee 1.4(c) applies; (c) using the Possession Claims Online (PCOL) website.	£355	£325	£355

* Fee 1.4(a) is not affected by our proposals

Warrant of Control

Fee Number	Fee Description	Paper Fee	Online Fee (CCBC and MCOL cases)	Proposed Fee
8.1	On an application for or in relation to enforcement of a judgment or order of the County Court or through the County Court, by the issue of a warrant of control against goods except a warrant to enforce payment of a fine: (a) in CCBC cases, or cases in which a warrant of control is requested in accordance with paragraph 11.2 of Practice Direction 7E to the Civil Procedure Rules (Money Claim Online cases); (b) in any other case.	£110	£77	£110
8.2	On a request for a further attempt at execution of a warrant at a new address following a notice of the reason for nonexecution (except a further attempt following suspension and CCBC cases brought by Centre users).*	£33	£0	£33

* The exemption for a further attempt following suspension will remain unaltered.

Proposal for reform:

Alignment of the Fees for Online and Paper Civil Money and Possession Claims



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Alternative format versions of this report are available on request from Fees Policy, Ministry of Justice at: mojfeespolicy@justice.gov.uk