

The Government response to consultation on further fees proposals

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Correction made to page 19, paragraph 1

In the list of respondents at Annex A after “Chartered Institute of Credit Management” insert “Chartered Institute of Taxation”.

March 2016



Ministry
of Justice

Court and Tribunal Fees

The Government response to consultation
on further fees proposals

December 2015



Court and Tribunal Fees

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on further fees proposals

Presented to Parliament
by the Lord Chancellor and Secretary of State for Justice
by Command of Her Majesty

December 2015



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Court and Tribunal Fees

The Government response to consultation on further fees proposals

Introduction

1. This document is the Government Response to a consultation published in July 2015¹ to increase court and tribunal fees
2. That consultation sought views on proposals to:
 - increase the maximum fee cap in money claims, except for those arising from personal injury, from £10,000 to £20,000;
 - increase all civil fees that are not already set above full cost recovery levels by 10%;
 - increase fees in the Immigration and Asylum Chamber of the First-tier Tribunal;
 - revise the fee structure in the Property Chamber of the First-tier Tribunal; and
 - introduce fees into the General Regulatory Chamber of the First-tier Tribunal and the First-tier and Upper Tribunal Tax Chambers.
3. This document summarises the views received in response to the consultation proposals and set out the Government's conclusions and next steps.

4. Further copies of this document can be obtained by contacting **Michael Odulaja** at the address below:

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This report is also available at <https://consult.justice.gov.uk/>

Alternative format versions of this publication can be made available on request from the address above.

¹ https://consult.justice.gov.uk/digital-communications/further-fees-proposal-consultation/supporting_documents/Government%20response%20to%20consultation%20on%20enhanced%20fees%20and%20consultation%20on%20further%20fees%20proposals%20web.pdf

Chapter 1: Summary of Responses

5. The consultation document included two sets of proposals. The first set of proposals applied to court fees and the second to tribunal fees. The consultation ran from 22 July to 15 September 2015.
6. We received a total of 40,532 responses to the consultation paper. This included 40,317 generic responses which were the result of an organised campaign relating to fees in the General Regulatory Chamber of the First-tier Tribunal. These responses were solely focused on the introduction of fees in the tribunal for appeals against decisions of the Information Commissioner and came from individual members of the public. These respondents disagreed with those proposals. Of the remaining 215 responses the majority of the respondents disagreed with the package of proposals. We received responses from law firms, professional bodies, businesses, barristers and local councils. We also received a number of responses from individuals, the Judiciary and academic institutes. A full list of the organisations who responded to the consultation is attached at Annex A.
7. Revised impact assessments have been published alongside this document and we have also updated our assessment of the impact of these proposals on people with protected characteristics in an Equality Statement which has been published alongside this document.

Responses to specific questions

Question 1: Do you agree with the proposal to raise the maximum fee for starting proceedings for the recovery of money from £10,000? Please give reasons.

8. We received 110 responses to this question. Seven respondents agreed with the proposal. 103 respondents disagreed.
9. One organisation agreeing with the proposal expressed the view that it would only affect a small number of claims and that the majority of those affected would be large organisations that can afford to pay. Another expressed general support for the principle of an increased maximum fee on the basis that the fee is refundable as part of a costs claim if the claimant wins and that it would only affect the small number of claims that are for more than £200,000. Other respondents who supported the increase did so on the basis that the increases were proportionate to the sums in dispute.
10. The Senior Judiciary disagreed with the proposal arguing that raising the maximum fee will act as a barrier to access to justice. They also expressed the view that the increases represent a risk in purely economic terms as they risk driving disputes to other providers or international competitors reducing fee income and negating the policy objective of full or enhanced cost recovery.

11. The remaining opposing arguments included:

- the increase would deter people from bringing claims;
- wealthier clients or companies would exploit the higher fees to encourage applicants to take smaller settlements;
- it was too soon for further increases as the impacts had not been fully assessed from the last increases in March 2015; and
- it would be more appropriate to raise the hearing fee or to stage fee charges throughout the proceedings.

Question 2: We would welcome views on whether the maximum fee for starting proceedings for the recovery of money should be increased:

- to at least £20,000; or
- to a higher amount;

Alternatively, do you believe that there should be no maximum fee for commencing a money claim? Please give reasons.

12. We received 85 responses to this question. 15 respondents agreed with the proposal. 70 respondents disagreed.
13. Respondents who agreed with the proposal for an increase did so on the basis that the fee would be proportionate to the sums that were being claimed.
14. Three respondents agreed that there should be a £20,000 cap for high value claims but that it should not be increased beyond this. One commented that the £20,000 cap should only apply to Public Limited Companies and that the £10,000 maximum fee should remain for small businesses.
15. One argument against having a maximum fee cap was that where claims are for more than £200,000 under the current regime, or £400,000 under the consultation proposal, a higher fee could still be justified so long as it was proportionate and commensurate with the sums claimed.
16. The main arguments of those who opposed any increase to the cap were that it would:
- deter people from bringing claims;
 - prevent access to justice; and
 - deter international clients from bringing high value disputes to London.

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Question 3: Do you agree with the proposal to exempt personal injury claims from the higher cap and that the maximum fee of £10,000 should continue to apply in these cases? Please give reasons.

17. We received 79 responses to this question. 55 respondents agreed with the proposal. 24 respondents disagreed.
18. The majority of respondents who agreed with the proposal generally commented that an exemption should be in place to protect vulnerable people involved in personal injury claims who have been injured as a result of another person's negligence. Many of these respondents also regarded making sure that the exemption applied to professional negligence claims as being very important.
19. The respondents who disagreed with the proposal queried why personal injury claims should be distinguished from other claims, for example, ones which involve small businesses. One argument put forward by those opposing the proposal was that it would be fairer to apply the increase across the board in a uniform fashion.
20. There were also suggestions from some respondents that the exemption should be extended to other claims, including claims brought by small businesses or claims against public authorities.

Question 4: Do you agree that if the maximum fee for money claims is increased as proposed, the disposable capital test for a fee remission should also be amended so that the disposable capital threshold for a fee of £10,000 is increased to £20,000 and to £25,000 for a fee of £20,000? Please give reasons.

21. We received 69 responses to this question. 44 respondents agreed with the proposal. 25 respondents disagreed.
22. Many of the respondents who supported the proposal commented that this was a logical step if the fee was to be increased. Some respondents also felt that the proposed threshold should be higher than £25,000.
23. One respondent who agreed with the proposal to raise the maximum fee did not agree with the increase for the disposable capital threshold because it was unclear how the disposable capital threshold would be assessed where claimant parties were adept at hiding their financial condition behind corporate veils. This respondent also expressed the view that as the statutory limitation is 6 years claimants have a long time if they wish to assess their cash-flow and the merits of their claim before commencing proceedings.
24. The remaining respondents who disagreed with the proposal did so because they did not agree with the fee increase and commented that the fee remission process should be reviewed as a whole.

Question 5: Are there any other benefits or payments that should be excluded from the assessment of a person's disposable capital for the purposes of a fee remission?

25. We received 26 responses to this question.
26. 17 respondents made suggestions which included: committed finance payments such as school or nursery fees; debt re-payments; and that an individual's wider circumstances should be taken account of, when assessing fee remissions.
27. Nine respondents believed that the current system was adequate and did not provide any other comment.
28. In addition, some respondents on both sides argued for a wider review of the way in which the fee remission system operates.

Question 6: Do you agree with the proposal to uplift all civil fees not affected by one of the other specific proposals by 10%? Please give reasons for your answer.

29. We received 82 responses to this question. 4 respondents agreed with the proposal. 78 respondents disagreed.
30. Those respondents in favour of the proposal commented that the 10% uplift seemed reasonable.
31. Those who disagreed raised a number of opposing arguments, including that:
 - it would deter people from bringing claims;
 - it would prevent people from accessing justice;
 - it would deter international clients from bringing high value disputes to London;
 - judicial review fees should not be included;
 - the impacts had not been fully assessed yet from the increases for money claims introduced in March 2015; and
 - the impact of court fees was cumulative and that even small increases in these fees should be looked at on top of the significant increases applied to money claims.

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Question 7: Do you agree with Government's proposal to increase the fees charged for proceedings in the First-tier Tribunal (Immigration and Asylum Chamber)? Please give reasons.

32. We received 46 responses to this question. Nine respondents agreed with the proposal. 37 respondents disagreed.
33. Those respondents who agreed with the proposal argued that the increases seemed reasonable.
34. The main arguments from those opposing the increase were:
 - that people seeking asylum in many cases were vulnerable and would be unable to afford the fees;
 - that the fees would prevent access to justice; and
 - that the issue fee should be reduced and the hearing fee should be significantly increased.
35. One law firm expressed the view that in the situation where linked appeals come before the Tribunal a smaller nominal fee should be chargeable to linked appellants.

Question 8: Do you agree with the proposal to introduce a 10% discount for applications lodged online? Please give reasons.

36. We received 60 responses to this question. 46 respondents agreed with the proposal. 14 respondents disagreed.
37. The respondents who agreed with the proposal commented that online applications should be encouraged and this option should be further explored for other applications. Some of these respondents also expressed the view that the discount should be greater than 10%.
38. The main opposing argument was that it would prejudice people who were unable to use or access a computer and questioned the lack of support services for non-English speakers to use the online system.

Question 9: Do you agree with the Government's proposal to revise the scheme of exemptions for the Immigration and Asylum Chamber, including the proposal to exempt from fees those individuals appealing against a decision to revoke their refugee and humanitarian protection status? Please give reasons.

39. We received 34 responses to this question. 26 respondents agreed with the proposal. Eight respondents disagreed with the proposal.
40. A number of the respondents who supported the proposal argued that the exemptions should be extended further, for example, to any applicant with an income equivalent to less than the minimum wage,
41. The main opposing argument was there should be no fee or a fee for everyone, as it would cost more in administrative resource to determine who would be and who would not be exempt.

Question 10: Do you agree that it is right to increase fees for immigration judicial review applications in the Upper Tribunal?

42. We received 62 responses to this question. 22 respondents agreed with the proposal. 40 respondents disagreed.
43. The main supporting argument was that the increases seemed reasonable and that since the Upper Tribunal's fee structure had not been reviewed since 2011, it was justified that they should be increased now.
44. The main opposing argument was that the people who make these applications are vulnerable and would not be able to afford the fee therefore preventing them from accessing justice.

Question 11: Do you agree with the Government's proposal to introduce a simple fee structure for most proceedings in the Property Chamber of £100 to start proceedings and £200 for a hearing? Please give reasons.

45. We received 75 responses to this question. 44 respondents agreed with the proposal. 31 respondents disagreed.
46. The respondents who agreed with the proposal commented that:
- the fees were proportionate to the cases that are dealt with by the tribunal;
 - the fees structure proposed was simple; and
 - the fees were low enough not to restrict access to justice.
47. One respondent argued that the fees should be increased further to £200 for issue and £400 for an oral hearing expressing the view that this would be a sensible increase to help discourage and minimise unnecessary claims.
48. The respondents who disagreed with the proposal argued that:
- the fees would act as a barrier to justice (with some respondents citing the fall in Employment Tribunal claims after the introduction of fees as an example);
 - charging flat fees could result in the fee being disproportionate to the value in dispute; and
 - the fees were too low and should be in line with other civil court fees.

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Question 12: Do you agree with the proposal to charge higher fees for leasehold enfranchisement and valuation cases, and specifically £400 to start proceedings and £2,000 for a hearing? Please give reasons.

49. We received 78 responses to this question. 17 respondents agreed with this proposal. 61 respondents disagreed.
50. Those respondents in support of this proposal commented that:
- the nature of these cases warranted charging a higher fee;
 - they were reasonable, especially for high value cases; and
 - it was preferable to charge higher fees in these cases to ensure the correct rate of cost recovery rather than charging higher fees in other types of dispute.
51. The main arguments of those respondents who disagreed were that:
- the principle of charging a fee was acceptable but not the proposed flat fees;
 - the proposed fees were too high and should better reflect regional differences. Otherwise an application worth a few thousand pounds by a flat owner in the north of England would in effect be subsidising very wealthy property owners in the centre of London; and
 - the fees would restrict the legal rights of leaseholders.

Question 13: Are there any other types of application in this Chamber which you feel should be exempt from fees?

52. Of the 153 responses we received on the proposals relating to the Property Chamber, 27 responses addressed this question. The other respondents either left the box blank, or provided answers such as, "No answer" or "No comment".
53. 10 respondents argued that there should be no exemptions from the fees.
54. Four respondents argued that rent cases should be exempt from fees. Other suggestions from the respondents included that all fees should be exempt and cases brought by private individuals should not be charged a fee.

Question 14: Do you agree with the proposed fees for all proceedings in the General Regulatory Chamber: specifically £100 to start proceedings with a determination on the papers; and a further fee of £500 for a hearing? Please give reasons.

Question 15: Are there any proceedings in the General Regulatory Chamber that should be exempt from fees? Please give reasons.

55. We received a total of 40,393 responses to these questions. 40,317 of these responses were generic responses opposing the charging of fees for appeals against decisions of the Information Commissioner.

56. The responses that we received as being part of this campaign, answered both questions 14 and 15 and generally argued that:
- introducing fees put the power in the hands of politicians to delay their responses and force the case to appeal; and
 - Freedom of Information proceedings should always be exempt from fees as it was a mechanism by which the public could hold politicians to account.
57. There were 76 responses to question 14 that were not part of the campaign. Of those 24 agreed with the proposal.
58. The main responses in support of this proposal argued that it:
- represented fair value for money; and
 - the proposals were proportionate and reasonable.
59. One argument offered in support of the proposal focused on the fact that appeals only came to the Tribunal after they had been internally reviewed by the information holder and undergone a very robust assessment by the Information Commissioner's Office (ICO). On this basis some respondents argued that those cases that proceed to the Tribunal were often unmeritorious.
60. The remaining 52 respondents who were not part of the campaign responses and who disagreed with this proposal, did so on the grounds that it was wrong in principle to charge for Freedom of Information (FOI) appeals.
61. The main arguments of the respondents who disagreed were that:
- the ability to appeal against a decision of the Information Commissioner was crucial in holding government departments to account and should not be prohibited;
 - FOI appeals should not attract fees as they benefit the public and not just the individual;
 - the fees would deter potential applicants from bringing appeals; and
 - the proposed fees were too expensive and should be in line with the property chamber.
62. Of the 76 respondents who were not part of the campaign group, 70 responded to question 15. Common exemptions listed amongst the respondents included:
- none;
 - all appeals;
 - approved driving instructor appeals;
 - FOI appeals;
 - all apart from commercial applications; and
 - charity appeals.

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Question 16: Do you agree with the proposed fee structures we are proposing in the First-tier Tribunal (Tax Chamber) and the Upper Tribunal (Tax and Chancery)?

63. We received a total of 73 responses to this question. 54 disagreed with the proposal, 17 agreed and two further respondents agreed in part.
64. The majority of respondents who agreed with the proposals did not provide further comments. Of those who did, the most common arguments provided were that the fees proposed were proportionate, reasonable and that the rationale behind the introduction of fees was understandable.
65. Common arguments made amongst the respondents who disagreed with the proposals included that:
- the fees would restrict access to justice;
 - the fees would negatively affect HMRC's behaviour and decision making; and
 - HMRC should pay the application fee, not the taxpayer.
66. The majority of respondents who disagreed with the principle of fee charging also commented on the proposed fee structures.
67. On the First-tier proposal, respondents argued that the proposed fee of £50 fee to appeal a £100 fixed tax penalty would be disproportionate. They also considered the case category system proposed would incur a high administrative cost which would not offset the benefit of the proposed structure.
68. In relation to the Upper Tribunal proposals, this group of respondents argued generally that the £2,000 substantive appeal fee would prohibit small value cases from appealing a decision.

Question 17: Are there any types of applications or cases which you feel should be exempt from the fees?

69. We received 38 responses to this question. Common exemptions suggested by respondents included:
- all cases apart from complex cases;
 - no cases should be exempt;
 - appeals which involved a small sum;
 - penalty cases; and
 - fixed tax penalties of £100.

Question 18: We would welcome views on our assessment of the impacts of the proposals for further fee increases set out in chapters 3 and 4 on those with protected characteristics. We would in particular welcome any data or evidence which would help to support these views.

70. We received 36 responses to this question with the remaining respondents offering answers such as: “No comment,” “No answer”, or leaving the response box blank.
71. Overall, the respondents expressed particular concern with the Government’s initial equalities assessment, either commenting that the Government did not have sufficient data or citing protected characteristics that they thought would be disproportionately affected by the proposals.
72. One respondent commented that fee increases in the Immigration and Asylum Chamber would “further discriminate against low income appellants and those from developing countries”.
73. Two respondents made specific references to introducing fees to the Tax Tribunal and the impact on vulnerable persons with disabilities or mental health issues, but did not point to any evidence or the reason why the proposals would have this effect.
74. The remaining respondents answered generally about all the proposals without providing specific views on which groups of people would be affected by each proposal.
75. The specific protected characteristics referred to by the respondents included:
 - disability
 - gender
 - race; and
 - age.
76. Also respondents believed that the fee remissions system was inadequate mitigation and that it needed to be reviewed. No respondents provided any data with their responses.

Chapter 2: Conclusions and Next Steps

Conclusions

77. The Government has considered all of the responses to the consultation very carefully. The Lord Chancellor has a duty when setting court fees to have regard to the principle that access to the courts must not be denied. In order to protect access to justice, it is vital that HMCTS continues to be funded properly. Income raised through fees payable by users will necessarily play a significant role in the funding of the system if we are to ease the burden on the taxpayer and bring down the deficit.
78. The Government has therefore decided to proceed with most of the proposals for fee increases set out in the consultation. The detailed plans, including the arguments addressing the specific concerns raised in the consultation are set out below.
79. Overall, we do not believe that these fee increases will prevent people from bringing proceedings. We recognise however, that the increases may make some litigants reconsider whether they wish to pursue litigation in light of the cost and the prospects of success, including the likelihood of recovering a judgement against the respondent. We anticipate that the increase in fees will generate £15m per annum. Further details are set out in the Impact Assessments attached alongside this consultation response.

Increasing the cap for money claims

80. The proposal to increase the maximum fee for money claims to £20,000 or to remove the maximum fee entirely attracted a high level of criticism from respondents. Having taken account of these concerns, in particular the criticism that there has not been sufficient time to understand the impact of enhanced fees with the £10,000 cap introduced in March 2015, the Government has decided not to implement the proposed increase to the maximum fee cap at this time. As a result the maximum fee will, for the time being, remain capped at £10,000 for all money claims. In view of the financial position, and the need to ensure the proper funding of the courts, the Government does not rule out returning to this proposal in the future, once we have had more time to properly assess the impact of the introduction of enhanced fees with the £10,000 cap.
81. In view of the decision not to increase the maximum fee for the time being, we will not be proceeding with the proposal to raise the disposable capital test threshold in the remissions scheme. We will, however, consider that proposal alongside any future consideration to raise the maximum fee cap in money claims.

General uplift to civil court fees

82. In respect of the proposal to uplift civil fees (not otherwise affected by specific proposals) by 10%, we do not accept the argument that the increases are unjustified and unnecessary. We also do not think that the money claims changes introduced in March of this year impact on these increases and therefore do not accept the argument that there will be a cumulative effect of restricting access to justice. The majority of the fees affected will increase by less than £100; the increases are important in making sure that we have a properly funded system of courts and tribunals in the future; and in normal circumstances, in successful claims the court will order the defendant to pay the claimant's costs, including any fees incurred.
83. In addition, the fee remissions scheme exists to protect access to the courts and tribunals for those of limited means. Therefore the Government intends to proceed to implement the proposal as set out in the consultation. The main areas affected are:
- proceedings in the Court of Appeal;
 - judicial review;
 - civil proceedings in the Magistrates' Courts;
 - appeals to the County Court and High Court;
 - proceedings for the assessment of costs and enforcement; and
 - proceedings within the Upper Tribunal (Lands Chamber).
84. Full details are set out at Annex B.

Proposals relating to the Immigration and Asylum Chamber (First-tier)

85. The Government does not believe that the current position, where it recovers only 11% of the cost of the Immigration and Asylum Chamber, is sustainable. That is why we consulted on increasing the fees in this jurisdiction to recover around 25% of the cost of this Chamber. We believe that it is justifiable for users to contribute a greater percentage of the cost of the service and for this reason we will be proceeding with the proposal as set out in the consultation paper.
86. We will also exempt from fees proceedings for those people appealing against a decision to revoke their refugee or humanitarian protection status. We believe that is consistent with the exemptions policy that we have in this jurisdiction and that it strikes the correct balance between the need to make sure the Chamber is properly funded whilst maintaining protection for the most vulnerable. The changes are set out in detail in Annex B.

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Proposals relating to the Property Chamber (First-tier)

87. Overall the responses to these proposals were more positive. There was, however, some opposition to the simple fee structure that had been proposed. In particular, respondents argued that there should not be a single fee structure for all leasehold valuation and enfranchisement cases but a graduated system based on the value of the lease that was in dispute.
88. Having considered the responses, the Government is still minded to proceed with the proposals to replace the existing fees charged with the flat fee structure on which we consulted. These will apply to all applications heard within the Residential Property jurisdiction and the Valuation Office Agency right of entry jurisdiction. We do, however, accept that in disputes over rent levels where the amounts of money in dispute are often very small, an issue fee of £100 and a potential hearing fee of £200 would be disproportionate. For this reason the Government will be introducing a single lower fee of £20 that will apply to all rent and park home pitch fee application cases.
89. We have also given further consideration to the suggestion made by the respondents in relation to the proposed fees for leasehold enfranchisement cases and we will not be proceeding with the higher flat fees originally proposed. In the short term leasehold enfranchisement cases will be charged a £100 issue fee and a £200 hearing fee in line with all other application types excluding rents and park home pitch fee cases. In the longer term, the Government agrees with the respondents to the consultation who argued that there is merit to a graduated fee structure based on the value of the lease at stake in such cases. We will, therefore, develop proposals for a graduated fee structure for leasehold enfranchisement cases for further public consultation next year.

Proposals relating to the Tax Chamber (First-tier) and Upper Tribunal (Tax and Chancery)

90. There was strong opposition to these proposals but the Government believes that it is right that users of the courts and tribunals service should make a financial contribution towards the costs of these services. This is particularly true in the Tax Chamber where no fees are currently charged and the chamber costs an estimated £8.7 million per year to run.
91. The Government has therefore decided to implement the proposals broadly as set out in the consultation. We accept, however, the arguments raised by those who were concerned that the proposed fee for an appeal against a financial penalty would be disproportionate to the amounts in dispute. In these cases, we have decided that it would be appropriate to charge a fee of £20 for fixed penalty notice appeals of £100 or less. In addition, the standard HMCTS remissions scheme will apply in this jurisdiction to protect those people who are unable to afford to pay a fee.
92. It also came to our attention during the consultation exercise that the fee for a case that has been transferred directly to the Upper Tribunal for a first instance hearing was not specifically included in our consultation proposals. We would therefore like to clarify that in these circumstances the case will be allocated to the complex category and the relevant issue and hearing fee will be applicable.

Proposals relating to the General Regulatory Chamber (First-tier)

93. The majority of responses to this proposal were concerned with the fees proposed for appeals the decisions of the Information Commissioner. These were objections to the principle of charging a fee for these kinds of appeals rather than the specific details of the fee levels proposed.
94. We have considered the arguments made by those opposing fees for appeals against decisions of the Information Commissioner very carefully. We are also aware of the important work currently being undertaken by the Independent Commission on Freedom of Information under the Chairmanship of Lord Burns. The Commission is due to report early next year and we do not think it would be appropriate to impose fees for appeals that relate to freedom of information decisions at this stage. We have therefore decided to defer a decision on whether to introduce fees for appeals against decisions of the Information Commissioner until the independent Commission on Freedom of Information has reported.
95. For the remaining types of cases, the Government believes that the principle of charging fees for proceedings in this Chamber is right: we believe that it is fair that applicants should contribute to the cost of the service. In addition, the fees are well below full cost recovery levels and fee remissions will be available for those who qualify. Further, as set out in the consultation document, the fees will also apply to “reference” cases where cases are started in the First-tier Tribunal but are referred directly to the Upper Tribunal (Administrative Appeals Chamber) for a first instance hearing, excluding any cases which relate to freedom of information appeals.

Next Steps

96. The Government will bring forward the statutory instruments for the majority of the proposals as soon as Parliamentary time allows.

Chapter 3: Equalities duties

97. This chapter considers the Lord Chancellor's duties under the Equality Act 2010.
98. Alongside this document we have published an updated Equality Statement relating to the proposals set out in chapter 2 of this document that the Government now intends to take forward.
99. We do not consider that any of these plans will be directly discriminatory within the meaning of the Act as they would apply to all claimants and are not considered to result in people being treated less favourably because of their protected characteristic.
100. In regards to the fee plans in the Immigration and Asylum Chamber, based on information available, there is potential for indirect discrimination. On our assessment, a larger portion of applications are made by women and people from certain countries which means individuals with the protected characteristics of sex and race are more likely to be affected than those who do not share those characteristics. The fee remission system does not apply to proceedings in the Immigration and Asylum Chamber and therefore we have in place a set of exemptions to make sure that access to justice is preserved for the most vulnerable.
101. In addition, we have decided to implement the proposal to introduce an exemption for appeals against the revocation of refugee and humanitarian protection status. This is consistent with the other exemptions which are in place.
102. For the remaining proposals, we do not consider that they would amount to indirect discrimination. If, however, they have an indirect impact, we believe that any impact would be mitigated by the availability of fee remissions and in limited circumstances, legal aid. Furthermore, we consider these policies to be a proportionate means of achieving the legitimate aim of protecting access to justice whilst making sure that HMCTS continues to be funded properly.
103. We will continue to monitor and review these proposals for any potential impacts on persons with protected characteristics in order to make sure that access to justice is maintained.

Annex A: List of respondents

Action against Medical Accidents	Commercial Court Users' Committee
Action on Smoking and Health (ASH)	Coninghams Solicitors
Adel & Haque	Crombie Wilkinson Solicitors LLP
All Souls College, Oxford	Customer Practitioner's Group
Andrew Scott Robertson Chartered Surveyors	David Beckman & Co Ltd
Association of Leasehold Enfranchisement Practitioners	DWF LLP
Association of Personal Injury Lawyers	Exchange Data International Ltd
Association of Taxation Technicians	Federation of Private Residents Association Ltd
Berwin Leighton Paisner	Federation of Small Businesses
Bevan Britton	Forum Chambers
Bindmans LLP	Forum of Insurance Lawyers
Blake Morgan	FSB Branch Chairman
Brabners LLP	Gender Identity Research and Education Society (GIRES)
Bracknell Forest Council	Geoffrey Leaver Solicitors LLP
Buffery & Co	Global Corporate Ltd
Burlington Group	Gloucestershire Fire & Rescue Service
Cambridgeshire & District Law Society	Gravity Credit Control Ltd
Carter Lemon Camerons LLP	Guildhall Chambers
Chamberlin's	Hayes + Storr
Chartered Accountants Ireland	Herbert Smith Freehills LLP
Chartered Institute of Arbitrators	Hilary Meredith Solicitors Limited
Chartered Institute of Credit Management	Hill Dickinson
Chartered Institute of Taxation	Hodge Jones & Allen LLP
City of London Law Society	Hoffman-Bokaei Solicitors
Civil Court Users Association	Housing Law Practitioners Association
Civil Sub-Committee of the Council of HM Circuit Judges	ICAS
Clarke Kiernan LLP	Immigration Law Practitioners' Association
Clarke Willmott LLP	Information Commissioner
Clifford Chance	Institute of Chartered Accountants of Scotland
Coles Miller Solicitors LLP	Institute of Trade Mark Attorneys
Commercial Bar Association	

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IP Federation	News Media Association
Ison Harrison Limited	Norfolk & Norwich Law Society
JLT	North Hertfordshire Citizens Advice Bureau
Julie Price & Co Ltd	Nplaw
KJP Law Limited	Office of the Immigration Services Commissioner
KPMG LLP	PE Shirley Ltd
Lands Registry	Penningtons Manches LLP
Lawrence & Wightman	Devon & Somerset Law Society contentious business subcommittee
Leasehold Advisory Service	Pinsent Masons
Leasehold Forum	Portland Legal Debt Collection Ltd
Leasehold Knowledge Partnership	Price Deacon Witham Ltd
Local Authority National VAT Consultative Group	Professional Negligence Lawyers Association
London Borough of Hackney	Reprieve
London Borough of Hillingdon	Residential Property Division of the First-tier Tribunal (Property Chamber)
London Borough of Newham	Resolution
London School of Economics, Law Department	RESOLVE Antisocial Behaviour
London Society of Chartered Accountants	SB Legal Limited trading as Largo Law
Lovetts Solicitors	Selborne Chambers, 10 Essex Street
Low Incomes Tax Reform Group	Shoreline Housing Partnership Ltd
LYMM Tax Services	Silver & Co
Maitland Chambers	Simmons & Simmons
Marker Mediation	Slater & Gordon (UK) LLP
Maunder Taylor	Smith Jones Solicitors Ltd
MediVisas UK LLP	Smith News
Members of the FTT Property Chamber Residential Property – North East	South Eastern Circuit
MFG Solicitors	South Yorkshire Police
Michelmores LLP	StepChange Debt Charity
Mischon de Reya	Symingtons – Chartered Surveyors
MLP	Tax Panel of UK200 Group
Monmouthshire Incorporated Law Society	Tax Tribunals Judiciary
Mortimer Clarke Solicitors Ltd	TAXAID
Motor Accident Solicitors Society	Technology & Construction Bar
Motor Schools Association	
Newcastle Law Society	

Temple Tax Chambers
The Bar Council
The Charity Law Association
The Chartered Institute of Legal Executives
The City UK
The Iranian Community Centre
The Keith Jones Partnership
The Law Society
The Open Spaces Society
The Property Litigation Association
The Senior Judiciary
Thomas Eggar LLP
Tozers LLP
UK Fuels Ltd
United Kingdom Association of Part Time Judges
University of East Anglia
Waddell Taylor Bryan Solicitors LLP
Warwickshire Law Society
Weightman's Market Affairs Group
Welsh Government
Young Legal Aid Lawyers
11 King's Bench Walk Chambers
1900
3CA Chartered Accountants

We also received 40,378 responses from individuals who responded in their personal capacity. These included individuals who responded as part of the Campaign launched against the fees proposals in the General Regulatory Chamber.

Annex B: Schedule of all revised fees

CIVIL COURTS AND MAGISTRATES' COURT

Table 1: 10% general uplift

	Current	New
Other fees		
Any other remedy (High Court)	£480	£528
Any other remedy (County Court)	£280	£308
Filing proceedings against an unnamed party	£50	£55
Permission to issue proceedings	£50	£55
Assessment of costs (under Part 3, Solicitors Act 1974)	£50	£55
Judicial Review		
Permission to apply	£140	£154
On request to reconsider at a hearing a decision on permission	£350	£385
Permission to proceed	£700	£770
Permission to proceed (claim not started by JR procedure)	£140	£154
Determination of costs (Senior/County Courts)		
Where the party filing the request is legally aided	£200	£220
Amount does not exceed £15,000	£335	£369
Exceeds £15,000 but does not exceed £50,000	£675	£743
Exceeds £50,000 but does not exceed £100,000	£1,005	£1,106
Exceeds £100,000 but does not exceed £150,000	£1,345	£1,480
Exceeds £150,000 but does not exceed £200,000	£1,680	£1,848
Exceeds £200,000 but does not exceed £300,000	£2,520	£2,772
Exceeds £300,000 but does not exceed £500,000	£4,200	£4,620
Exceeds £500,000	£5,600	£6,160
Issue of default costs certificate	£60	£66
Appeal (detailed assessment proceedings)	£210	£231
Request/application to set aside a default costs certificate	£110	£121
Enforcement (High Court)		
Sealing a writ of execution/possession/delivery	£60	£66
Application for order for debtor/other person to attend court	£50	£55
Application for third party debt order/appointment of a receiver	£100	£110
Application for a charging order	£100	£110
Application for a judgement summons	£100	£110

	Current	New
Request/application to register a judgement or order Permission to enforce an arbitration award or Certified copy of a judgement or order for use abroad	£60	£66
Enforcement (County Court)		
Issue of warrant of execution against goods (CCBC and MoneyOnLine cases)	£70	£77
Issue of warrant of execution against goods (non-CCBC)	£100	£110
Request for attempt of execution of warrant at new address	£30	£33
Application to require judgement debtor to attend court	£50	£55
Application for a third-party debt order	£100	£110
Application for a charging order	£100	£110
Application for a judgement summons	£100	£110
Issue of a warrant of possession/warrant of delivery	£110	£121
Application for an attachment of earnings order	£100	£110
Application for enforcement of an award of a sum of money or any other decision made by any court, tribunal, body or person*	£40	£44
Request for an order to recover a specified road traffic debt	£7	£8
Request for service by a bailiff	£100	£110
Payable in the High Court only		
Bills of sale	£25	£28
Official certificate of the result of a search (for each name)	£45	£50
Search, in person, of court records (per 15 minutes)	£10	£11
Payable in High Court and Court of Appeal only		
Affidavit	£11	£12
Payable in the Court of Appeal only		
Application – permission to appeal/extension of time	£480 (£235)	£528*
Permission to appeal is not required or has been granted	£1,090 (£465)	£1,199*
Appellant/respondent filing an appeal questionnaire	£465 (£1,090)	£1,199*
On filing a respondent's notice	£235 (£480)	£528*
On filing an application notice	£235 (£480)	£528*
New fees to be introduced in Court of Appeal		
Reconsideration of a decision on permission for a hearing	(£545)	£600*
Additional application	(£480)	£528*
General application – ex parte/by consent	(£50)	£100**
General application – on notice	(£155)	£255**

Court and Tribunal Fees

The Government response to consultation on further fees proposals

	Current	New
Civil Proceedings within Magistrates' Courts		
Commencing proceedings where no other fee is specified	£205	£226
Application for leave/permission to commence proceedings (no other fee specified)	£105	£116
Proceedings where leave/permission has been granted.	£105	£116
Contested hearing	£515	£567

* The fees in brackets were the levels that were intended after the April 2014 changes. These changes have not yet been made but the 10% uplift has been applied to the fees at their intended levels.

** Fees increased by £100 to match general application fees in civil and family proceedings

TRIBUNALS

Table 1: Lands Chamber – 10% general uplift

	Current	New
On lodging an application for permission to appeal under rule 21 (application to the Tribunal for permission to appeal)	£200	£220
On lodging a notice of reference under rule 28 (notice of reference) or a notice of appeal under rule 24 (notice of appeal)	£250	£275
On lodging an application for a determination under Schedule 2 to the Compulsory Purchase Act 1965 (absent or untraced owners) or section 58 of the Land Clauses Consolidation Act 1845 (compensation to absent parties to be determined by a surveyor appointed by two justices)	£500	£550
On lodging an application under rule 32 (method of making application) in respect of section 84 of the Law of Property Act 1925 (power to discharge or modify restrictive covenants affecting land)	£800	£880
On lodging an application under rule 41 (method of making application) in respect of section 2 of the Rights of Light Act 1959 (registration of notice in lieu of obstruction of access of light) —		
(a) for a definitive certificate	£1,200	£1,320
(b) for a temporary and definitive certificate	£1,500	£1,650
On lodging an interlocutory application	£100	£110
On lodging an application for a consent order (rule 50) (consent orders)	£150	£165

	Current	New
On the hearing of an appeal from the decision of a Tribunal with jurisdiction to hear rating appeals, 5 per cent of rateable value as determined in the final order of the Tribunal, subject to—		
(a) minimum fee	£250	£275
(b) maximum fee	£15,000	£16,500
On the hearing of a reference or an appeal against a determination or on an application for a certificate of value (excluding one where the hearing fee is calculated on the basis of rental value), 2 per cent of the amount awarded or determined by the Tribunal, agreed by the parties following a hearing, or determined in accordance with rule 44 (decision with or without a hearing), subject to—		
(a) minimum fee	£250	£275
(b) maximum fee	£15,000	£16,500
On the hearing of a reference or an appeal against a determination where the award is in terms of rent or other annual payment, two per cent of the annual rent or other payment determined by the Tribunal, agreed by the parties following a hearing, or determined in accordance with rule 46 (decision with or without a hearing), subject to—		
(a) minimum fee	£250	£275
(b) maximum fee	£15,000	£16,500
On the hearing of an application or the making of any order under section 84 of the Law of Property Act 1925 (power to discharge or modify restrictive covenants affecting land)—		
(a) a hearing as to entitlement under section 84(3A)	£500	£550
(b) order without a hearing (rule 46)	£250	£275
(c) substantive hearing of an originating application	£1,000	£1,100
(d) engrossing Minutes of Order	£200	£220
On the hearing or preliminary hearing of a reference or appeal (not being the determination of an application under paragraph 11 above) where either the amount determined is nil or the determination is not expressed in terms of an amount	£500	£550

Court and Tribunal Fees

The Government response to consultation on further fees proposals

Table 2: Immigration and Asylum Chamber

	Current	New
First-tier Tribunal (Immigration and Asylum Chamber)		
Application for paper determination	£80	£160
Application for oral hearing	£140	£280
Application for paper determination (submitted online)	£80	£140
Application for oral hearing (submitted online)	£140	£250
Upper Tribunal (Immigration and Asylum Chamber)		
Permission to apply	£140	£154
On request to reconsider at a hearing a decision on permission	£350	£385
Permission to proceed	£700	£770
Permission to proceed (claim not started by JR procedure)	£140	£154

Table 3: Property Chamber (First-tier)

	Current	New
Issue	No fee or £65–£440 depending on case type	£100
Hearing	No fee or £194 depending on case type	£200
Rents and pitch fee review applications	No fee	£20

Table 4: General Regulatory Chamber (First-tier)

	Current	New
Issue Fee – All other applications except gambling appeals and freedom of information appeals	No fee	£100
Hearing Fee – All other applications except gambling appeals and freedom of information appeals	No fee	£500 (oral hearing)

Table 5: Tax Chamber

	Current	New
First-tier Tax Chamber		
Appeals against Fixed Tax Penalties of £100 or less	No Fee	£20
Paper – Issue	No fee	£50
Paper – Hearing	No fee	No fee
Basic – Issue	No fee	£50
Basic – Hearing	No fee	£200
Standard – Issue	No fee	£200
Standard – Hearing	No fee	£500
Complex – Issue	No fee	£200
Complex – Hearing	No fee	£1,000
Upper Tribunal Tax and Chancery		
Permission to appeal – Issue	No fee	£100
Permission to appeal – Hearing	No fee	£200
Appeal – Issue	No fee	£100
Appeal – Hearing	No fee	£2,000

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