



Ministry
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**The Right Honourable
Chris Grayling MP**

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Dear Lord Dyson

ENHANCED FEES

As you are aware, on 9 March this year the Government introduced enhanced court fees in proceedings for the recovery of money of 5% of the value of the claim on claims for more than £10,000 subject to a maximum fee capped at £10,000.

I know that you had some concerns about the increased fees, and in particular around the potential impact on mid and higher value claims. The new scheme has only been in place for a short period of time and therefore it is not yet possible to draw any firm conclusions on whether there has been any impact.

There are, of course, arrangements in place to help people bring these sort of claims, including Conditional Fees Agreements (CFAs) and After The Event insurance (ATE). In addition, I feel that it is important to point out that many of your concerns are addressed by the current fee remission scheme which provides full or part remissions to those who cannot afford to pay the fee, subject to their means. In most cases, these provide a framework which should allow meritorious claims to be pursued. I am aware that your concern is that in some circumstances, there is a risk that some claimants, for example those who have suffered serious injuries as a result of clinical negligence, may not be able to pursue a claim because they are unable to fund the upfront payment of the court fee.

Whilst I believe the current fee remission scheme will catch most cases, it is normal practice following a policy change that the impact of that change is monitored. As Lord Chancellor I have a statutory power under the Civil Proceedings Fees Order 2008 to remit fees, in full or in part, in exceptional circumstances. I have therefore asked officials to monitor the situation in respect of the type of higher value claims that are the cause of your concern and consider whether guidance needs to be strengthened on the use of the exceptional circumstances remission. This would work alongside the current standard remission scheme and ensure that those who have meritorious claims but are genuinely unable to fund the fee through other means, are not prevented from accessing the courts.

My officials will be keeping the position under review and I am sure they would be happy to provide you further details if that would be helpful.

With best wishes

A handwritten signature in black ink, appearing to read 'CG', with a long horizontal flourish extending to the right.

CHRIS GRAYLING