

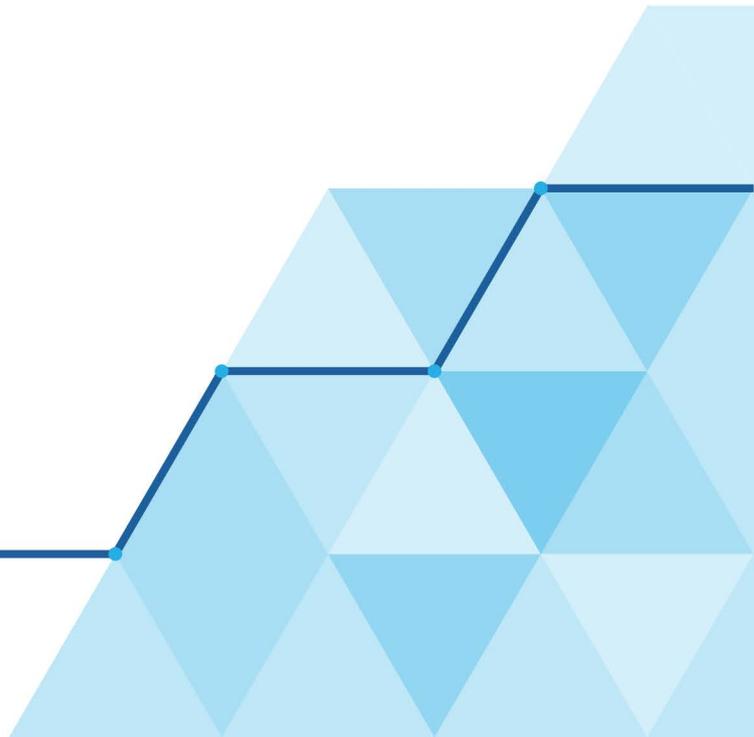


Ministry  
of Justice

# Reforming Fees in the United Kingdom Supreme Court

This consultation begins on 16 October 2023

This consultation ends on 27 November 2023







Ministry  
of Justice

## **Reforming Fees in the United Kingdom Supreme Court**

**A consultation produced by the Ministry of Justice. It is also available at  
<https://consult.justice.gov.uk/>**

# About this consultation

**To:** This consultation 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.

We would also encourage and invite users of the courts and tribunals, the legal profession, the judiciary, the advice sector and all with an interest in the courts and tribunals to respond to this consultation.

**Duration:** From 16/10/23 to 27/11/23

**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](mailto:mojfeespolicy@justice.gov.uk)

**How to respond:** Please send your response by 27/11/23 to:  
Fees Policy Team  
Ministry of Justice  
102 Petty France  
London SW1H 9AJ  
Email: [mojfeespolicy@justice.gov.uk](mailto:mojfeespolicy@justice.gov.uk)

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**Proposal for reform**  
Reforming Fees in the United Kingdom Supreme Court

# Executive Summary

1. This document sets out the Government’s proposals to reform the fees that are payable in the Supreme Court of the United Kingdom.<sup>1</sup> The proposals, if implemented, will be the first set of changes to fees in the Supreme Court in over 12 years. They will secure additional resources that will go directly towards supporting the Supreme Court’s operation. In doing so, this will support the Supreme Court in its important role as the final court of appeal for civil cases in the United Kingdom, and for criminal cases in England, Wales and Northern Ireland.
2. These proposals follow a review of the fees that are payable in the Supreme Court which was undertaken in 2022. They aim to achieve four objectives, these are:
  - To ensure a straightforward system for applicants to understand and the Supreme Court to administer.
  - To raise income from Supreme Court users that will contribute towards operating costs.
  - To support the long-term financial stability of the Supreme Court.
  - To ensure that fees in the Supreme Court do not prevent access to justice.
3. The proposals in this consultation will meet these objectives. If implemented, they will reduce the complexity in the fees system, provide the Supreme Court with an additional £170–£210k per annum to deliver its important work, and establish a framework for fee changes in the future.
4. Earlier this year, the Government consulted on a number of changes to its general policy on fee remission, and proposed a number of changes to the Help with Fees scheme which delivers this in HM Courts and Tribunals Service. We also intend to update the Supreme Court’s remissions policy in line with these proposals.
5. The Government intends to implement these proposals on reforming Supreme Court fees early in the new year, subject to the outcome of this consultation.

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<sup>1</sup> The proposals in this consultation are regarding the Supreme Court and do not include the fees payable in the Judicial Committee of the Privy Council.

# Introduction

## History of the Supreme Court

6. The Supreme Court is the final court of appeal for all civil cases in the United Kingdom, and for criminal cases in England, Wales and Northern Ireland. It was established following the Constitutional Reform Act 2005 (“the CRA 2005”), and replaced the Appellate Committee of the House of Lords on 1 October 2009. The Supreme Court hears appeals on arguable points of law, specifically in cases of the greatest public and constitutional importance, and plays an important role in the development of law in the United Kingdom. It hears cases on devolution matters under the Scotland Act 1998, the Northern Ireland Act 1998 and the Government of Wales Act 2006.

## Funding of the Supreme Court

7. The Supreme Court is entirely independent of the Ministry of Justice, but under section 50(1) of the CRA 2005 the Lord Chancellor has a statutory duty to ensure that the Supreme Court is provided with the resources necessary to carry out its functions effectively. This duty can be fulfilled through the setting of fees in the Supreme Court. Section 52(1) of the CRA 2005 provides for the Lord Chancellor, with the agreement of HM Treasury (HMT), to prescribe fees payable in respect of anything which the Supreme Court deals with.
8. In setting fees for the Supreme Court, the Lord Chancellor has a statutory duty under section 52(3) of the CRA 2005 to ensure that access to the courts is not denied. This duty underpins the need for a fee structure that is fair, proportionate, and does not deter litigants from pursuing their legal rights. The Supreme Court operates a fee remissions scheme, which is aligned with the Help with Fees (HwF) fee remission scheme administered by HM Courts and Tribunals Service (HMCTS). The Supreme Court fee remission scheme grants full or partial fee remissions for litigants on low-income, those in receipt of certain benefits, and those who have little to no savings. Additionally, the Chief Executive of the Supreme Court holds the discretion to reduce or remit a fee where they are satisfied that there are exceptional circumstances which justify doing so, or where an application for permission to intervene in an appeal is filed by a charitable or not-for-profit organisation which seeks to make submissions in the public interest.

9. The general policy on fee charging across all of Government is set out in HM Treasury's 'Managing Public Money' handbook, which sets out that the standard approach is to set fees to recover the full cost of the service. An important difference, however, applies in the application of cost recovery to the Supreme Court given the applicability of its decisions to all in the United Kingdom and its crucial role in the development of the law in this country. For this reason, it was agreed, when the Supreme Court was established, that the costs of civil appeals in the Supreme Court should be borne by both the taxpayer through contributions from HMCTS, the Northern Ireland Court and Tribunals Service, the Scottish Government, and HMT, and Supreme Court litigants. There are no fees payable in criminal cases. The fees payable in the Supreme Court, and scheme for remission or exemption of those fees, are set out in the Supreme Court Fees Order 2009. This Order was last amended by the Supreme Court Fees (Amendment) Order 2011.

## **Current fees in the Supreme Court**

10. Within the Fees Order, there are 17 separate fees charged before and during proceedings. The fees involved in a typical case are as follows:
- (a) **Appellant fees:** In most cases, the party initiating the appeal, known as the appellant, starts the process by making an application for permission to appeal (PTA) (the fee for which is £1,000). If the Supreme Court agrees to hear the appeal, the appellant is required to inform the Supreme Court of their intention to proceed (£800). If an appeal has already received approval from a lower court, then there is no need to seek permission from the Supreme Court and the appellant can simply submit the formal notice of appeal (£1,600). At a later stage, once all parties have reached a consensus on the facts and issues of the case, the appellant submits an agreed statement, along with an appendix of essential documents to the Supreme Court (£4,820).
  - (b) **Respondent fees:** These are the fees payable by the party or parties against whom the appeal is lodged, known as the respondent. The respondent may choose to object to the appeal at both the permission stage (£160) and at the appeal stage (£320). A respondent who does not file an objection to the application for permission cannot participate in that application. In such an event, a case would still proceed without the respondent.
  - (c) **Procedural fees:** These are paid if additional steps are required in the Supreme Court process which require the Supreme Court's decision. For instance, if a party wants to dispute a decision by a Registrar on whether the Supreme Court has jurisdiction to accept an application for permission to appeal, a fee is charged for the review of the decision by a single Justice (£1,500). Similarly, if a third party wishes to contribute to a case, a fee is charged for submitting their application to intervene (£800).

- (d) **Claim for costs fees:** Where the Supreme Court has made an order for costs, the party to whom the costs are due may file a claim for costs (2.5% of the sum claimed). A claim for costs is a request for the Supreme Court to undertake a detailed assessment of costs, and once this is completed a further fee is payable to certify the amount (2.5% of sum allowed).
- (e) **Administrative fees:** In addition to the above, there may be administrative fees that apply to a case. For example, a party may require a certified copy of a document is requested (£20).

11. The Supreme Court also hears devolution cases, which involve adjudicating on the legislative competence of the devolved administrations of the United Kingdom. All the same types of fees apply but at a lower rate, and there is a separate fee associated with making a reference to the Supreme Court (£200).
12. Fees in the Supreme Court have not changed since their introduction in 2009.<sup>2</sup> The only exception has been a single increase to the PTA fee in 2011. This was made to better reflect the greater level of work undertaken in their administration of applications for PTA. Between April 2011 and April 2023, the United Kingdom's general price level as defined by the Consumer Price Index (CPI), rose by 40%. This has resulted in a substantial fall in the real term value of fees. If fee income is not raised to keep pace with inflation, services the Supreme Court provides may be affected, with greater pressure on the taxpayer to subsidise the Supreme Court.
13. The Government is therefore proposing a series of reforms to raise funding to help recover some of the Supreme Court's running costs from litigants.

## Consultation period

14. This consultation seeks views on the proposals to reform Supreme Court fees. The consultation runs for a period of 6 weeks and closes on 27 November 2023.

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<sup>2</sup> When Supreme Court fees were first set, they were set at 2010/11 price levels. It is from this point we are measuring the change in CPI inflation.

# Objectives and Review of Supreme Court Fees

15. In setting fees for the Supreme Court, the Government has the following four objectives:
- **Objective 1 – To have a straightforward system for applicants to understand and the Supreme Court to administer:** Those who use the Supreme Court should find it easy to comprehend the relevant fees for their cases. This will enable better financial planning and informed decision making. Moreover, the fee structure should be simple for staff to administer, facilitating an efficiently managed system.
  - **Objective 2 – To raise income from Supreme Court users that will contribute towards operating costs:** The Supreme Court should maintain a mixed model of funding. Given its constitutional importance, the Supreme Court’s funding should come primarily from contributions from the different jurisdictions of the United Kingdom, as well as directly from HM Treasury. However, it should also receive some contribution from those who use the Supreme Court where they are able to.
  - **Objective 3 – To support the long-term financial stability of the Supreme Court:** The costs of running the Supreme Court are subject to inflation and will rise over time. The Supreme Court should be able to address and plan for these changes in the long term.
  - **Objective 4 – To ensure fees in the Supreme Court are not a barrier to accessing justice:** The Lord Chancellor has a duty to have regard to the principle that access to the courts must not be denied when setting fees. This means that fees should be affordable for litigants and that financial support is available to support individuals with low income and savings.
16. In 2022 we conducted a review of current fees against these objectives and found the following issues:
- (a) There are some fee charging points that could be simplified. For example, there are multiple payment points for steps in a case that could be paid at the same time in practice. This can make it difficult for litigants to know which fees apply to their situation and involves additional administrative work for both litigants and Supreme Court staff.
  - (b) There is a separate list of lower fee values for devolution jurisdiction cases compared to any other case. This distinction is difficult to justify. The work required to administer these cases are similar to any other appeal, but this is not reflected in the level of fee charged.

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- (c) Fees have not been amended since 2011. During this time the real term value of these fees reduced substantially due to inflation. This has led to increased pressure on the taxpayer to support the running of the Supreme Court. There is currently no process for regularly adjusting fees to account for rising costs from inflation.

# The Proposals

17. The following section outlines in detail our proposals to reform Supreme Court fees. These are the outcome of our review and seek to deliver on our objectives set out in paragraph 15.

## Proposal 1: Simplify the fee structure

18. The current Supreme Court fee structure was first set in 2009. Prior to this, the services offered by the House of Lords Appellate Committee, which the Supreme Court replaced, had been unaltered since 2000. Throughout this time the fee structure and terminology has not been amended.
19. In line with our objective for a straightforward system for applicants to understand, and for staff to administer, we propose the following changes:
- (a) **Combining the fees that are used to initiate an appeal (fees 2.1 or 2.2) with the fee that is paid when submitting the key facts of the appeal (fee 2.5):** To initiate an appeal in the Supreme Court fees 2.1 or 2.2 will be payable, depending on whether the application for appeal required permission to appeal or not. Once an appeal is initiated the appellant is required to file a statement of facts and issues, of which fee 2.5 applies. We propose combining fees 2.1 and 2.5 together as well as fee 2.2 and 2.5. The filing of statement of facts and issues is required for all appeals. Combining these fees into a single fee upfront would simplify the fee structure and enable the Supreme Court's administration to be more efficient.
  - (b) **Combining and uplifting the fees for costs (fee 4.1 and 4.2):** We propose combining the fee for asking the Supreme Court to have the other side cover your legal expenses and the assessment involved within this with the fee for having the Supreme Court's official administrator confirm and certify the amount of legal costs. The first of the two claims for cost fees are fee 4.1, set at 2.5% of the sum claimed and payable when a request for the Supreme Court to undertake a detailed assessment of costs is paid. The second is fee 4.2, set at 2.5% of the sum allowed. This is payable after the detailed assessment, cost hearing and any appeal hearings, for the cost claim to be certified. The majority of the work involved in claims for costs, including the cost hearing and any subsequent appeals occur before fee 4.2 is triggered. We propose setting a single combined fee at 4% of the sum of legal costs. This is to ensure the Supreme Court can recover more of the costs involved in administering these claims. The increase proposed does not account for the full 5%, to account for the fact that in many instances cost applications are withdrawn partway through, or the costs that are awarded are lower than those claimed at the start. We have assessed that setting

the fee at 4% will not lead to this fee recovering more than the full cost to the Supreme Court of administering these claims.<sup>3</sup>

**Question 1:** Do you agree with the proposed changes to simplify and streamline Supreme Court fees?

## **Proposal 2: Removing the distinction between devolution jurisdiction case and civil case fees**

20. There are two separate fee rates for the same service between civil cases and devolution jurisdiction cases, with the latter set at a lower rate. These devolution jurisdiction cases are ones heard by the Supreme Court relating to the powers and functions of the legislative and executive authorities in Scotland, Northern Ireland and Wales. Originally, the ‘devolution jurisdiction’ belonged to the Judicial Committee of the Privy Council (JCPC) before being transferred to the Supreme Court when it was established. The difference in the value of fees charged for devolution cases and the rest of the Supreme Court is as a result of fees in the JCPC having been much lower than those charged in the House of Lords (see Annex A for the difference between the two sets of fees charged).
21. We propose removing the distinction. This proposal will simplify the fee structure and ensure the fees charged better reflect the cost of providing the service. The administrative cost and judicial time in devolution cases is the same as other comparative non-devolution cases.
22. We do not believe that there is a risk of denying access to justice by removing these lower fees that pay the devolution case fees for two reasons. Firstly, the Supreme Court has effective mechanisms for ensuring that individuals who cannot afford fees can access the Supreme Court. A system of fee remission is in place to ensure access to justice is protected for litigants who need help with the proposed increase in fees. We do not see any reason why litigants bringing claims relating to the court’s devolution jurisdiction would be any more financially vulnerable than litigants bringing civil appeals. Secondly, the impact of this change will be limited as the frequency of devolution jurisdiction applications is low. There has been a total of 10 of these applications over the past 5 years.

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<sup>3</sup> The highest cost claim that the Supreme Court has received in the past five years did not recover the full cost to the Supreme Court in administering a claim for cost case.

**Exception: fees for filing a reference (fee 2.3)**

23. There is one fee payable in devolution jurisdiction cases, which is exceptional as it does not have a corresponding higher fee for civil cases. This is fee 2.3 (filing a reference to the Supreme Court under its devolution jurisdiction), currently set at £200. This type of application involves the Supreme Court adjudicating on the legislative competence of the devolved administrations of the United Kingdom. Since this fee does not have a civil equivalent, we do not propose a simplification along the lines proposed above. However, we do propose the following changes:

(a) **Widening the scope of the fee to include references made in relation to retained EU case law:** The Retained EU Law (Revocation and Reform) Act 2023 (“REUL Act”), received Royal Assent on the 29 June 2023. Section 6 of the REUL Act amends the European Union (Withdrawal) Act 2018, to include provision for the creation of a reference procedure for courts and law officers to refer questions about departing from retained case law to the higher UK courts. These provisions have not yet commenced but we anticipate that once commenced, any reference cases referred to the Supreme Court under these provisions will involve similar administrative and operational resource as is currently required in references filed under the Supreme Court’s devolution jurisdiction. We consider that it is therefore appropriate for the fee for filing a reference (as uplifted) should apply equally to references filed in respect to retained EU case law.

(b) **Increasing the fee to better reflect the costs involved, and uplifting it alongside other fees:** We have assessed the administrative and operational costs involved in a reference case and they are equivalent to those in an appeal case. In line with the approach proposed for other fees (as per proposal 3), we propose increasing this fee to better reflect these costs. This fee change will better reflect the cost of administering these cases and allow the Supreme Court to recover more of these costs from the parties bringing reference cases. The proposed fee is set out in Annex A.

24. The litigants that will be liable to pay the fee for filing a reference in the Supreme Court will always be either the UK Government or a devolved administration. Where a reference is made by a lower court or tribunal no fee is payable. For this reason, we do not believe that there is a risk of denying access to justice by increasing this fee.

**Question 2:** Apart from fee 2.3, do you agree that the fee structure for devolution cases should be removed, so that the same fee is payable for these cases as with other civil appeals? Please give reasons for your answer.

**Question 3:** Do you agree that the fee for devolution reference cases (fee 2.3) should be increased to allow the Supreme Court to recover more of the costs involved to administer such cases? Do you agree that the scope of this fee should be widened so that it also applies to references on retained EU case law?

### **Proposal 3: Increasing fees by historic inflation**

25. Apart from the increase to the PTA fee in 2011, the level of Supreme Court fees has been static since their introduction. They have not been changed to account for inflation, which has led to a decline in the real term value of these fees. In turn, this has increased pressure towards a greater level of taxpayer subsidy for the Supreme Court. In 2021/22, fees accounted for £530k in income against £13.8m in running costs for the Supreme Court. This income covered 4% of the Supreme Court's running costs, with the majority covered through contributions from the jurisdictions of the United Kingdom and HMT.
26. To secure resources for the Supreme Court's operation, we propose uplifting fees to account for historic CPI inflation. This will cover inflation from April 2011, or the date of last change if later, up to March 2023, and will represent a 40% uplift to fees. This is not an increase in real terms from the fees charged in 2011. This proposal will generate an estimated additional £170–210k per annum in Supreme Court fee income. Annex A sets out the proposed fee amounts with the new fee structure rounded down to the nearest £5.
27. In setting fees, the Lord Chancellor must have regard to the principle that access to the courts must not be denied. We have considered the impact of these changes and have concluded that they are consistent with this principle. This view has been reached for three reasons.
  - (a) The Supreme Court has effective mechanisms for ensuring that individuals who cannot afford fees can access the Supreme Court, and these mechanisms will protect litigants who need help with the proposed increase in fees. First, there is the statutory fee remission scheme that makes provisions to remit fees according to the litigant's financial means. All individuals on means tested benefits are able to apply to the Supreme Court free of charge. While the specific thresholds will differ depending on household size, the scheme also provides financial support to households earning up to £70k. Second, the Chief Executive of the Supreme Court holds the discretion to reduce or remit a fee where they are satisfied that there are exceptional circumstances which justify doing so, or where a charitable or not-for-profit organisation seeks to make submissions in the public interest. A review of internal Supreme Court case data covering 18 months of cases found

that 19% of appellants received financial support for their case – this cohort will continue to receive support and would not be affected by these proposals.

- (b) For those who would pay the higher fees, we judge the increase to be affordable. The remaining 81% of litigants in the sample reviewed were either businesses, governments, or individuals who made use of Kings Counsel to further their appeal.<sup>4</sup> We assess these litigants to have the capacity to absorb the higher fee, as the fees even when increased as proposed remains a relatively small proportion of their overall cost to litigate.
- (c) The Government has consulted on a set of proposals to improve the fee remission scheme which currently applies to courts and tribunals administered by HMCTS.<sup>5</sup> The primary change is to raise the income thresholds for determining eligibility. The Government intends to introduce these reforms to the Supreme Court. It would have the impact of extending the availability of financial support to households higher up the income distribution.

**Question 4:** Do you agree that we should seek to increase the value of Supreme Court fees by inflation to support the Supreme Court’s operation? Please give reasons for your answer.

**Question 5:** Are there any fees outlined in this paper that should not be increased by historic inflation?

## **Proposal 4: Routine fee reviews and uplifts**

28. The long-term financial stability of the Supreme Court is crucial for its efficient functioning and sustainability. To ensure this, we propose the principle of periodically reviewing and adjusting fees in line with inflation. This will prevent the value of fees from declining in real terms. We propose a suitable length of time to be every two years.
29. This proposal would benefit the Supreme Court for three reasons. Firstly, through routinely updating fees to account for inflation, the Supreme Court can ensure that fee income continues to contribute towards the administrative and operational costs to the Supreme Court. Secondly, updating fees more routinely would likely mean that each individual change would be relatively small, which would be easier for litigants to manage. Thirdly, this will improve planning and resource allocation within the

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<sup>4</sup> There was one case that provided an exception to this. Without disclosing the identity and content of the application, we are content that it represented an isolated issue.

<sup>5</sup> The consultation can be found at: [www.gov.uk/government/consultations/revising-the-help-with-fees-remission-scheme](http://www.gov.uk/government/consultations/revising-the-help-with-fees-remission-scheme).

Supreme Court, as well as for legal professionals and litigants who can then better anticipate future fee changes.

**Question 6:** Do you agree with the principle that Supreme Court fees should be adjusted by inflation on a routine basis to support the long-term financial stability of the Supreme Court? Please give reasons for your answer.

## **Equalities impact**

30. The Government has published an equalities statement alongside this consultation. This statement sets out our evidence of the equalities impact of the proposed change. In summary, we do not assess there to be a risk of direct discrimination as a result of these proposals. We assess that there is likely to be an over-representation of certain protected groups among the litigants in the Supreme Court, but given their place in the income distribution, consider them more able to afford any higher fees. Where this is not the case, we consider the mitigations outlined in paragraph 26 to provide adequate support to ensure access to justice and prevent disproportionate adverse impact on those with protected characteristics. Overall, we consider that the changes constitute a proportionate means of achieving a legitimate aim of ensuring that the Supreme Court is adequately resourced through contributions from both litigants and the taxpayer.

**Question 7:** Following analysis of available evidence we have concluded that the proposed fee increases will not impact disproportionately on any group due to the fee remission policy currently in place at the Supreme Court. Do you consider that the proposal will have a disproportionate impact on individual with protected characteristics? Please give reasons for your answer.

# Annex A – Current and Proposed Fees in the United Kingdom Supreme Court

Fee	Current fee (civil)	Current fee (devolution)	Proposed fee
<b>1 Application for permission to appeal</b>			
1.1 On filing an application for permission to appeal	£1,000	£400	<b>£1,390</b>
1.2 On filing notice of an objection to an application for permission to appeal	£160	£160	<b>£220</b>
<b>2 Appeals, etc</b>			
2.1 On filing notice under rule 18(1)(c) of the 2009 Rules of an intention to proceed with an appeal	£800	£400	<b>*£7,855</b>
2.2 On filing a notice of appeal	£1,600	£400	<b>**£8,975</b>
2.3 On filing a reference under the Supreme Court’s devolution jurisdiction*	N/A	£200	<b>***£7,015</b>
<i>* No fee is payable where the reference is made by a court</i>			
2.4 On filing notice under rule 21 (1) of the 2009 Rules (acknowledgement by respondent)	£320	£160	<b>£445</b>
2.5 On filing a statement of relevant facts and issues and an appendix of essential documents	£4,820	£800	<i>Fee removed and combined with 2.1 – 2.2</i>
<b>3 Procedural applications</b>			
3.1 On filing an application for a decision of the registrar to be reviewed	£1,500	£200	<b>£2,095</b>
3.2 On filing an application for permission to intervene in an appeal	£800	£200	<b>£1,115</b>

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Fee	Current fee (civil)	Current fee (devolution)	Proposed fee
3.3 On filing any other procedural application	£350	£200	£485
3.4 On filing notice of objection to a procedural application	£150	£150	£205
<b>4 Costs</b>			
4.1 On submitting a claim for costs	2.5% of sum claimed	2.5% of sum claimed	<b>4% of sum claimed</b>
4.2 On certification by the Registrar under rule 52 of assessed costs	2.5% of sum allowed	2.5% of sum allowed	<i>Fee removed and combined in part with 4.1</i>
<b>5 Copying</b>			
5.1 On a request for a copy of a document (other than where fee 5.2 or 5.3 applies) –			
(a) For ten pages or less	(a) £5	(a) £5	<b>(a) £5****</b>
(b) For each subsequent page	(b) 50p	(b) 50p	<b>(b) 50p****</b>
5.2 On a request for a copy of a document to be provided on a computer disk or in other electronic form, for each such copy.	£5	£5	<b>£5****</b>
5.3 On a request for a certified copy of a document	£20	£20	<b>£25</b>

\* Fee 2.1 has been calculated by combining fee 2.1 and 2.5 (£800 and £4,820) before applying the inflationary uplift.

\*\* Fee 2.2 has been calculated by combining fee 2.2 and 2.5 (£1,600 and £4,820) before applying the inflationary uplift.

\*\*\* Fee 2.3 has been increased to reflect the operation and administrative cost involved in a reference case. It has then been uplifted by CPI inflation.

\*\*\*\* These fees remain the same, due to rounding down of the inflated amount.

# Questionnaire

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

**Question 1:** Do you agree with the proposed changes to simplify and streamline Supreme Court fees?

**Question 2:** Apart from fee 2.3, do you agree that the fee structure for devolution cases should be removed, so that the same fee is payable for these cases as with other civil appeals? Please give reasons for your answer.

**Question 3:** Do you agree that the fee for devolution reference cases (fee 2.3) should be increased to allow the Supreme Court to recover more of the costs involved to administer such cases? Do you agree that the scope of this fee should be widened so that it also applies to references on retained EU case law?

**Question 4:** Do you agree that we should seek to increase the value of Supreme Court fees by inflation to support the Supreme Court's operation? Please give reasons for your answer.

**Question 5:** Are there any fees outlined in this paper that should not be increased by historic inflation?

**Question 6:** Do you agree with the principle that Supreme Court fees should be adjusted by inflation on a routine basis to support the long-term financial stability of the Supreme Court? Please give reasons for your answer.

**Question 7:** Following analysis of available evidence we have concluded that the proposed fee increases will not impact disproportionately on any group due to the fee remission policy currently in place at the Supreme Court. Do you consider that the proposal will have a disproportionate impact on individual with protected characteristics? Please give reasons for your answer.

# Impact Assessment, Equalities and Welsh Language

## Impact Assessment

31. A formal Impact Assessment has been prepared for this proposal and has been published alongside this consultation.

## Equalities

32. 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.
33. For the purposes of the equality assessment the relevant protected characteristics under the Equality Act are: race; sex; disability; sexual orientation; religion and belief; age; marriage and civil partnership; gender reassignment; pregnancy and maternity.
34. An Equality Statement has been prepared for this proposal and has been published alongside this consultation.

## Welsh Language

35. This proposal, if implemented, would also impact those who speak the Welsh Language.
36. A Welsh version of this document can be found at: <https://www.gov.uk/government/consultations/reforming-fees-in-the-united-kingdom-supreme-court>. A Welsh language copy of the Impact Assessment and the Equality Statement will be provided on request.

# 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.

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## Contact details/How to respond

Please send your response by 27 November 2023 to:

Fees Policy  
Ministry of Justice  
102 Petty France  
London SW1H 9AJ

Email: MOJ Fees Policy [mojfeespolicy@justice.gov.uk](mailto: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/>.

Alternative format versions of this publication can be requested by emailing MOJ Fees Policy at [mojfeespolicy@Justice.gov.uk](mailto: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 online 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 United Kingdom General Data Protection Regulation (UK 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](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf)





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