

Civil and Family Court Fee Increases

Response to Consultation

CP(R) 24/05

30/06/2006

**Response to consultation carried out by the Department
for Constitutional Affairs.**

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Introduction

- 1 This document is the post-consultation report for the consultation paper 'Civil and Family Court Fee Increases'.
- 2 It will cover:
 - a) the background to the report;
 - b) a summary of the responses to the report;
 - c) a detailed response to the specific questions raised in the report; and
 - d) the next steps following this consultation.
- 3 Further copies of this report and the consultation paper can be obtained by contacting **Andrew Lee** at the address below:

**Civil Law & Justice Division
Her Majesty's Courts Service**

**5th Floor Selborne House
54-60 Victoria Street
London
SW1E 6QW**

**Telephone: 020 7210 2629
Email: andrew.lee@hmcourts-service.gsi.gov.uk**

- 4 This report is also available on the Department's website at: www.dca.gov.uk

Background

- 1 The Consultation Paper 'Civil and Family Court Fee Increases' was published on 23 September 2005. It invited comments to three specific questions on the proposed civil and family fee increases, including whether it was appropriate to harmonise family fees in the magistrates' courts with those in the county courts.
- 2 Her Majesty's Courts Service (HMCS) needed to increase court fees to meet its cost recovery targets for the current financial year and beyond.
- 3 The proposed package would have increased fee income by about £50m in a full year. In the higher courts, it reflected our target of 100% cost recovery (discounting fee exemptions and remissions) for civil proceedings and moved towards our target for family proceedings of 66% recovery (discounting exemptions and remissions) by 2007-08.
- 4 Views were sought, generally, as to whether:
 - a) the package of proposed increases was the most apt to raise fee income and cover costs; and
 - b) any particular increase to an individual fee might have specific untoward consequences.
- 5 Comments were not sought on the underlying fee policy and the need to cover costs through fees.
- 6 Provisions exist for automatic exemption for those on means-tested benefits and for remission where financial hardship would otherwise result. These provisions protect access to justice.
- 7 The consultation period closed on 18 November 2005. This report summarises the responses.
- 8 A list of respondents is at Annex A.

Summary of responses

There were forty-nine responses received from the judiciary, legal professions and other stakeholder bodies. The numbers and categories of the respondents were as follows —

- 15 Law Professions and Representative Bodies;
- 8 Judiciary and Magistracy;
- 3 Justice Councils and Court Committees;
- 3 Family Proceedings Courts;
- 6 Local Authorities;
- 1 HM Courts Service;
- 2 Other Government Departments;
- 7 Other Groups;
- 2 Justices' Clerks; and
- 2 Individuals.

The responses were analysed to determine whether respondents considered if —

- any of the individual fee increases proposed were inappropriate, and if so, why, giving their explanations and suggested alternatives to raise the necessary income
- there were any other fees that should be charged and the reasons why;
- it was appropriate to harmonise family fees in the magistrates' courts with those in the county courts based on the proposals achieve this objective.

As with the previous consultation, many respondents expressed their concern at the proposed increases. Notwithstanding the express scope of the Consultation Paper, some respondents made general comments on the Department's fee-making policy and access to justice. Other respondents reluctantly accepted the constraint. For example, one respondent on behalf of the senior judiciary said "*I should like to reiterate that although the judiciary remain opposed in principle to full cost recovery, we are broadly in agreement with rationalisation of the fee structure. On the basis that the consultation paper does not ask for a response on the wider point of full cost recovery, we have not provided a response on that point.*"

Two fees in particular provoked considerable concern: fee 1.2 (divorce petition) and 4.4 (ancillary relief application). Several respondents expressed concern at the proposals to increase these fees to such a high rate when they had already been raised in January 2005. The increase to ancillary relief application fees having been postponed, the reasons set out in the conclusions on page 23.

Respondents expressed concerns about the proposals to increase the commencement fees in the civil courts as these would be disproportionately high compared to those being charged for higher monetary value claims.

Local Authority respondents had concerns about the proposed increases for applications in relation to Council Tax, as these were viewed as disproportionate and likely to have a significant impact on Local Authority funding. Several respondents also expressed concern about the likely detrimental impact of the proposed increases for public law applications in Family Proceedings Courts.

Respondents suggested a variety of other fees that should be changed. These are set out in the responses to question 2 on page 12.

A majority of respondents were in favour of harmonising family fees between the magistrates' courts and the county courts. Some respondents added caveats about the impact on applications made under the Children Act 1989.

Those opposed to harmonisation argued that it would be detrimental to the Family Proceedings Courts and questioned whether increasing the fees in the magistrates' courts was justified. A number of opponents urged that the increases should be delayed. The responses to question 3 are set out on page 15.

Additional Comments

While the three questions asked in the Consultation Paper generated a broad variety of responses, many respondents took the opportunity to make additional comments on other subjects. These are set out in the additional comments section on page 19.

Responses

Question 1 — *Given the underlying fee policy objectives and the need to cover costs, do you consider any of the individual fee increases proposed to be inappropriate/ If so please explain why and what alternative changes you would recommend instead to raise the necessary income?*

Thirty-one responses were received in respect of question one (approximately 63% of all respondents). Twelve respondents took the opportunity to reiterate concerns about access to justice, and the Department's overall fee-setting policy.

Civil and Family Proceedings in Magistrates' Courts

Family proceedings fees in magistrates' courts

Among the views expressed, respondents —

- Considered that the increase in fees for magistrates' courts family work was inappropriate in the absence of a revised allocation regime (*Justice Councils and Court Committees*).
- Envisaged that an increase of fees would further reduce the work of Family Proceedings Courts and increase the work in county courts (*Justices' Clerks*).
- Predicted that the proposed increases in fees for applications under Parts I and II of the Children Act 1989 would lead to a denial of access to justice for many parents who could not afford to pay a fee of that size and were not eligible either for remission of the fee or public funding (*Judiciary and Magistracy*).
- Expressed concern that the proposed increases in the Family Proceedings Court in respect of public law cases would have an adverse impact on Local Authorities' budgets (*Local Authorities*).

Council Tax – application for a liability order

Respondents —

- Envisaged that the proposed increase to the application fee for a liability order would have a significant impact on Local Authorities' budgets (*Local Authorities*).
- Highlighted that the proposed increase from £0.70 to £3.00 for Council Tax orders represented a compound rate of increase of 12.5% per annum for each of the twelve years since 1993 (*Local Authorities*).
- Predicted that Local Authorities would need to reconsider whether committal (*in respect of Council Tax / Rates*) was a process worth using as it rarely results in the full recovery of the outstanding debt or the punishment of the debtor by his committal to prison (*Local Authorities*).
- Proposed that any increases should be introduced from April 2006 as authorities have already budgeted for their costs this year (*Local Authorities*).

However, one respondent considered that the proposed fee increases for applications for Council Tax Orders were too low and suggested that these should be set at a minimum of £10 (*Other Groups*).

Private law family fees in the higher courts

Application for ancillary relief (fee number – 4.4) and presentation of a petition for divorce (fee number – 1.2)

Respondents —

- Reminded the Department that these two fees had been significantly increased in 2005 (divorce petition fee increased from £180 to £210 and application fee for ancillary relief increased from £120 to £210) – the proposed increases were respectively over 40% to £300 for divorce and another 80% to £380 for ancillary relief – and questioned the justification for further significant increases (*Judiciary and Magistracy*).
- Predicted that such large increases in costs would deter applicants from seeking remedies, as well as amplify or possibly create greater animosity and bitterness between parties to a dispute, often in circumstances where children were involved (*Judiciary and Magistracy*).

- Highlighted that the court's power in matters of personal status (the dissolution or annulment of marriage) was a monopoly and Fee 1.2 appeared to be an attempt to exploit this (*Judiciary and Magistracy*).
- Questioned whether the considerable fee increases were justified by the work involved, either by reference to judicial time or administrative time (*Judiciary and Magistracy*).
- Urged the Department to review the allowances for both staff time and judicial time in dealing with divorce petitions (*Judiciary and Magistracy*).

Children Act 1989 applications

Respondents —

- Expressed concern that, despite the time which had elapsed since fees in the Family Proceedings Courts were increased, the proposals represented a very substantial increase in the fees to be charged, which would inevitably lead to a denial of access to justice (*Judiciary and Magistracy*).
- Argued that fees under Part 4 the Children Act 1989 fell predominately on Local Authorities, many of which are under-resourced and having to manage limited resources on children cases –any increase in these fees would take resources away from the most vulnerable and deprived children in society (*Law Professions and Representative Bodies*).
- Respondents were concerned that the proposed increases would deter applicants from seeking necessary remedies, which could exacerbate the problems of the children and family. Respondents were also concerned about the possible consequences of the proposed increases to fees for Children Act applications (*Judiciary and Magistracy*).

Civil proceedings — Supreme Court and county court

Commencement fees [1.1(a) and 1.2 (a) to (f)]

Some respondents considered that the proposed increases were not excessive but on top of significant fee increases at the beginning of 2005 the cumulative effect would cause significant financial impact.

Other respondents —

- Opposed the inconsistent percentage increases because it was proposed that some fees would be increased by up to 25% (fee 2(5)(a) Appellants Notice in Small Claims Track Case) whereas others would be increased by only 4% (fee 1.2(d)) (*Law Professions and Representative Bodies*).
- Urged the Department to consider the widespread concerns in the industry about the disproportionate cost of lower value claims (*Other Groups*).
- Expressed concern at the disproportionate impact and significant increase in the issue fee for small claims of £150 or £200 – for example, the issue fee of £35 on a claim of £150 would be 24 per cent of the value of the claim, whereas a fee of £420 on a claim of £15,000 would be less than 3 per cent of the value of the claim (*Justice Councils and Court Committees*).

Question 2 — *Are there any other fees that should be changed and why?*

Fourteen responses were received in respect of question two (approximately 28% of respondents) from the following categories of respondent —

- 4 Law Professions and Representative Bodies;
- 3 Judiciary and Magistracy;
- 2 Justice Councils;
- 1 Family Proceedings Court;
- 1 Local Authority;
- 2 Justices' Clerks; and
- 1 Individual.

The respondents generated the following suggestions for consideration —

Civil Proceedings Fees

Respondents suggested —

- If fees had to be raised in civil cases then it would be preferable for them to be raised on higher-value claims, where the increase would be more proportionate than on lower-value claims (*Justice Councils and Court Committees*).
- That a further band be introduced for claims of £300,000-£500,000, with the top band being claims over £500,000 (*Justice Councils and Court Committees*).
- Provision of having a separate fee for appellants' notices for fast and multi-track, with a higher fee for higher-value multi-track claims (*Judiciary and Magistracy*).

- Increasing the fees payable on applications for non-compliance with requirements – so for example, if a claim has been struck out because the claimant has not filed an allocation questionnaire, despite an order having been made for one to be completed, then the claimant should pay a higher fee to encourage litigants to comply with court orders (*Judiciary and Magistracy and Individual*).
- Consideration given to courts having the power to recover fees from a losing party when the claimant or applicant had the court fees either exempted or remitted because it seemed inequitable that a losing party should benefit in this way and that HMCS should be unable to recover the money (*Justice Councils and Court Committees*).

Family Proceedings Fees

Respondents suggested —

- Fees should be abolished for – (i) parallel applications in respect of the members of a sibling group; (ii) applications for adoption orders in respect of a child who is free for adoption (as opposed to an application in respect of a child in which parental agreement is a live issue); and (iii) applications under section 25 of the Children Act 1989 (secure accommodation orders) and in care proceedings (Part IV of the Act) (*Judiciary and Magistracy*).
- An alternative to increasing the fee for applications for ancillary relief, would be that on filing the application a certificate indicating the value of the assets available for division should also be filed; the fee payable would then be on a banded sliding scale, similar to claims in the civil court, so that parties who have only average means, would pay a substantially smaller fee on issue than parties who have a high income and substantial assets. As an incentive to the parties to settle at the earliest possible stage following proper disclosure of relevant information, a further fee be charged for setting the application down for final hearing after a failed Financial Dispute Resolution hearing – this would not only act as an incentive to settlement but as an incentive to the parties to ensure that all necessary information is available at the Financial Dispute Resolution hearing (*Judiciary and Magistracy*).
- Consideration be given to reducing the initial filing fee where it is currently high, for example ancillary relief, and introducing a graduated series of smaller

payments – it was suggested this would ease cash flow burdens on those with moderate income and result in litigants being charged in proportion to the court resources they use (*Law Professions and Representative Bodies*).

Civil and Family Proceedings in Magistrates' Courts

Respondents suggested —

- that there should be no fee payable by those who are vulnerable, suffering harm or for any order to ascertain paternity; (*Justices' Clerks*) and
- that Local Authorities should be exempt from paying repeat fees every four weeks for interim care orders (*Justices' Clerks*).

Respondents suggested increases for —

- the fee for duplicate documents (currently £5), especially given that the fee for certificates has increased to £25 (*Justices' Clerks*); and
- the fee for a Council Tax liability order and a warrant of entry to take into account the commercial element and the fact that the applicant will inevitably seek to recover from the defaulter (*Other Groups*).

Question 3 — Do you agree that it is appropriate to harmonise family fees in the magistrates' courts with those in the county courts? Do you agree that the proposals achieve this objective? If you do not, please state reasons?

Twenty-six respondents (approximately 53%) responded to this question. Eighteen (approximately 69%) agreed that it was appropriate to harmonise family fees in the magistrates' courts, whereas eight respondents (31%) disagreed.

Responses for harmonisation were received from the following numbers and categories of respondent —

- 7 Law Professions and Representative Bodies;
- 6 Judiciary and Magistracy;
- 1 Family Proceedings Court;
- 1 Local Authority;
- 1 HM Courts Service;
- 1 Other Group; and
- 1 Individual.

Responses against harmonisation were received from the following numbers and categories of respondent —

- 3 Law Professions and Representative Bodies;
- 1 Court Committee;
- 1 Family Proceedings Court;

- 1 Other Group; and
- 2 Justices' Clerks.

For

(i) *Better integration between courts*

Respondents –

- Considered that as, in future, family matters are intended to be heard in a single family court with a unified set of Rules, it is entirely appropriate to harmonise the fees payable in respect of like applications irrespective of the court of issue (*Judiciary and Magistracy*).
- Argued that harmonisation of fees between courts was appropriate if the objective of integrated administration of family work was to be achieved (*Judiciary and Magistracy*).
- Agreed that it was important for there to be consistency in court fees regardless of whether cases are heard in the county court or the magistrate's court as it was consistent with the increased streamlining and unification of services across all family courts (*Law Professions and Representative Bodies*).

However, some of the respondents in favour of harmonisation added caveats about the impact of the increased fees set out in the following sub-headings —

(ii) *Increase in cost*

- Expressed concern that the proposed fee increases in family proceedings represented a substantial increase, which would have a major impact on private clients, and would affect public funding where the statutory charge applies (*Law Professions and Representative Bodies*).
- Considered that an immediate rather than a phased realignment was likely to cause significant injustice (*Law Professions and Representative Bodies*).

- Argued that the increase could not be justified unless public bodies nationally were to receive additional funding from the Government to cover the proposals (Local Authorities).

(iii) *Efficiency and service*

- Urged that any fee increases should be accompanied by an improvement in the quality of service offered to all court users (*Law Professions and Representative Bodies and Local Authorities*).

(iv) *Legal Aid*

- Predicted that the rise in fees could result in increased legal aid costs and further decrease an already diminishing civil legal aid budget (*Law Professions and Representative Bodies*).

(v) *Effect on Family Proceedings Courts*

- Anticipated the adverse effect that the very substantial increases of fees in the Family Proceedings Courts would have upon the commencement and retention of proceedings in the Family Proceedings Courts (*Family Proceedings Courts*).

Against

Respondents against harmonisation provided arguments and suggestions set out in the following sub-headings —

(i) *Increase in cost*

- Argued that the cost of providing a service in magistrates' courts was lower than those in higher courts so the harmonisation was not justified (*Law Professions and Representative Bodies*).

(ii) *Effect on Family Proceedings Courts*

- Suggested that any increase in magistrates' courts fees be delayed until allocation rules put the work in the magistrates' court on a more secure footing and warned that if this was not done, the effect of the fee increases would not develop a more streamlined and unified service, but put Family Proceedings Courts into terminal decline (*Justices' Clerks*).
- Predicted that harmonising fees would remove the final reason for issuing any proceedings under the Children Act and Family Law Act (domestic violence) in the magistrates' courts – unless allocation rules were amended at the same time, the likely effect would be to increase caseload in the county courts which would send the caseload in the Family Proceedings Courts into a downward spiral (*Justices' Clerks*).
- Argued that harmonisation conflicted with another objective to have family cases dealt with at the lowest level in the hierarchy – so if an applicant has to pay the same fee regardless of the venue, then the vast majority of applicants would seek to issue at the county court – historically when such applications have been made they remain at that jurisdiction (*Family Proceedings Courts*).

(iii) *Efficiency and Service*

- Predicted that harmonisation would lead to further delays in the county courts because there would no longer be a financial incentive for parties to file applications in the magistrates' courts (*Law Professions and Representative Bodies*).

(iv) *Legal Aid*

- Urged the Government to consider impact of this proposed harmonisation on the legal aid fund (*Law Professions and Representative Bodies*).

Additional Comments

While the three questions asked in the Consultation Paper generated a broad variety of responses, comments were not sought on the underlying fee policy. However, twenty-five respondents (approximately 51%) took the opportunity to offer additional comments. The numbers and categories of the respondents were as follows —

- 8 Law Professions and Representative Bodies;
- 5 Judiciary and Magistracy;
- 2 Justice Councils;
- 1 Family Proceedings Court;
- 2 Local Authorities;
- 4 Other Groups;
- 2 Justices' Clerks; and
- 1 Individual.

Additional comments were provided on the following subjects —

- Access to Justice
- Consultation
- Efficiency and Service
- Fee-setting Policy
- Legal Aid
- Personal Injury

- Trial Fees
- Woolf Reforms

Access to Justice

- Reiterated that the Treasury's Fees and Charges policy was wrong because it risks undermining a fundamental attribute of a democratic society that its citizens should be able to have reasonable recourse to the courts to resolve civil disputes (*Judiciary and Magistracy*).
- Urged that there were constitutional issues that needed to be addressed as to whether the State has a duty to operate a Civil Court system which is accessible to all (*Justices' Clerks*).
- Questioned whether there should ever be full fee exemption or remission even for those who are in receipt of Income Support or similar state benefits and proposed instead that paying a contribution towards the fee on issue of any application or claim would deter frivolous or vexatious claims (*Judiciary and Magistracy*).
- Warned that the continual and significant increases in court fees had created a serious impediment to access to justice for those not eligible for legal aid or for fee exemption or remission, and that the current exemption and remission scheme is not sufficient to guarantee access to justice (*Judiciary and Magistracy and Law Professions and Representative Bodies*).

Consultation

- Expressed concern about the short time allowed for the consultation, and questioned why the consultation had been limited to statutory consultees and other key stakeholders (*Justice Councils and Court Committees*).

Efficiency and Service

- Questioned the Government's policy to make HMCS fully-funded by users by increasing court fees as the policy makes no assurances that the increase in

fees would be reinvested towards improving the level of service provided by the courts (*Law Professions and Representative Bodies*).

- Acknowledged that HMCS was trying to standardise practices across previously separate regional court committees, but that there was still inadequate customer service in some of the courts (*Local Authorities*).
- Argued that if claimants are expected to pay the higher court fees then there should be a minimum level of service with assigned service targets which are set and monitored and if these minimum standards were not met, then the court should refund part, if not all, of the fees charged (*Law Professions and Representative Bodies*).

Fee-setting Policy

- Suggested that the cost of maintaining heritage buildings such as the Royal Courts of Justice should be excluded from HMCS expenditure (*Law Professions and Representative Bodies*).
- Argued that the fee-setting policy was self-defeating because raising court fees leads to a fall in the number of claims issued and is therefore likely to reduce the aggregate revenues raised for HMCS (*Law Professions and Representative Bodies*).

Legal Aid

- Expressed the view that the increases would also have a substantial negative affect on the already over stretched legal aid budget (*Law Professions and Representative Bodies*).
- Argued that the figure in the impact assessment estimating the increases for legal aid in private law family fees in the higher courts had been underestimated (*Law Professions and Representative Bodies*).
- Envisaged that the increased fees would aggravate the cash flow burdens on the diminishing number of firms of solicitors who undertake legal aid work (*Law Professions and Representative Bodies*).

- Suggested the introduction of a system that removes administrative and legal costs associated with the payment of court fees, which could be dealt with by way of appropriate agreed transfers between the Legal Services Commission and HMCS (*Other Groups*).

Personal Injury

- Considered that the increases would have a significant effect on legal funding issues as legal expenses insurers would be more reluctant to offer cover due to the increased financial risk. This would ultimately have a direct impact on injured claimants' access to justice, with many worthy cases unable to gain funding to continue to court (*Law Professions and Representative Bodies*).

Trial Fees

- Noted the reference to the possible introduction of trial fees in larger civil cases, and emphasised the deleterious effect which they considered trial fees would have on the attractiveness of the Supreme Court as a forum for litigating major disputes (*Law Professions and Representative Bodies*).
- Reiterated opposition to the proposed introduction of hourly trial fees arguing that there were substantial risks that overseas litigants would be less likely to choose England as the forum for resolution of disputes and would be more likely to select another forum or agree to arbitration (*Law Professions and Representative Bodies*).

Woolf Reforms

- Argued that the *Civil Procedure Rules* had become so technical that many people found it almost wholly impossible to understand them (*Individual*).
- Commented that since the introduction of the Woolf Reforms, the number of claims issued in the High Court and County Courts had declined, while the numbers of judiciary had steadily risen – the DCA and HMCS should therefore undertake a fundamental review of the allocation of work in all the civil and family courts (*Law Professions and Representative Bodies*).

Conclusion

1 After careful consideration of the responses received, the decision was made to proceed with all the fee increases proposed with two exceptions. The proposals that were deferred or abandoned were —

- The increases to lower value fees in the civil courts, (fee 1.2a – 1.2f) were abandoned. These proposals would have cut across the longer-term fee strategy, which seeks to rebalance fees away from issue towards the later stages of cases that generate most of the cost.
- The proposal to increase the ancillary relief application fee has been postponed. This proposal raised serious concerns in the consultation response, not least because the fee was raised significantly in January 2005. There were also concerns that a large increase in this fee could have a detrimental impact on access to justice and any children of the family. It will be necessary to look again at this fee following the outcome of the planned review of the system of exemptions and remissions.

2 Three Fees Orders —

- SI 2005 No. 3445 Civil Proceedings Fees (Amendment No. 2) Order 2005
- SI 2005 No. 3443 Family Proceedings Fees (Amendment) Order 2005
- SI 2005 No. 3444 Magistrates' Courts Fees Order 2005

were laid before Parliament on 20 December 2005, and came into force on 10 January 2006.

Next Steps

1. These increases were a first step in a longer-term strategy for reviewing and reforming the court fee system to ensure it is sustainable and well-balanced. The strategy will ensure we can —
 - provide the customer with services that represent value for money in terms of quality and price; and
 - balance the costs of the system with its income.
2. A sustainable system should —
 - be able to meet the financial targets set for civil, family and probate business;
 - protect access to justice through a well-targeted system of exemptions and remissions;
 - for the taxpayer who bears the cost of cases subject to fee exemption or remission;
 - be flexible enough to accommodate changes in demand, whether driven by wider policy changes or extraneous factors. The current system is over-dependent on issue fees on undefended debt claims.
3. HMCS is embarked on a programme of work to achieve these aims. The four key elements are —
 - to review and reform the way in which fees are charged during a case so that fee income more closely matches costs as they arise;
 - to review and reform the system of fee exemptions and remissions to ensure that it protects access to justice;
 - to take forward necessary fee changes to meet our financial objectives; and
 - to improve the information systems used to calculate cost, set fees and account for fee recovery.

4. We are undertaking two major reviews during 2006 as the next steps in delivering this programme —
 - The first is a fundamental review of the system of exemptions and remissions to ensure that it adequately protects access to justice and operated consistently by the courts. This review is being overseen by a Steering Group of stakeholders including representatives of the Civil and Family Justice Councils.
 - The second is a review of the structure of the fees system, that is the points at which fees are charged. The key objective is to achieve a closer match of income and cost drivers, in particular through the introduction of civil trial fees. This is necessary both to make the system fairer as between different types of litigant, and to make it easier to ensure that cost and funding remain in balance as workload changes. We will consider all the specific suggestions raised by consultees as part of this review.

Consultation Co-ordinator contact details

If you have any complaints or comments about the **consultation process** rather than about the topic covered by this paper, you should contact the Department for Constitutional Affairs Consultation Co-ordinator, Laurence Fiddler, on 020 7210 2622 or email him at consultation@dca.gsi.gov.uk

Alternatively, you may wish to write to the address below —

Laurence Fiddler
Consultation Co-ordinator
Department for Constitutional Affairs
5th Floor Selborne House
54-60 Victoria Street
London
SW1E 6QW

If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given on page 3.

The Consultation Criteria

The six consultation criteria are as follows —

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

These criteria must be reproduced within all consultation documents.

Annex A – List of Respondents

Law Professions and Representative Bodies

London Solicitors Litigation Association

Family Law Bar Association

Civil Litigation Committee of the Manchester Law Society

Bar Council – Legal Service Committee

Civil Litigation Committee of the Liverpool Law Society

Institute of Legal Executives

Chancery Bar Association

Law Society – Civil Litigation Law Reform and Legal Policy

Association of Personal Injury Lawyers

Jo Johnson – Baches Solicitors

Peter Causton – Browne Jacobson Solicitors

Stuart Smallman – McGregors Solicitors

David White – David White and Company Solicitors

Herbert Smith Solicitors

Nicholas Longford on behalf of Resolution

Judiciary and Magistracy

His Honour Judge Richard Holman

District Judge Peter Gill

His Honour Judge Donald Hamilton

District Judge Edwina Millwood on behalf of the Family Sub-Committee and
District Judge David Oldham on behalf of the Civil Sub-Committee – Association
of District Judges

His Honour Judge Richard Jenkins on behalf of the Council of HM Circuit Judges

The Lord Chief Justice

Judges' Council

Cliff Newman JP on behalf of Cangen Gwynedd Branch of the Magistrates'
Association

Justice Councils and Court Committees

Family Justice Council

Civil Justice Council

Courts Board Bedfordshire

Family Proceedings Courts

Robert Ball on behalf of Essex Family Proceedings Court

Ruthe Allen on behalf of Dorset Family Proceedings

Margaret Wilson on behalf of the Greater London Family Panel

Local Authorities

Mr Ian Stewart – Denbighshire County Council

Andrew Taylor – New Forest District Council

Jane Birkenshaw – East Riding of Yorkshire Council, Childcare Special Interest
Group

Peter Nicholls – Leicester City Council

Mike Shaw – Portsmouth City Council

Rowena Gates – London Borough of Barnet

HM Courts Service

Nicholas Botham – Telford Magistrates' Courts

Other Government Departments

Steve Booth – HM Revenue and Customs

Lesley Crafer – Department for Works and Pensions

Other Groups

Peter Loose – Metropolitan Police Directorate of Legal Services

Craig Pickering – Families Need Fathers

Ann Shipp – Departmental Whitley Council Trade Union Side

GS Bullivant – Institute of Credit Management

Moira Hepworth – Institute of Revenues, Rating and Valuation

Richard Collins – Legal Services Commission

Simon Hardy – Provident Financial Management Services

Justices' Clerks

Sian Jones – Teesside Magistrates' Court

Justices' Clerks' Society

Individuals

E Sutherland-Loveday – litigant in person

Anthony Reeves – Legal Executive / Debt Recovery Manager

Annex B – Questions posed in the Consultation Document

Q1. Given the underlying fee policy objectives and the need to cover costs, do you consider any of the individual fee increases proposed to be inappropriate?

If so please explain why and what alternative changes you would recommend instead to raise the necessary income?

Q2. Are there any other fees that should be charged and why?

Q3. Do you agree that it is appropriate to harmonise family fees in the magistrates' courts with those in the county courts?

Do you agree that the proposals achieve this objective?

If you do not, please state reasons?

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