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New setback for access to courts as fees increase

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Lawyers have condemned the government's intention to increase most civil court fees in the face of widespread condemnation of the plans.

The Ministry of Justice last week confirmed fees for compensation claims between £5,000 and £10,000 will rise by 81% from £245 to £445, with an extra £200 fee added to all claims up to those in excess of £300,000, which are capped at £1,870.

Smaller claims will either face smaller increases or no increase at all.

A standard fee of £280 for civil cases not about claims for money – applying for a declaration of insolvency or to repossess property, for example – will replace the current mixture of fees.

Permission to apply for judicial review will increase from £60 to £135, while permission to proceed will jump 216% from £215 to £680.

The £75 application fee for domestic violence injunctions, for those seeking non-molestation and occupation orders, will be scrapped. More than 20,000 applications were made in 2012.

The fees, which come into force on 22 April, were roundly condemned in responses to the government consultation earlier this year.

The Civil Justice Council warned of the 'chilling effect' of 'wholly excessive' judicial review fee

increases, while it also warned of the prospect of the government raising fees further.

Opponents have reiterated warnings that the fees will restrict access to justice.

Law Society president Nicholas Fluck (pictured) said: 'Court fees are reaching levels which will deter individuals from seeking legal remedy for their problems. The Law Society does not accept the premise that fees should be set at a level to recover the costs of the courts handling a case, and in some cases charging more than cost recovery.'

'This is a further indication that access to justice is being eroded.'

Justice minister Shailesh Vara said the courts ran at a £100m deficit last year and were 'not immune from the tough decisions we have had to take in order to bring public spending in line with what we can afford'.

Francesca Kaye, immediate past president of the London Solicitors Litigation Association (LSLA) said that the new charges 'will hurt'.

'At the lower value end these fees will place an additional burden on those for whom access to justice is becoming ever more difficult. A £5,000 claim may seem small but is a not insignificant sum for any small commercial enterprise or individual. They will now need to pay an increased fee of £455 (£410 online) to commence a claim for recovery of £5,000. That is a significant sum in the context of the claim value.'

'The proportion of the overall claim reduces as the claim value increases so that by the time to get up to claims with a value of in excess of £300K the increase of £250 in the fee to £1,920 appears modest compared to the overall claim.'

Kaye said that the increased application fee would generate significant income. 'All "Mitchell" applications require a court fee to be paid. That fee is currently £80 but is increasing to £155 per application. Multiply that by the number of applications for extensions of time, strike out, relief from sanctions etc. That is a 90%+ increase in application fees which will impact on everyone.'

<http://www.lawgazette.co.uk/law/new-setback-for-access-to-courts-as-fees-increase/5040720.article>