

Response ID ANON-A1XK-PEUQ-G

Submitted to Implementing increases to selected court and tribunal fees
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About you

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Rosewood Solicitors Ltd on behalf of Surrey Law Society

Questions

1 Do you agree with the principle that fees should be increased periodically to reflect rising costs to HMCTS as a result of changes in the general level of prices?

Don't know

type answer in box:

The principle of increasing fees due to rising costs is agreed with however this would be on the basis that the courts are efficient and this is not the case. Some courts are listing FDRs over a year after the FDA, urgent non-molestation applications are taking over 5 weeks. The fees are not reflective of the service provided at the moment. It is impossible to get through to anyone on the phone. The portal is not working and assistance with it is unhelpful.

The principle of adjusting fees periodically to account for inflation or rising costs is based on the idea of maintaining the financial sustainability of the justice system. However, some considerations to consider:

Cost Recovery: Charging fees for court services is a way to recover some of the costs associated with administering justice. Periodic increases can help ensure that fees keep pace with the rising expenses incurred by HMCTS.

Resource Allocation: Adequate funding is essential for the effective functioning of the justice system. Adjusting fees periodically can contribute to resource allocation, helping HMCTS cover operating costs and invest in improvements to services.

Predictability: Regular, incremental fee adjustments may provide a more predictable and stable financial environment for both HMCTS and those interacting with the justice system, allowing for better financial planning.

However, it's important to consider potential challenges and concerns, including:

Access to Justice: Regular fee increases, even if incremental, could pose challenges to individuals or groups with limited financial means, potentially affecting their ability to access the justice system.

Equity and Fairness: The impact of fee increases should be assessed to ensure that the burden is distributed equitably, and measures should be in place to mitigate any disproportionate effects on vulnerable or disadvantaged groups.

Transparency: The process of determining and communicating fee increases should be transparent, with clear explanations of how costs are calculated and justified.

2 Do you agree with the principle that a fee increase of 10% for up to 202 fees, to partially reflect increases in CPI from March 2021 is appropriate?

No

type answer in box:

The appropriateness of a fee increase depends on various factors:

Pros:

Inflation Adjustment: Increasing fees in line with inflation (measured by CPI) can be a way to ensure that the real value of fees remains stable over time. This helps cover the increasing costs of providing services.

Maintaining Service Quality: Adequate funding is crucial for maintaining the quality and efficiency of services provided by government agencies. Fee increases can contribute to this goal.

Financial Sustainability: Ensuring that fees keep pace with inflation contributes to the financial sustainability of the relevant government agencies, helping them meet their operational costs.

Cons:

Impact on Affordability: A 10% fee increase may have a notable impact on individuals or businesses that use the services, potentially affecting their ability to afford legal processes.

Access to Justice: Concerns may arise about the potential impact on access to justice, particularly for those with limited financial resources. Higher fees could create barriers to entry for some individuals.

Equity: It's important to consider the potential disproportionate impact on certain groups or sectors. Some may argue that the burden of fee increases should be distributed equitably.

3 Are there any fees outlined in Annex A that should not be increased by 10% as part of this proposal? Please give reasons for your answer.

type answer in box:

See above.

4 Do you agree with the proposal on making more regular, incremental inflation and cost-based increases to court and tribunal fees every two years, as opposed to more infrequent but more significant changes on an ad hoc basis?

Yes

type answer in box:

The approach of making more regular, incremental adjustments to fees based on inflation can provide a more predictable and stable financial framework for the courts, clients and solicitors.

Parties involved in legal proceedings can better anticipate the costs associated with court fees, facilitating financial planning.

Regular adjustments may help ensure that the justice system has the necessary resources to maintain the quality and efficiency of its services.

Incremental adjustments may prevent the need for infrequent, significant fee hikes, which could be more disruptive and challenging for individuals and organisations to absorb.

However, there are also potential concerns and criticisms, such as:

Impact on Access to Justice: Regular fee increases, even if incremental, could still accumulate over time and potentially affect access to justice for certain individuals or groups who may find it increasingly challenging to afford legal proceedings.

Fairness: The impact of regular fee increases should be assessed for fairness, ensuring that the burden is distributed equitably among those using the justice system.

Transparency: The process of determining fee increases should be transparent, with clear explanations of how costs and inflation are calculated to maintain public trust.

5 What are your views on the proposal to enhance the council tax liability order fee, retaining its current value of £0.50p?

type answer in box:

One might argue that increasing the fee is necessary to cover administrative costs associated with the collection of unpaid council tax. They might believe that it is fair to place the burden of these costs on individuals who have failed to pay their council tax obligations on time.

On the other hand, one may argue that this could disproportionately impact individuals who are already struggling financially. They might suggest that increasing fees could make it more difficult for people in financial distress to meet their tax obligations, potentially leading to further financial hardship.

The balance between ensuring fair tax collection and considering the financial challenges faced by individuals is a key aspect of such proposals. Public discourse and debate would likely revolve around the potential consequences for different socioeconomic groups and the overall effectiveness of the proposed changes in addressing the issue of unpaid council tax.