

FOIL

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Caplen: scant evidence

Profession unites in opposition to “disastrous” court fee rises

The Law Society has pledged to challenge the government’s decision to introduce enhanced court fees from April and said it will strenuously oppose more planned hikes.

Enhanced fees are those above cost price and the Ministry of Justice announced earlier this month that it was pressing ahead with a new 5% fee for all money claims of £10,000 or more – subject to a cap of £10,000 – and was consulting on steep rises in the fees for possession claims and general civil applications.

Law Society president Andrew Caplen said: “Court fee hikes introduced by the government from April spell disaster for access to justice, pricing the public out of the courts and leaving small businesses saddled with debts they are due but unable to afford to recover. State provision for people to redress wrongs through the courts is the hallmark of a civilised society.

“It cannot be right that the government has based a decision with such wide-ranging consequences on limited small-scale research and scant evidence. The phrase ‘false economy’ does not even begin to describe this disastrous announcement from the government.”

Mr Caplen pledged that the society would “not let these changes go through without challenge”. As well as responding to the latest consultation, he said it would press the government to reverse its decision, “which will have a far-reaching impact on both our members and consumers”.

The Law Society has asked to see the raw data and evidence used by the government to formulate its decision and will be asking members for data and evidence over the coming weeks.

With the judiciary and Civil Justice Council expressing their “deep concerns” as well, the new fees have also succeeded in united claimant and defendant lawyers, with the Forum of Insurance Lawyers (FOIL) adding to the condemnation last week from the Association of Personal Injury Lawyers.

FOIL president Nick Parsons said: "The government's contention that greatly increased court fees will not act as a disincentive to commencing litigation is unconvincing. Many individuals and SMEs will struggle to pay the new level of fee to start a claim. Ready access to the courts should be a right for every citizen, not a privilege only for those who can afford the entrance price.

"FOIL also foresees the law of unintended consequences coming into play. This decision has been taken as a revenue-raising measure by the state, yet many of the defendants who will eventually end up footing the bill are themselves public bodies; local authorities and the NHS, for instance. These are institutions that can ill afford such increased costs in these straitened times. The government may end up robbing Peter to pay Paul."

Mr Parsons said the consultation indicated that further increases would be on the cards, and he suggested that in time, claims below £10,000 might be seen as a "fruitful area" from which to raise income. "This would be an ill-advised course to take," he said.

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