

Consultation Response

Scottish Court fees 2025–2027

January 2026





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Introduction

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Civil Justice Committee and Access to Justice Committee welcomes the opportunity to consider and respond to the Scottish Government Consultation on Court fees 2025 to 2027.

The Committee has the following comments to put forward for consideration.

Question 1 – Do you agree that court fees should rise by 3% commencing 1 April 2026 and a further 3% commencing 1 April 2027?

The Civil Justice Committee agreed that the proposed increase of 3% appears reasonable when looking at comparable indices which the Committee consider to be CPI and CPIH.

Question 2 - Do you consider a two-year inflationary increase to be a reasonable approach to maintaining the value of court fee income while longer-term reform is being developed?

The Civil Justice Committee accepted that a two-year inflationary increase is a reasonable approach for practical reasons, subject to the comments made by the Committee at Question 3.



Question 3 - Do you agree that, in parallel with the proposed fee increases, a full review of the court fee structure should be undertaken by the Court Fee Working Group?

The Civil Justice Committee do not recognise the need for immediate reform. However, it is noted that this work has already begun, as a working group has been established. If a full review of the court fee structure is to be undertaken, the Committee believes it is vital that the working group includes members of the profession who are principally responsible for passing on and paying court fees on behalf of users, and who have direct experience of observing how the courts operate.

Question 4 - Do you have any comments on the proposed timing, scope or priorities of the future public consultation on court fee reform, including the work of the Court Fee Working Group?

The Civil Justice Committee noted that the level of service provided by the court needs to reflect the cost for court users. For example, the Committee feel that the standard of service provided by the Auditor of the Court falls short of what is acceptable, given the significant delays in both the fixing of taxation dates and issuing of decisions. This is a matter of serious concern to the profession.

Furthermore, it was noted that there is always a desire for general service levels to improve particularly when court fees are increasing each year.

Question 5 - Do you have any other comments or suggestions, including any minor amendments to the current court fee structure or exemptions, that you feel should be considered?

The overall position of the Civil Justice Committee is that a functioning court service which provides access to justice is fundamental for a well-functioning society. It is, therefore, unreasonable for court users to bear all costs at any given time. The Committee considered that the consistent increase of court fees to cover other financial priorities of the court service risks deterring access to justice. It is, therefore, important to strike a balance between charging appropriate fees and ensuring that access to justice is maintained.

Furthermore, it was noted that the process for applying for a fee exemption is cumbersome. One member of the Committee noted that some party litigants are unaware that they can apply for a fee exemption. For those who do, the process is



complex and time consuming, requiring the uploading and scanning of documents to be sent by email to the court to evidence their entitlement. The process could be improved and made more transparent. One member of the Committee suggested moving the application process to Civil Online and updating the platform to include a tick box that alerts party litigants to the possibility of applying for an exemption.

Question 6 - Do you consider that any of the proposals in this consultation paper are likely to have a disproportionate effect on people or communities who face discrimination or social exclusion owing to race, age, gender, disability, sexual orientation, or any other factor?

The Civil Justice Committee noted that information on court fees is not easily accessible on the website and recommended improving transparency and communication regarding these fees.

**For further information,
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