

Annex B

Consultation on Scottish Court Fees



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response.

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Scottish Legal Complaints Commission

Phone number

0131 201 2130

Address

01-14 Waterloo Place,
Edinburgh

Postcode

EH1 3EG

Email

Slcc.oversight@scottishlegalcomplaints.org.uk

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (anonymous)
 Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No

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6. Are any of the proposals likely to have a disproportionate effect on a particular group? If so, please specify the possible impact?

We don't have a strong view on which of the options should be implemented. However, we do think it's worth noting that increases to fees in the Court of Session will have an impact on our finances (which come from a levy on the legal profession in Scotland) and on the finances of people who have made a complaint to us about a lawyer and then wish to appeal a decision we've made about the complaint.

For example, the half hour hearing fee for a bench of three in the Court of Session to hear an appeal against one of our decisions could increase from £239 to £500, well over an 100% increase. One recent appeal - Anderson Strathern vs SLCC - would have cost £7000 in court fees (for two days of hearings) rather than £3346. If we had, for example, 10 hearing days in a year, each being a full day, it could increase our costs by £18k (on top of our current payments in fees for court representation). This in turn would equate to a £3 (approximately 1%) increase in the levy for private practice solicitors.

We are then left in a difficult situation if a consumer appeals one of our decisions, but fails. We can either pay the costs ourselves (a cost ultimately shouldered by the legal profession) or pursue costs against individual consumers, who may already be representing themselves in court for financial reasons. While we note the commitment to retain the system of exemptions, litigants in person who wish to appeal against our decisions will not usually be eligible for these.

A longer term solution to this would be to change the forum our appeals are heard in (we have already raised this question in our paper on legislative change). Until then, we think it would be worth having an element of judicial discretion in the application of fees in the Court of Session.