

Child Rights and Wellbeing Impact Assessment (CRWIA) for the proposal to increase court fees in Scotland

Disclaimer

This document is a point in time assessment of the likely effects of the above-named proposal on the rights and wellbeing of children and young people. This impact assessment should be read in conjunction with other impact assessments prepared for this proposal.

Scottish Government acknowledge the importance of monitoring and evaluating the impact of strategic decisions and legislation on children's rights and wellbeing. Any information gathered during implementation of the legislation or strategic decision to which the impact assessment relates, will be used to inform future determinations of impact. Any new strategic decision or new legislation (including amending legislation) would be subject to a new CRWIA in line with the legislative requirements.

Child Rights and Wellbeing Impact Assessment Template

Brief Summary

Type of proposal:

- Scottish Statutory Instrument

Name the proposal, and describe its overall aims and intended purpose.

The Scottish Government intends to increase the majority of court fees by 3% commencing 1st April 2026, with a further 3% uplift taking effect from 1st April 2027. This reflects the Scottish Government's commitment to ensuring that Scotland's civil courts are funded to deliver a justice system that is accessible, affordable and which provides a high-quality service to those who have cause to use it.

Start date of proposal's development: September 2025

Start date of CRWIA process: January 2026

With reference given to the requirements of the UNCRC (Incorporation) (Scotland) Act 2024, which aspects of the proposal are relevant to/impact upon children's rights?

The aspects of the proposal which are relevant to children's rights relate to the payment of court fees by children generally and children involved in the justice system.

Children may be the subject of court proceedings, for example in relation to contact cases. In some instances children may become involved in court proceedings, for example in family cases where they are deemed to be capable of participating in proceedings and wish to enter the action as a party. Such cases are relatively rare but in those circumstances Articles 9 and 12 of the United Nations Convention on the Rights of the Child (UNCRC) are relevant, as these relate to children's participation in proceedings and having their views heard.

With the introduction of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 there may also be an increase in cases where children seek to enforce their rights under the UNCRC through court action. We consider that court fees help to maintain a modern court system that respects and listens to children.

In Scotland we have a well-established system of legal aid, which a child is able to apply for. The Scottish Legal Aid Board will apply the usual tests of probable cause and reasonableness and decide whether it is reasonable to grant legal aid to a child considering their age and ability to understand proceedings or if it would be more appropriate for a parent or guardian to apply on the child's behalf.

An increase in court fees is not likely to impede a child's ability to participate in court proceedings where they have a wish to do so. A well-funded court system will ensure

that children are able to participate in and express their views in a variety of child appropriate ways.

Please provide a summary of the evidence gathered which will be used to inform your decision-making and the content of the proposal

A consultation on the proposal to increase court fees was published on the 23 December 2025 and concluded on 30 January 2026. Having fully considered the views of those who responded to the consultation, the Scottish Government has decided to implement the increases to court fees proposed in the consultation to reflect inflationary pressures, and ensure financial sustainability of SCTS.

Preparatory work has now begun on a full review of the court fee structure, including the establishment of a Court Fee Working Group. The Group is expected to report in late 2026 or early 2027. A public consultation on its recommendations will follow.

In the meantime, the Scottish Government will continue to monitor the impact of changes to court fees and wider courts reform.

Further to the evidence described at '3' have you identified any 'gaps' in evidence which may prevent determination of impact? If yes, please provide an explanation of how they will be addressed

No gaps have been identified.

Analysis of Evidence

Court fees are set to support access to justice, with safeguards in place for specific groups and types of cases. The Scottish Government considers that the availability of legal aid, fee exemptions and other protections ensures that individuals who may have lower average incomes are not placed at a particular disadvantage. Court fee income contributes to the funding and modernisation of the court system, including work to support the participation of children and ensure that their views are taken into account. Where children are a party to proceedings, they may also be able to access legal aid, providing an additional safeguard to support their effective participation in the justice process.

What changes (if any) have been made to the proposal as a result of this assessment?

No changes were considered to be necessary.

Conclusion

As a result of the evidence gathered and analysed against all UNCRC requirements, what is the potential overall impact of this proposal on children's rights?

Neutral

If you have identified a positive impact on children's rights, please describe below how the proposal will protect, respect, and fulfil children's rights in Scotland.

Not applicable

If a negative impact has been identified please describe it below. Is there a risk this could potentially amount to an incompatibility?

Not applicable

Mitigation Record

What options have been considered to modify the proposal in order to mitigate a negative impact or potential incompatibility?

Court fees are set to support access to justice, and a range of mechanism including legal aid, fee exemptions and other protections are already in place to assist individuals who may have lower average incomes. These are viewed as sufficient to prevent particular disadvantage for specific groups or types of cases. Court fee income also supports the continued modernisation of the courts, including work that enables the participation of children and ensures their views are taken into account. Where children are a party to proceedings, the availability of legal aid provides an additional safeguard. As a result, no further modifications to the proposal were considered necessary.

As a result of the evidence gathered and analysed against all wellbeing indicators, will the proposal contribute to the wellbeing of children and young people in Scotland? (Guidance Section 2.3.2, pages 20-22).

Safe: Yes

Healthy: Yes

Achieving:	Not Applicable
Nurtured:	Not Applicable
Active:	Not Applicable
Respected:	Not Applicable
Responsible:	Not Applicable
Included:	Yes

How will you communicate to children and young people the impact that the proposal will have on their rights?

An accessible CRWIA will be published.

Post Assessment Review and sign-off

Planning for the review of impact on children’s rights and wellbeing

The impact of the proposal will be monitored through engagement with SCTS which provides us with data.

Preparatory work has now begun on a full review of the court fee structure, including the establishment of a Court Fee Working Group. The Group is expected to report in late 2026 or early 2027. A public consultation on its recommendations will follow. An updated CRWIA will be provided as part of that process.

Sign off

Policy Lead Signature & Date of Sign Off: Luisa McCreath, 9 February 2026

Deputy Director Signature & Date of Sign Off: Ryan McRobert, 9 February 2026