



The Scottish Parliament  
Pàrlamaid na h-Alba

## **Equalities, Human Rights and Civil Justice Committee**

Siobhian Brown MSP  
Minister for Victims and Community Safety  
The Scottish Government

Via email only

**26 September 2024**

Dear Minister

### **Proposed Increase to Civil Court Fees**

I am writing on behalf of the Equalities, Human Rights and Civil Justice Committee to seek clarity on the Scottish Government's proposal to increase civil court fees on 1 November 2024.

The Committee has been closely monitoring the Scottish Government's consultation and, in light of concerns raised, agreed to take evidence from key stakeholders. At its meeting on 24 September, the Committee heard from the Law Society of Scotland, Citizens' Advice Scotland, Legal Services Agency and Thompsons Solicitors, all of whom raised concerns regarding the proposed fee increases.

Following the evidence session, the Committee agreed to write to the Scottish Government to seek clarity on issues which arose.

The Committee heard strongly expressed views that the proposed fee increases could exacerbate existing inequalities within the justice system. Specifically, witnesses highlighted some groups which they felt would be disproportionately affected, although this had not been identified in the EQIA.

These communities included minority ethnic groups and disabled people, who were more likely to have low income and to need to use the court system for various reasons, including human rights breaches and discrimination. Women were also identified as more likely to come from households worst affected by the cost-of-living crisis and therefore have financial barriers to accessing justice. These groups already face significant barriers to accessing justice, and higher court fees could further limit their ability to seek legal redress.

While we acknowledge that a number of exemptions from civil court fees are available, including for those eligible for Civil Legal Aid, we also heard that considerable barriers exist to accessing legal aid. These include a shortage of solicitors willing to undertake this work and the complex landscape of the legal aid system. It was noted that, if someone could not find a solicitor willing to provide Civil

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Email [EHRCJ.committee@parliament.scot](mailto:EHRCJ.committee@parliament.scot). We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

Legal Aid, then they could not access the fee exemption. The general view was that Civil Legal Aid was not operating effectively enough to offset fee increases as a barrier to access to justice.

Stakeholders also expressed doubts about the adequacy of the evidence provided by the Scottish Government to justify such a significant increase in fees within a relatively short timeframe. While we recognise that inflationary adjustments have been made year on year, it is concerning that a substantial rise in fees was implemented in 2016, and yet another significant increase is now being proposed. Without clear evidence demonstrating the basis for these increases, it is difficult to understand how such proposals can be justified.

The Committee would be grateful if the Scottish Government could provide further clarity on the decision-making process around:

- how the figure of 10% was reached for general increases and the basis for selecting certain processes for an increase of over 20%;
- what the impact on the civil court system would be if fee increases did not happen; and
- how the EQIA process influenced the Scottish Government's decision-making on this topic.

We are aware that the Scottish Government has recently laid the relevant Scottish Statutory Instruments (SSIs) before Parliament, and these have been considered by the Delegated Powers and Law Reform (DPLR) Committee.

The Equalities, Human Rights and Civil Justice Committee is scheduled to review the SSIs at its meeting on Tuesday, 8 October. In order to allow Members adequate time to review the Scottish Government's response, we would appreciate receiving a response to the queries set out above as soon as possible, but no later than 2pm on **Wednesday, 2 October**.

With best wishes,

Yours sincerely

**Karen Adam MSP**  
**Convener**