



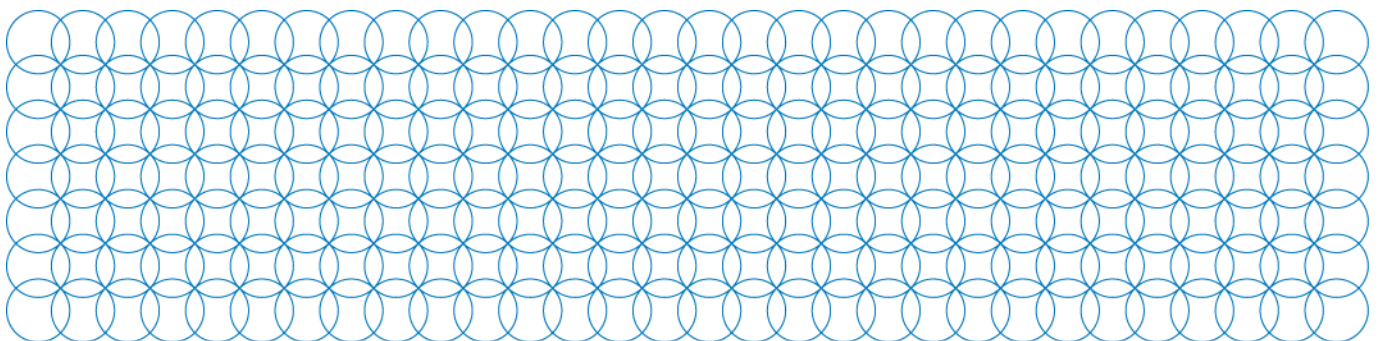
Ministry of
JUSTICE

Fee Increases in the United Kingdom Supreme Court

Consultation Paper CP4/2011

This consultation begins on 21 March 2011

This consultation ends on 13 June 2011





Ministry of
JUSTICE

Fee increases in the United Kingdom Supreme Court

A consultation produced by the Ministry of Justice. It is also available on the Ministry of Justice website at www.justice.gov.uk

About this consultation

- To:** This consultation on an increase in fees at the UK Supreme Court is aimed at the Statutory consultees listed in Section 52 of the Constitutional Reform Act 2005. The Lord Chancellor has a statutory duty to consult with these consultees with regards to fees in the Court
- Duration:** From 21/03/11 to 13/06/11
- Enquiries (including requests for the paper in an alternative format) to:** Olubiyi Ayodeji
Ministry of Justice
102 Petty France
London SW1H 9AJ
- Tel: 020 3334 5263
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- How to respond:** Please send your response by 13/06/11 to:
Olubiyi Ayodeji
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102 Petty France
London SW1H 9AJ
- Tel: 020 3334 5263
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Email: olubiyi.ayodeji@justice.gsi.gov.uk
- Response paper:** A response to this consultation exercise is due to be published by 04/07/11 at:
<http://www.justice.gov.uk>

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Executive summary

The UK Supreme Court opened on 1 October 2009. The fees payable at the Court and the provisions for fee exemptions are set out in The Supreme Court Fees Order 2009, an Order made by the Lord Chancellor, which came into force on the same day.

Section 52 of the Constitutional Reform Act (CRA) 2005 which created the Court allows the Lord Chancellor with the agreement of the Treasury to prescribe fees payable in respect of anything dealt with by the Supreme Court. The Lord Chancellor is statutorily obliged to consult certain senior judges and key organisations about the Fees Order.

The existing fee structure was based on assumptions made using figures obtained from the Appellate Committee of the House of Lords, which the Court replaced. Good management of public services necessitates the maintenance of an oversight of fee levels and operational costs. Over a year on since its opening with actual costs now available and the background of the present challenging economic climate, there is now an opportunity to consult on a limited fees increase.

It is proposed that the fee charged for applications for Permission to Appeal (PTA) be increased. This is so as to better reflect the amount of work undertaken by the Justices and their staff to process and determine the PTAs.

It is also proposed that the Court be permitted to increase fees, including that for PTA applications, to take account of yearly inflation¹.

These limited fee increases will ensure that litigants as opposed to taxpayers bear more of the costs of bringing cases to the court.

Government policy remains that civil court fees should be set, so far as possible, at levels that reflect the cost of progressing cases. Because the benefits of Supreme Court rulings accrue not only to users of the Supreme Court but more widely to all users of the Civil Justice system, it was agreed that the civil costs in the Supreme Court should be borne by both Supreme Court users and the generality of litigants bringing civil cases in England, Wales and Northern Ireland. In addition, a contribution is also made by the Scottish Parliament towards the running costs of the court. These arrangements have allowed fees to be set at a level that has not prohibited access to justice.

Having an appropriate system of fees in place is important to ensure that the Court is able to face the financial and operational challenges occasioned by the current economic environment and that it remains accessible to all in

¹ According to the Office for National Statistics' report of January 2011, the Consumer Price Index (CPI) annual inflation stands at 4%

delivering the service that its users require. Your views on the proposed fee increases are welcome.

Introduction

This paper sets out for consultation the increase to the Permission to Appeal application fee charged at the UK Supreme Court. It consults upon the scale and rate of the increase. In addition it consults on increases in all fees charged at the Court to take account of yearly inflation. Under Section 52 of the Constitutional Reform Act 2005, the Lord Chancellor has a duty to consult the persons and bodies listed as statutory consultees below.

This consultation is conducted in line with Code of Practice on Consultation and falls within the scope of the Code. The consultation criteria, which are set out on page 28, have been followed.

Copies of the consultation paper are being sent to:

Statutory Consultees

The President of the Supreme Court

The Lord Chief Justice of England and Wales

The Master of the Rolls

The Lord President of the Court of Session

The Lord Chief Justice of Northern Ireland

The Lord Justice Clerk

The President of the Queen's Bench Division

The President of the Family Division

The Chancellor of the High Court

The General Council of the Bar of England and Wales

The Law Society of England and Wales

The Faculty of Advocates of Scotland

The Law Society of Scotland

The General Council of the Bar of Northern Ireland

The Law Society of Northern Ireland

Others

The Scottish Executive

The Northern Ireland Assembly

The Welsh Assembly

HM Treasury

Cabinet Office

Her Majesty's Revenue and Customs

Crown Prosecution Service²

Serious Fraud Office

The Treasury Solicitor

The Lord Advocate

The Institute of Legal Executives

Sheriffs Association

Sheriffs Principal

The Judicial Council for Scotland

The Legal Services Commission

The Scottish Legal Aid Board

Northern Ireland Legal Services Commission

Justice

Liberty

² The Revenue and Customs Prosecutions Office, one of the statutory consultees, was merged with the Crown Prosecution Service on 1 January 2010.

Equality and Human Rights Commission

Scottish Human Rights Commission

Northern Ireland Human Rights Commission

Equality Commission for Northern Ireland

Amnesty International

Human Rights Watch

The Institute of Barristers' Clerks

Citizens Advice Bureau

The proposals

1.1 Background and strategy

The proposals are:

- To raise the cost of the Permission to Appeal (PTA) application fee at the UK Supreme Court by 25% from its present level of £800 to £1000. This proposed increase seeks to achieve a better match between the fee, the resources of staff processing PTAs and that of Justices making decisions. All other fees are to remain the same.
- To have an increase in all fees charged to reflect yearly inflation.

Annex A shows the current level of fees chargeable by the Court. It also shows the projected volume and income for each fee type based on figures from the Court's first year of operations.

In line with Government policy in other areas of the Court system, the UK Supreme Court is under a duty to recover the full cost of civil business in the Court. An important difference, however, applies in the application of full cost recovery to the Supreme Court. The Supreme Court, as well as being the final court of appeal, plays an important role in the furtherance and development of UK law. In recognition of this it was agreed that civil costs in the Supreme Court should be borne by both Supreme Court users and the generality of litigants bringing civil cases in England, Wales and Northern Ireland³. This is because the benefits of Supreme Court rulings accrue not only to users of the Supreme Court, but more widely to all users of the civil justice system. Contributions are also made by Scotland for the usage of the court for civil cases.

In practice this has meant that the Supreme Court recovers the cost of civil cases through a combination of fees and contributions made from Her Majesty's Courts Service, the Northern Ireland Court Service and the Scottish Parliament. This agreed policy is not itself a matter for consultation.

The figures in section 1.2 show the costs from the first year of operations of the Court and its estimated running costs (including those for civil cases) agreed for the four years covered by the 2010 Spending Review.

³ Agreed between the Chief Secretary to the Treasury and the Lord Chancellor on 23

Section 1.2 also shows the contributions received from the jurisdictions in the first year and what is expected from each of them over the next four years. These figures were factored into the UKSC Spending Review settlement and this fees consultation exercise is not expected to change the agreed contributions.

1.2 Annual Costs of Conducting Civil Business in the UK Supreme Court

The annual costs of conducting civil business in the Supreme Court from 2009 to 2015 (including the four years covered by the 2010 spending review) are set out in the table below.

	Oct 2009 to Sept 2010 (ACTUAL)	Apr 2011 to Mar 2012	Apr 2012 to Mar 2013	Apr 2013 to Mar 2014	Apr 2014 to Mar 2015
	£,000	£,000	£,000	£,000	£,000
Judicial Salary & Expenses	3,600	3,700	3,700	3,400	3,400
Depreciation	1,041	1,041	1,041	1,041	1,041
Other costs	8600	8,092	8174	8016	8002
Total Gross Costs	13,241	12,833	12,915	12,457	12,443
Contributions from Jurisdictions	(5,969)	(6,102)	(6,415)	(6,141)	(6,331)
Fees & Wider Market Initiatives	(967)	(695)	(705)	(735)	(735)
Net Running Costs	6,305	6,036	5,795	5,580	5,377

The determination of the proportion of Supreme Court's running costs that are expended on conducting civil cases are based on the following facts from its first actual year of operations:

- Civil cases constituted 90%⁴ of the caseload at the Court in its first year. This was higher than the originally envisaged level of 80% with only 10% of the caseload in this period being criminal cases.

⁴ Figures provided by the UK Supreme Court

- In 2009-2010 the percentage split of cases between the UKSC and the JCPC was 70% to 30%. This was an increase from the initially estimated split of 60% to 40%.⁵ This means that more time is spent on UKSC cases at the Supreme Court than originally envisaged.
- The proportion that relates to the judicial aspects of the work of the Justices of the Court is estimated at 95% in its first year. The remaining 5% related to non-judicial related work by the Justices such as giving lectures and honouring speaking engagements. This has been taken into account while isolating civil costs. This means that 59.85% of their time is likely to be spent on civil work in the Supreme Court.⁶

1.3 Proposed Increase in Civil Fees

The current civil fee structure in the Supreme Court is attached at Annex B. This fee structure was set in 2009. Prior to this, the fees charged by the House of Lords Appellate Committee, which the Court replaced, had been unaltered since 2000.

The intention is to raise the fee for Permission to Appeal applications by 25% from its present level of £800 to £1000. All other fees charged at the Court are to remain the same. It is also intended that fees charged should be amended to take account of yearly inflation increase. These increases will ensure that litigants bear an appropriate level of the costs of progressing cases to the court. This is in line with the Government’s full civil cost recovery principle in the Court.

As and when the fees are increased an amended fee structure that takes into consideration the yearly Consumer Price Index inflation increase/s will be published by the Court.

The new fee structure in the Court which includes the increased Permission to Appeal application fee is set out below:

APPLICATION FOR PERMISSION TO APPEAL	
File Application for Permission	£1000
File notice of objection (Respondent)	£160

⁵ Figures provided in 2009 by the Judicial Office of the House of Lords and JCPC based on sitting and programmed days in the House of Lords and JCPC

⁶ $95\% \times 70\% \times 90\% = 59.85\%$

APPEAL	
Filing notice of intention to proceed with appeal (following grant by UKSC of permission to appeal)	£800
Filing notice of appeal (where permission granted by court below or not required)	£1600
Filing acknowledgement (respondent)	£320
Filing Statement and appendix. Filing notice of appeal is ready to list.	£4820
OTHER FEES	
Review of Registrar's decision	£1,500
Application to intervene	£800
Other procedural applications	£350
Opposition to procedural applications	£150
Copying charge (documents up to 10 pages)	£5
Copying each subsequent page	50p each
Copying to CD or other electronic format	£5
Certified documents (other than final order for which there is no charge)	£20
Application for detailed assessment of costs	2.5% Sum Claimed

The projected additional income of £55,000 per annum realisable from the PTA application fee increase is based on an average of 275 applications each year⁷. This of course assumes that the number of applications to the Court remains reasonably unaltered.

Section 52(3) of the Constitutional Reform Act 2005 places a duty on the Lord Chancellor to have regard to the principle that access to the courts must not be denied. These proposals to increase fees at the Court therefore does not

⁷ Figures provided by the UK Supreme Court

seek to change the existing fee remission system at the court which ensures that access to justice is not denied to any sector of the society.

Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

Question 1. Given the financial and operational challenges the Supreme Court faces in the current economic climate, are you in agreement that the Court should seek to increase its fee income to ensure there is a proper balance between the costs borne by litigants of the Court and the taxpayer?

Question 2. Do both the increase in the Permission to Appeal Application fee and the increase in all fees to take account of yearly inflation seem equitable?

Question 3. If the answer to question 2 is no what do you believe is the justification for not increasing the fees?

Question 4. Following analysis of available evidence we have concluded that the proposed fee increases will not impact disproportionately on any group because of the fee remission system in place at the Court. If you do not agree with this conclusion can you please provide further explanation as to which groups you feel may be disproportionately affected by these changes, and how these impacts will manifest themselves?

Thank you for participating in this consultation exercise.

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 13/06/2011 to:

Olubiyi Ayodeji
Ministry of Justice
Constitution & Judiciary division
Post Point 5.12
102 Petty France
London SW1H 9AJ

Tel: 020 3334 5263
Fax: 020 3334 3669
Email: olubiyi.ayodeji@justice.gsi.gov.uk

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <http://www.justice.gov.uk/index.htm>.

Alternative format versions of this publication can be requested from

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102 Petty France
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Publication of response

A paper summarising the responses to this consultation will be published in 04/07/2011. The response paper will be available on-line at <http://www.justice.gov.uk/index.htm>.

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 1998 (DPA) 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.

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.

Annex A

FEES PROJECTION

Fee Type	Projected Fee Numbers	Current Fee level	Proposed Fee level	Projected Income
Application	275	800	1000	£275,000
Intervention	30	800	800	£24,000
Notice of Acknowledgement	120	320	320	£38,400
Notice of Appeal	18	1600	1600	£28,800
Notice of Objection	205	160	160	£32,800
Photocopying	10	5	5	£50
Statement of facts & Issues	70	4820	4820	£337,400
Filing & Assessment				£110,000
Total				£846,450

Projected fee numbers are based on figures from the first year of operation of the Court.

Annex B

APPLICATION FOR PERMISSION TO APPEAL	
File Application for Permission	£800
File notice of objection (Respondent)	£160
APPEAL	
Filing notice of intention to proceed with appeal (following grant by UKSC of permission to appeal)	£800
Filing notice of appeal (where permission granted by court below or not required)	£1600
Filing acknowledgement (respondent)	£320
Filing Statement and appendix. Filing notice of appeal is ready to list.	£4820
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Copying each subsequent page	50p each
Copying to CD or other electronic format	£5
Certified documents (other than final order for which there is no charge)	£20
Application for detailed assessment of costs	2.5% Sum Claimed

Annex C

EVIDENCE BASE

Introduction

The evidence is based on data collected by the UK Supreme Court and the Constitution & Judiciary Division of the Ministry of Justice

Running Costs in the UK Supreme Court

The breakdown of running costs of progressing cases (including civil cases) in the UK Supreme Court for the current year and the subsequent four years as agreed in the Spending Review settlement are as follows:

COST CATEGORY	2010/2011 BASELINED BUDGET	2011/2012 FORECAST	2012/2013 FORECAST	2013/2014 FORECAST	2014/2015 FORECAST
Judicial Salaries	£3,700,000	£3,700,000	£3,650,000	£3,400,000	£3,400,000
Direct Judicial Support & Registry Staff	£1,295,000	£1,295,000	£1,245,000	£1,245,000	£1,245,000
Utilities & Building	£4,680,000	£4,832,000	£5,111,000	£4,934,000	£5,100,000
Staff Dedicated to UKSC Work	£900,000	£820,000	£820,000	£750,000	£750,000
IT/Broadcasting Costs	£479,000	£480,000	£430,000	£430,000	£430,000
Depreciation	£1,041,000	£1,041,000	£1,041,000	£1,041,000	£1,041,000
Judicial Appointments	£40,000	£3,000	£20,000	£60,000	£0.00
Library	£230,000	£230,000	£230,000	£230,000	£230,000
Other Costs	£460,000	£432,000	£368,000	£367,000	£247,000
Total Running Costs	£12,825,000	£12,833,000	£12,915,000	£12,457,000	£12,443,000

Caseload in the UK Supreme Court

One of the main processes that comes before the UK Supreme Court is the Petition for leave to appeal which is the preliminary stage for most people applying for permission to bring a case to the Court

A total of 275 leave to appeal applications were lodged in the Court in its first year of operation, i.e. October 2009 to September 2010.

Annex D

SPECIFIC IMPACT TESTS

The Ministry of Justice published a consultation paper on the scale and rate of fees to be charged in the UK Supreme Court in 10 February 2009. It also published a consultation paper on civil court fees on 10 December 2008 which considered the impact of fee increases on a number of sectors of society. The information provided in that consultation is also pertinent to the UK Supreme Court and so that information is reproduced below.

Sectors and groups affected

Users presenting civil cases to the Supreme Court will be affected. These include amongst others, companies, government departments, local authorities, charities, small businesses and individuals. Research published by the Ministry of Justice in 2007⁸ suggests that fees are not a major factor in the decision making process when individuals are considering court action. However, a system of fee concessions remains in place to ensure access to justice is protected for those people who are unable to afford to bring a case to the Court.

Equality Impact Assessment

Government policies must be assessed specifically to ensure that they do not discriminate against anyone on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and caring responsibilities. Court users are not required to provide personal information about themselves so there is a lack of evidence as to how changes to court fees specifically affect diverse communities. We have set out the probable impacts below.

Race Equality Assessment

Research produced by the Department for Trade and Industry shows that some black and minority ethnic groups' average (mean) hourly wages are significantly less than others. For example, Bangladeshi and Pakistani men earned almost 30% less per hour than the group identified as 'White'. Men identified as 'black/black British' earned 12% less than their Indian counterparts.

Ethnicity data for Jobseekers Allowance (JSA) claimants (produced by the Office of National Statistics) shows that a higher proportion of the ethnic minority working age population in England are claiming JSA compared with

⁸ "What's cost got to do with it? The impact of changing court fees on users" was carried out by Opinion Leader Research and published on 27 June 2007. It is available on the Ministry of Justice Website at

<http://www.justice.gov.uk/publications/research280607.htm>

the white population. The paper suggests that these findings signal the “well known labour market disadvantage faced by ethnic minorities”.

International Labour Organisation unemployment rates show ethnic minorities have a higher unemployment rate compared with the overall rate (data for spring 2006 show ethnic minorities have an unemployment rate of 11.2% compared with 5.2% overall). Within the ethnic minority population, however, there is considerable variation. The black or black British ethnic group has the highest proportion of their working age population on the claimant count, with 10.2% of the Other Black group on JSA. Research undertaken by the Joseph Rowntree Foundation states that the income poverty rate varies substantially between ethnic groups: Bangladeshis (65%), Pakistanis (55%) and black Africans (45%) have the highest rates; black Caribbeans (30%), Indians (25%), white Other (25%) and white British (20%) have the lowest rates.

As the research above highlights, some minority ethnic groups tend to have lower incomes, be in receipt of benefits and be living in poverty. Any change in fees, therefore, would be likely to have a greater potential impact on these groups, and restrict their ability to seek justice in court. However, any person for whom payment of fees will cause financial hardship is able to take advantage of the fee concession system. An applicant is eligible to receive a full remission if they either receive a specified means-tested benefit or if they can demonstrate that their gross annual income is below a specified threshold. Alternatively an applicant can receive a part-remission (they pay a contribution towards the fee) based on their disposable income. Because of the fee concession system we do not think that there will be an impact of these fee proposals on people because of their racial group.

Religion and beliefs

There is a lack of information concerning earnings across different religions and statistics are not collected that give a breakdown on court users' religion or beliefs. However we do not expect there to be any impact on people because of their religious or other beliefs. Any person for whom payment of fees will cause financial hardship is able to take advantage of the fee concession system.

Disability impact assessment

According to the UK's Office for National Statistics' Labour Force Survey, Sept Dec 2006, only about half of disabled people of working age are in work (50%), compared with 80% of non disabled people of working age. The same survey reports that almost half (45%) of the disabled population of working age in Britain are economically inactive i.e. outside of the labour force.

Only 16% of non-disabled people of working age are economically inactive. However because the fee concession system was designed for all those that would suffer financial hardship regardless of disability, we do not expect that the proposals to increase fees will have any impact on people with disabilities.

Age

The results of the 2007 Annual Survey of Hours and Earnings (ASHE) show that the top 10 per cent of the earnings distribution earned more than £906 per week, while the bottom 10 per cent earned less than £252. Young people often earn significantly less than their older counterparts. In 2007 there were 16,000 jobs held by 16 to 17-year-olds with pay less than £3.30 per hour and 45,000 jobs held by 18 to 21-year-olds with pay less than £4.45 per hour. 231,000 jobs were held by those aged 22 and over with pay less than £5.35 per hour.

Median gross weekly earnings for full-time employees were highest for 40 to 49-year-olds at £516. Earnings increased until employees reached this age group and steadily decreased thereafter. People aged over 65 are much more likely to be economically inactive – due mostly, one would expect, to retirement.

We expect, therefore, that many of those potentially affected by the fee increase will be covered by the fee concession system. As a result the actual impact of these policies on people because of age will be neutral.

Caring responsibilities

People with caring responsibilities often work part time, which increases their likelihood of being paid below the minimum wage and thus their ability to pay fees. The National Statistics ASHE estimates for spring 2006 show that people in part-time work were almost three times more likely than people in full-time work to be paid less than the minimum wage. The fee concession system will permit those who may suffer financial hardship from paying a fee to do so, should they qualify. Therefore, we do not expect there to be a direct impact of this fee increase on those with caring responsibilities

Gender

The 2001 census shows that 48.67% of the population is male and 51.34% are female. Women tend to earn less than men and so fees may have a greater impact on them. According to the Office of National Statistics ASHE the gender pay gap for full time workers in April 2007 was 12.6 percent or 17.2 percent if mean rather than median earnings are used. The part-time gender pay gap measures female part time hourly earnings against male full time hourly earnings. In April 2007 this gap was 39.1 per cent using median hourly earnings and 35.6 per cent using mean earnings. These lower earnings leave women at greater risk of falling below the poverty line and of being worse off than men in retirement. The existing fee concession system will mitigate this, allowing access to justice, and so we do not expect there to be an impact of these changes on the basis of gender.

Sexual orientation

A recent study has shown that gay men earn, on average, 6% less than their heterosexual equivalents, although lesbian women earn about 11% more than their heterosexual counterparts. This means that an increase in fees may affect gay men more than heterosexual men. However, if people cannot afford

to pay the increased fees, they will be covered by the Court's fee concession system. We do not therefore expect the proposed changes to impact this segment of the population.

Environmental

There is nothing to suggest that these fee changes will have an environmental impact.

Small Firms' Impact Test

Claimants are not required to provide information that would make it possible to classify them as belonging to a particular group. It is therefore impossible to estimate the effect in isolation on the small business sector. However, during the passage of the Constitutional Reform Act contact was made with the Small Business Service about the setting up of the Supreme Court and the Regulatory Impact Assessment done at that stage states that the Small Business Service agree that the impact on small businesses will be minimal.

Competition Assessment

We consider the proposals are unlikely to have a negative impact upon competition in any market. It is unlikely there would be any markets that would face a disproportionately large impact and a detailed competition assessment is not deemed necessary.

Enforcement / Sanctions / Monitoring

Nearly all fees are paid for in advance of the service so the sanction for non-payment is that the service will not be performed.

Legal Aid / Judicial Impact test

Any Legal Aid or Judicial impact will be broadly neutral.

Administration burdens / simplification

There will be no additional administrative burden as a result of this fee increase as the fees are already being collected at the Court albeit at the existing lower rate.

The consultation criteria

The seven consultation criteria are as follows:

1. **When to consult** – Formal consultations should take place at a stage where there is scope to influence the policy outcome.
2. **Duration of consultation exercises** – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact** – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises** – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation** – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises** – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. **Capacity to consult** – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

These criteria must be reproduced within all consultation documents.

Consultation Co-ordinator contact details

Responses to the consultation must go to the named contact under the How to Respond section.

However, if you have any complaints or comments about the consultation **process** you should contact the Ministry of Justice consultation co-ordinator at consultation@justice.gsi.gov.uk.

Alternatively, you may wish to write to the address below:

**Ministry of Justice Consultation Co-ordinator
Legal Policy Team, Legal Directorate
6.37, 6th Floor
102 Petty France
London SW1H 9AJ**

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