

## **POLICY NOTE**

### **THE HIGH COURT OF JUSTICIARY FEES AMENDMENT ORDER 2012**

#### **SSI 2012/291**

The above instrument is made in exercise of the powers conferred by section 2 of the Courts of Law Fees (Scotland) Act 1895 (c14). The instrument is subject to negative resolution procedure.

#### **Policy**

Court fees and fees for services offered by the High Court of Justiciary ensure that those who make use of the court meet or contribute towards the associated costs to the public purse, where they can afford to do so. The Scottish Government's policy is to move toward fees which reflect the full cost of the processes involved with a well-targeted system of fee exemptions to protect access to justice. In the case of High Court Fees however, our policy is to make provision for inflationary increases only.

#### **Consultation**

There has been a public consultation on these proposals. More detailed information is given in the associated Business and Regulatory Impact Assessment.

#### **Financial Effects**

This Order makes provision for inflation increases of 5% from 10 December 2012 and 3% for both years from 1 April 2013 and 1 April 2014. The consumer price index (CPI) has been used to calculate the inflation increase. As no inflationary increase had been applied to the 2011-12 fees, the increase in December 2012 covers 2 years. Increases in fee income for these fees are minimal.

#### **Business and Regulatory Impact Assessment**

There are 5 instruments being made at the same time relative to fees. A composite business and regulatory impact assessment for the 4 fee orders relating to the Scottish courts (Sheriff Court, Justice of the Peace Court, Court of Session, High Court of Justiciary) and the 1 set of fee regulations relating to the Office of the Public Guardian has been prepared and will be published shortly at <http://www.scotland.gov.uk/Topics/Business-Industry/support/better-regulation/partial-assessments/full/2012>.

## **Equalities Impact Assessment**

A composite equality impact assessment for the 4 fee orders relating to the Scottish courts (Sheriff Court, Justice of the Peace Court, Court of Session, High Court of Justiciary) and the 1 set of fee regulations relating to the Office of the Public Guardian has been prepared and will be published shortly at <http://www.scotland.gov.uk/Publications/2012>.

Scottish Government  
October 2012