



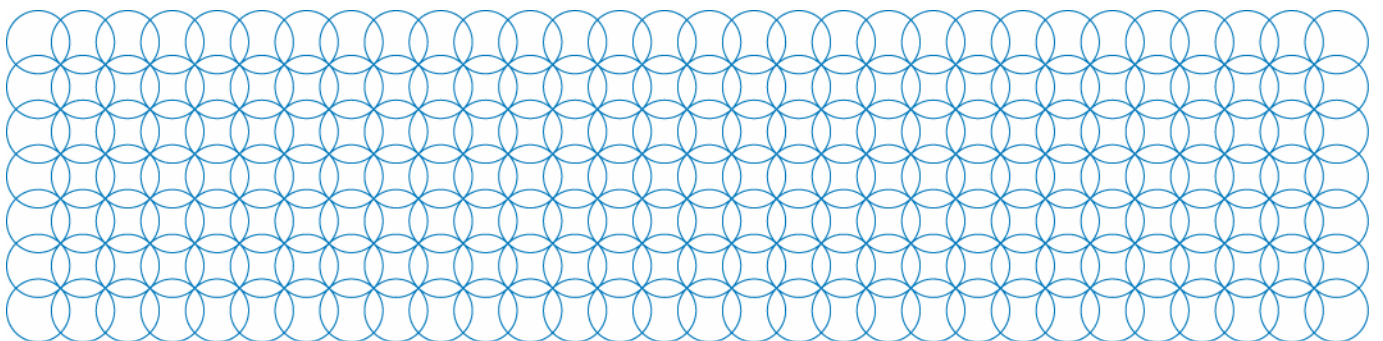
Ministry of
JUSTICE

Civil Court Fees 2008

Consultation Paper [CP31/08]

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JUSTICE

Civil Court Fees 2008

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Executive summary

1. In 2007/2008, the cost of running the civil and family courts in England and Wales was £607m. Of this, almost 78% was funded through court fees worth around £472m. The fees are prescribed by the Lord Chancellor under statutory powers and must comply with the general policy principles for statutory fee-charging services, as set out in Treasury's *"Managing Public Money – Charges and Levies"*.
2. Court fees should be set, so far as possible, at levels that reflect the full cost of the process involved. The scheme of fee remissions exists to ensure that access to justice for the less well-off is protected.
3. The underlying fee policy of full-cost recovery, (apart from the cost of remissions) and the need to raise income to meet financial targets, are not in question in this consultation.

The proposals in the consultation paper represent the next steps to delivering our strategy. We propose to introduce:

- Increases in civil and family fees, particularly those for enforcement processes, in order to maintain full-cost recovery for civil business and keep the relevant family fees aligned with the civil equivalents;
 - A simplified fees order for the magistrates' court that increases fees to bring cost-recovery levels up from around 55% to 100%.
4. We will continue to implement our strategy over the next few years. Future steps include:
 - Developing a package of family fee increases, to include a review of the financial fee structure for private family cases, to bring them to full cost;
 - Further work to improve our costing system and to create alternative ways in which fees can be paid in order to reduce administrative costs for users and HMCS;
 - Development of hearing fees, including the possibility of daily hearing fees in large commercial cases.

Introduction

1. This Consultation Paper is the next step in the Government's strategy for developing the fees system in the civil courts of England and Wales. It sets out for consultation proposals to:
 - Increase civil and family fees, particularly those for enforcement processes, in order to maintain full-cost recovery for civil business and keep the relevant family fees aligned with the civil equivalents;
 - Simplify the magistrates' court fees order and increase cost-recovery levels from around 55% to 100%.

This consultation is being conducted in line with the Code of Practice on Consultation, issued by the Better Regulation Executive, and falls within the scope of the Code. The consultation criteria, which are set out on page 38 have been followed.

2. Specific questions for comment are summarised at page 24. Replies are sought by 4 March 2009. The underlying fee policy and the need to cover costs are not in question in this consultation.
3. An Impact Assessment is annexed at page 28. This indicates the changes will not have a significant impact on any particular sector. However, if you disagree or wish to make any other comments, they are welcome.
4. Copies of the Consultation Paper are being sent to:

The Senior Judiciary and the Judicial Office of England and Wales

Council of Her Majesty's Circuit Judges

Association of Her Majesty's District Judges

High Court Masters Group

Magistrates' Association

Civil Justice Council

Family Justice Council

Justices' Clerks' Society

Law Society

Bar Council

Resolution

Association of Personal Injury Lawyers

Institute of Legal Executives

London Solicitors Litigation Association

Civil Court Users Association

Small Business Federation

Association of British Insurers

Advice Services Alliance

Citizens Advice

Consumer Focus

Equality and Human Rights Commission

Local Government Association

HM Inspectorate of Court Administration

Legal Services Commission

Child Maintenance and Enforcement Commission

Other Government Departments

This list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with any interest in or views on the subjects covered by this paper.

Background and Strategy

1. The total cost of running the civil and family courts of England and Wales is currently almost £650 million a year. These costs include (but are not limited to) staff and judicial salaries, accommodation costs, maintenance and IT costs.
2. In 2007/08, court fees covered 78% (around £472m) of the total cost. That part of the cost not covered by fees is met by the general taxpayer as part of the resource budget of the Ministry of Justice (MoJ). The taxpayer's contribution is made up of two elements:
 - potential fee income foregone under the system of fee concessions;
 - fees set below full-cost levels (i.e. they would not cover the total cost even if none were remitted).
3. In previous years, the latter subsidy was partly offset by the fact that civil fees in the county courts recovered significantly more than the cost of those proceedings. Figures for 2008/09, and for future years, indicate that this previous over-recovery has been eliminated and that full-cost recovery could not be maintained given current fee levels.
4. Court fees have to comply with the legal and policy principles that apply to all services where the Government charges fees under statutory powers. General policy on fee charging is set out in *"Managing Public Money – Charges and Levies"* (which has replaced the *"Fees and Charges Guide"* referred to in previous consultations). It requires every fee-charging service to have a financial objective for the level of cost recovery agreed between the responsible minister and the Treasury. The default position is that fees should cover the full cost (but no more). Lower targets can be agreed where there is a sound policy justification.
5. In the case of court fees, a system of fee concessions is available to protect access to justice for the less well-off and represents such an agreed policy objective. In 2007/08, 212,418 fee remissions were granted at a value of £27.5 million.
6. Although the term 'full-cost recovery' is often used, our target is not literally 'full-cost recovery'. The taxpayer makes, and will continue to make, a significant contribution to the cost of running the civil and family courts. A better way of describing the policy is 'full-cost pricing'. In other words, fees should be set at levels calculated to cover the full cost of the system if paid in full in every case. Full-cost pricing, together with a system of concessions to protect the less well-off, is the best way of targeting the taxpayer's contribution to where it is most needed. Setting fees generally at levels lower than full-cost price would mean corporations and other institutions or wealthy individual litigants would benefit from that

contribution – increasing its cost and in turn putting pressure on other budgets such as legal aid.

7. The proposals in this consultation paper are the next step in the Government's strategy to reform the court fee system to ensure it is fair and sustainable. This strategy and the underlying fee policy were set out in detail in a previous consultation paper: Civil Court Fees - CP5/07, which can be viewed at <http://www.justice.gov.uk/publications/cp0507.htm>.
8. The overall objectives of the strategy are to ensure that the system:
 - meets its financial targets for cost recovery and net expenditure;
 - protects access to justice through a well-targeted system of fee concessions;
 - remains viable when patterns of demand change, by achieving as close a match between income and costs within the system as reasonably practicable.
9. These objectives are concerned with fairness as well as financial considerations.
10. Appropriate financial targets ensure that the system is fair to the taxpayer (and therefore, users of other public services). In particular, the policy of full-cost pricing (that is full-cost recovery allowing for fee remissions) ensures that so far as is reasonable, the actual users pay for the service they receive.
11. Better matching the income from specific fees with the cost of associated processes, will both help ensure that the system is sustainable because funding levels can reflect workload changes over time, and make the system fairer between different categories of court user. The fees charged will more closely reflect the cost of the particular services used.
12. The underlying fee policy and the need to raise income to meet financial targets, are not in question in this consultation and this consultation paper does not consider a 'do-nothing' option. If fee income is not raised to maintain the necessary level of funding, court services would be compromised and HMCS would be forced to consider further cost-cutting options.
13. We have already introduced significant changes to the civil and family fee systems since 2005. These include:
 - The development of a more accurate and flexible model for costing civil and family business and setting fee levels (October 2005). Since then HMCS has been refining the model and gaining a more accurate picture of where costs are incurred in the system;
 - Devising and implementing fundamental reform of the fee concessions system (October 2007);

- Beginning to rebalance the fee structure in the main civil courts, primarily by introducing hearing fees and making offsetting reductions in up-front issue fees, including discounts for electronic issue (October 2007);
 - Aligning most family fees common to county and magistrates' courts (January 2006), and bringing public family fees to full-cost levels (May 2008).
14. The latest forecasts for civil (higher) indicate that we need to increase fees in order to cover costs. We propose to focus increases on enforcement fees as this is an area that currently recovers only about half of its full cost. These fees were not increased in the last round of civil changes, in October 2007.
15. Research into the impact of court fees on court users was undertaken in 2007¹ and concluded that costs are a minor consideration in an individual's initial decision to take matters to court.
16. The Ministry of Justice is committed to ensuring that court fees do not prevent access to the courts for those less well-off. Further research has been commissioned on the concessions system. This will assess whether the scheme is operating effectively and meeting the needs of those that use it or who may need to use it in the future. It will look at whether the fee remission scheme is targeting the right people, whether it is being applied consistently, and find out what users know and understand about it. The information received from the research will form the basis of any future changes that may be needed to the system of fee concessions. The findings from the research will be published during the Spring of 2009.

¹ "What's cost got to do with it? The impact of changing court fees on users" published in May 2007 can be accessed online at <http://www.justice.gov.uk/publications/research280607.htm>

Proposals

17. The proposals in this paper aim to bring civil fees back to full-cost levels and increase magistrates' fees to 100% cost-recovery levels for the first time. The proposed are also the next step in our strategy of better matching cost and income in the system. The suggested increases are worth £38m additional fee income in a full year. We propose to introduce:

- Increases in civil and family fees, particularly those for enforcement processes, in order to maintain full-cost recovery for civil business and keep the relevant family fees aligned with the civil equivalents;
- A simplified fees order for the magistrates' court that increases fees to bring cost recovery levels up from around 55% to 100%.

18. Once the consultation closes on 4 March 2009, we plan to consider the responses and bring forward firm recommendations for implementation in May 2009. This paper focuses on the principles and objectives underlying the proposals. It indicates, so far as possible, the order of magnitude implied for changes to particular fees. However, the exact figures in the final proposals will be refined to reflect both the consultation and the latest forecasts available for workload, fee income and planned expenditure.

In the longer-term

19. The fees strategy sets out the medium-term objectives which will be taken forward following the current proposals. These include:

- A consultation on private law fees in spring 2009, with the first set of changes to be introduced in October 2009;
- Further work on our costing system and improvements in the way fees can be paid, in order to minimise the administrative cost to users and HMCS;
- Further development of hearing fees, including the possibility of daily trial fees in large commercial cases, and further changes to reflect efficiencies in the administration of the courts, expected to arise from the HMCS business strategy.

Chapter 1 – Fees for Civil and Family Proceedings in the Higher Courts

1. This Chapter proposes increases to various enforcement process fees payable for civil and family business in the county court and the High Court. It also proposes to align equivalent fees for civil and family business. This alignment makes the overall fee system simpler and fairer when processes are similar or identical in terms of effort and cost.
2. Our objective is to return civil fees in the higher courts to full-cost levels. The previous over-recovery on civil (higher) has been removed. Cost and fee income forecasts for 2009/10 indicate this would be 95% at current fee levels. This means we need to increase fee income by around £21m. Enforcement fees were unchanged in the last round of civil changes in October 2007.
3. The package of fee changes introduced in October 2007 rebalanced the fee structure with the introduction of hearing fees and a reduction in issue fees. Pursuant to our general strategy of matching cost with income we are focusing this consultation paper on a discrete area of business that recovers significantly less than its full cost.
4. In the context of enforcement, it is particularly important to charge the true cost of the particular process. Charging the true cost enables creditors to weigh the appropriateness of taking enforcement action against a possibly vulnerable debtor, and the realistic likelihood of recovering their money.
5. Equally, where enforcement is successful and the court fee is added to the amount enforced, this ensures that debtors, who can pay, face the full cost of their default.
6. A detailed list of the fee changes proposed is at Annex A. In total, for civil proceedings in the higher courts, these proposals would raise an additional £21m in a full year, and return cost recovery to 100%. Family fee income would be raised by £5m in a full year and cost-recovery levels would be raised to around 58% of the full cost.

Enforcement

7. Currently, enforcement fees are not always set at the same level, as between county courts and the High Court. We propose to align enforcement fees for civil and family business in both jurisdictions. There is no difference in procedure and costs between these processes - just a difference of jurisdiction. These changes would apply to:
 - Fees for applications for a third party debt order, appointment of a receiver by way of equitable execution, or a charging order (and applications for a garnishee order nisi or charging order nisi in High Court family proceedings). For issue in any jurisdiction a fee of £100 is

proposed. This fee reflects the administrative and judicial time involved;

- On an application for a judgment summons, the procedure is used to summon a debtor to court, against whom judgment has been given for failure to pay child support maintenance, Income Tax, National Insurance contributions or state scheme pensions, and who, since judgment, has fallen into arrears with payments. It is planned to align these fees in all jurisdictions at £100 to reflect the administrative, bailiff and judicial costs;
- On an application for an order to attend court to provide information and answer questions. This fee is already set at the full-cost level of £50 in High Court civil proceedings and it is proposed this figure would apply across the other jurisdictions;
- On a request or application to register a judgment or order; or for permission to enforce an arbitration award; or for a certified copy of a judgment or order for use abroad (High Court only). The fee in family proceedings will be aligned with the civil proceedings fee which is charged at £50.

County Court Fees – Attachments of Earnings & Warrants

8. We propose to increase the application fee for an attachment of earnings order in the county court to full cost. The new fee proposed is £100 to reflect the true cost of the administrative and judicial time spent on these cases.
9. Currently there are four fees charged for issuing a warrant of execution against goods in the county court. A warrant of execution is valid for one year and can be a lengthy process involving one or more visits being made by the bailiff to a debtor's address.
10. As the cost of enforcement is the same regardless of the amount for which the warrant is issued, it is proposed that the financial value of the warrant should no longer be a consideration in setting the court fee. The lower fee for warrants at a value below £125 would therefore be removed.
11. Under the proposals, the application fee for enforcement of a judgment by the issue of a warrant of execution against goods (except a warrant to enforce payment of a fine) would be £100. In civil proceedings, issuing cases electronically using the County Court Bulk Centre (CCBC) would continue to justify a lower fee because this costs significantly less for HMCS to administer. The fee proposed is £70, maintaining the existing £30 differential.
12. The High Court fee for sealing a writ of execution / possession / delivery, would be unchanged. A bailiff is not involved in this process and the fee already covers the cost. The equivalent High Court fee for family proceedings will be aligned with the civil fee of £50.

Other fees

13. A fee for service by bailiff of an order to attend court for questioning was introduced in the county court in November 2008 following a change in the Civil Procedure Rules 1998. This fee was aligned with the existing £30 bailiff fee in the Family Proceedings Fees Order. However £30 does not reflect the cost of this service – namely the cost of the bailiff making a visit. It is proposed that we increase these fees to £100.
14. Detailed assessment is a procedure by which the amount of costs payable by one party is decided by a costs officer. This can take anything from one hour to several days. A court survey of detailed assessment hearings noted a significant correlation between the value of the bill and the time and resources needed to assess it. This led to the banded fee scale introduced in 2007. However, where the party filing the request is legally aided or funded by the Legal Services Commission (LSC), and no other party is ordered to pay the cost of the proceedings, the fees are currently set at a lower flat rate.
15. The process and work involved is the same regardless of whether or not the party is legally aided and cross-subsidising fees to this extent does not support our objective of a transparent fees system. In order to remove the anomaly, we propose to change the fees for those funded by the LSC to the same levels as those privately funded.
16. All other fees for 'Determination of costs' (Paragraph 5 in the civil fees order and Paragraph 8 in the family fees order) would, under these proposals, be aligned at the same levels. There is no difference in procedure and cost between these processes - just a difference of jurisdiction.
17. It is proposed to increase the fee on applying for an order under Part 3 of the Solicitors Act 1974 for the assessment of costs payable to a solicitor by a client, or on the commencement of costs-only proceedings. A fee of £40 in family proceedings would bring this to full cost and align it with the equivalent fee in civil proceedings.
18. Searches undertaken in the central index of decrees absolute or of final orders kept at the Principal Registry of the Family Division take, on average, 30 minutes of administrative time and in most cases a certificate of decree absolute or of final order is issued. We propose increasing this fee to the full-cost level of £60.

Q.1 Do you have any comments on the proposed fee changes in the higher courts, bearing in mind they take account of the work involved and the cost of each process?

Q.2 In particular, do you agree with the proposal to remove the financial value of the warrant as a consideration of the court fee?

Chapter 2 – Fees in the magistrates' courts

1. This chapter proposes changes to various fees payable in the magistrates' courts. The civil jurisdiction of these courts is limited to a range of specific proceedings under various statutes, and is quite distinct from the general civil business of the High Court and county courts.
2. The current magistrates' court fees order is not well expressed. The descriptions of some fees cause uncertainty, which we plan to address, also, we hope to streamline the fees order by amalgamating some fees under new sections.
3. Historically, magistrates' court fees were very low and were not used to offset departmental spending. Since the creation of HMCS in 2005 however, these fees have been appropriated in aid of MOJ's budget on the basis they would, in future, be set in compliance with general fees and charges policy. Since 2005/06, our objective has been to increase these fees to full-cost levels.
4. We took the first steps towards this objective in the fee increases introduced in January 2006 and October 2007; these brought the cost recovery to around 55%. In May 2008, fees for public law family business in the magistrates' court were increased to full-cost level.
5. This package is the third step and is designed to remove the remaining MOJ subsidy. A substantial reworking of the fees order is also proposed meaning that fees will be more clearly and comprehensively defined, making it more user friendly, yet harder for some applicants to argue that the fees do not apply to their particular case. The proposed increases are set out below and summarised at Annex A.
6. In total, these proposed fee increases bring cost recovery for civil proceedings in the magistrates' courts to 100% of the full cost (allowing for fee remissions), and would raise £12m additional fee income in a full year.

Other Civil Proceedings

7. The main changes proposed relate to the fees for miscellaneous business (fee numbers 18.1-18.4), not covered by other specific fees. This miscellaneous business accounts for about two-thirds of the cost of civil proceedings in the magistrates' courts. Relevant proceedings include recovery of unpaid income tax and applications for orders under various statutes (e.g. anti-social behaviour, proceeds of crime, environmental protection and dangerous dogs). In some cases costs can be passed on to the defendant by way of an order for costs.

8. The current fee structure is largely defined in terms of the outputs produced by the court (complaint, summons, and warrant), and the wording of the fees order has caused confusion and allowed some users to argue that particular fees do not apply in their case. The proposals below are intended to streamline and simplify the fees order, making it clear which fee applies when starting any sort of proceedings.
9. We intend to replace the existing fees at 18.1 – 18.4. The proposed new fees are intended to capture the processes involved in those proceedings not otherwise mentioned in the fees order. These tend to be complex cases taking up a lot of court time - many of which are currently not charged for because of the way in which the fees are described. We plan to introduce a new fee for the commencement of all other civil proceedings not otherwise mentioned in the fees order. This one-off fee of £425 would cover the work undertaken for the application (or complaint), summons and/or hearing notices, and any commitment orders for the duration of the case, as well as the hearing itself. This would replace the four fees totalling £250 that potentially are payable now.
10. Where enforcement is necessary, a separate warrant fee would remain payable, unless the bench issues a warrant of its own motion.
11. We recognise that in cases where permission to commence proceedings is required, a £425 fee is not appropriate at that stage. Thus, we propose to introduce a new fee of £100 to cover applications for permission to commence proceedings.
12. We intend to introduce two new fees for applications within proceedings - applications by consent and on notice. An application by consent fee of £50 is proposed – this reflects the judicial time involved, and the fact that this process does not require a court appearance. A £100 fee for an application on notice is proposed – the level of this fee corresponding to the involvement of the court in these additional hearings, where any party is given notice to attend a hearing.
13. The new fees proposed under Paragraph 18 - Other Civil Proceedings are outlined below:

Fee	Description	Cost
18.1	Commencement of new proceedings not otherwise mentioned in the fees order.	£425
18.2	Application for permission to commence new proceedings.	£100
18.3	Application within proceedings:	
	a) By consent where no other fee is charged.	£50
	b) On notice where no other fee is charged.	£100

Warrants and Committal Processes

14. The magistrates' court fees order is unnecessarily complicated. We propose to streamline it by including all fees for warrants and committal proceedings in their own sections.
15. Warrant and committal fees that currently sit within paragraphs 5 (Council Tax & Rates), 12 (Proceedings under the Child Support Act 1991) and 18 (Other Civil Proceedings) would be removed from these sections of the fees order, and placed in paragraphs 19 & 20 instead (see below).

Warrants

16. Rather than list warrants of entry, warrants of arrest and warrants of distress separately throughout the fees order, we propose listing all warrants for civil proceedings under paragraph 19, to be entitled 'Warrants'. The fee for a warrant would be payable on requests for a warrant to be issued, regardless of any previous fees that have been paid, unless the warrant is issued by the bench of its own motion.
17. The fee for issue of a warrant will be increased to full-cost levels. Obtaining a warrant of entry is generally a speedy process that takes up relatively little court time. It is proposed to increase this fee to £15. Other warrants, such as warrants of distress or warrants of arrest, are more serious in nature and as such, require more involvement of the court. The proposed full-cost fee of £75 involves the collation of information laid by the applicant, going before the bench to outline why the warrant is needed (under oath), magistrates' deliberations and subsequent administrative costs. The proposed wording at paragraph 19 reads:

Fee	Description	Cost
19.1	On the application for a Warrant of Entry	£15
19.2	On the application for any other warrant not otherwise mentioned in the fees order.	£75

Committal Proceedings

18. Currently fees for committal proceedings under Council Tax and rates are charged in three parts (for issuing of a complaint, warrant of arrest and commitment order), totalling £90. Elsewhere in the fees order, this same process is charged as a combined single fee of £90 (making a commitment order for unpaid Child Support maintenance). We intend to introduce a single paragraph (paragraph 20) with a single combined fee for all committal applications in existing proceedings.

19. This one-off fee of £250 would be for any combination of the following stages: making a complaint or application, the issue of a summons, a commitment hearing and a committal order.

Other Fees

20. We propose to increase the fee for a case stated for the opinion of the High Court to £500. This fee is currently set at only 15% of the full cost of £2,400, at £400. However, MOJ intends to consult on proposals that would have the effect of abolishing case stated proceedings from family cases.

21. It is proposed to increase the fee on a request for a certificate not otherwise charged (where obtaining copies of documents such as memorandum of convictions), to £60. This reflects more accurately the time involved in finding original records, reproducing certificates, arranging to have them signed, sealed and then checked by the legal advisor.

22. To assist in simplifying the fees order, we intend to combine fees 16.1 (request for a license, consent or authority not otherwise charged for) and 16.2 (On an application for the revocation of a license not otherwise charged for). This fee is generally used for working child license applications. This new fee - '*on a request or revocation for a license, consent or authority not otherwise provided for*', would be charged at £25.

23. To assist in simplifying the fees order, we propose to remove the fee under paragraph 7 - on a request for the duplicate of a document. This fee replicates the fees under paragraph 6, charged for the copy of documents, and causes confusion to court users and staff.

Q.3 Do you agree that the proposed structural changes to the magistrates' court fees order achieves clarity and will capture all the processes it is intended to?

Q.4 Do you have any other comments on possible adjustments we could make to the magistrates' fees order in order to make it more streamlined and easier for users to understand?

Q.5 Do you have any comments on the proposed fee changes in the magistrates' court, bearing in mind they take account of the work involved and the cost of each process?

Annex A

Civil Court fees

Fee Number	Description	Current Fee	Proposed Fee
5.1	Filing of a request for detailed assessment where the party filing the request is legally aided or is funded by the LSC and no other party is ordered to pay costs of the proceedings. ¹	£105	Banded scale from £300 - £5,000
5.3	On a request for the issue of a default costs certificate	£45/£50	£60
5.4	On an appeal against a decision made in detailed assessment proceedings	£105/£200	£200
5.5	On applying for the court's approval of a certificate of costs payable from the Community Legal Service Fund	£35/£50	£50
5.6	On a request or application to set aside a default costs certificate	£65/£100	£100
8A	On a request for service by a bailiff of an order to attend court for questioning.	£30	£100
8.1	On an application for or in relation to enforcement of a judgment or order of a county court or through a county court – by the issue of a warrant of execution against goods except a warrant to enforce payment of a fine - a) in cases other than county court bulk centre (CCBC) cases brought by Centre users ² b) in CCBC cases brought by Centre users	£35/£45 £25/£45	£100 £70
8.3	On an application for an order requiring a judgment debtor or other person to attend court to provide information in connection with enforcement of a judgment or order.	£45	£50
8.4(a)	On an application for a third party debt order or the appointment of a receiver by way of equitable execution.	£50	£100
8.4(b)	On an application for a charging order.	£55	£100
8.5	On an application for a judgment summons.	£95	£100
8.7	On an application for an attachment of earnings order (other than a consolidated attachment of earnings order) to secure payment of a judgment debt.	£65	£100

¹ The two current fees shown under Fee 5.1, 5.3, 5.4, 5.5 and 5.6 reflect the separate fees presently payable in the county court (the lower fee) and the Supreme Court (the higher fee).

² The two current fees shown under Fee 8.1 (a) and (b) reflect the separate fees presently payable for warrants with value not exceeding £125 and exceeding £125 respectively.

Family Court Fees

Fee Number	Description	Current Fee	Proposed Fee
1.6	On applying for an order under Part 3 of the Solicitors Act 1974(6) for the assessment of costs payable to a solicitor by a client; or on the commencement of costs-only proceedings.	£30	£40
6.1	On making a search in the central index of decrees absolute or of final orders kept at the Principal Registry of the Family Division for any specified period of ten calendar years or, if no such period is specified, for the ten most recent years, and, if appropriate, providing a certificate of decree absolute or of final order, as the case may be.	£40	£60
8.1	On filing a request for detailed assessment where the party filing the request is legally aided or is funded by the LSC and no other party is ordered to pay the costs of the proceedings.	£140	Banded scale from £300 - £5,000
8.4	On commencing an appeal against a decision made in detailed assessment proceedings.	£100	£200
8.5	On applying for the court's approval of a certificate of costs payable from the Community Legal Service Fund.	£30	£50
8.6	On an application to set aside a default costs certificate.	£60	£100
10.1	On a request for service by bailiff of any document except – [see fees order SI 2008/1054 for exceptions list]	£30	£100
11.1	On an application for or in relation to enforcement of a judgment or order of a county court or through a county court, by the issue of a warrant of execution against goods except a warrant to enforce payment of a fine. ³	£35/£55	£100
11.3/13.2	On an application to question a judgment debtor or other person on oath in connection with enforcement of a judgment. ⁴	£45/£40	£50
11.4/13.3	On an application for a garnishee order, a charging order or a third party debt order, or the appointment of a receiver by way of equitable execution; And on an application for a garnishee order nisi or a charging order nisi (High Court only)	£55/£50	£100

³ The two current fees shown under Fee 11.1 (a) and (b) reflect the separate fees presently payable for warrants with value not exceeding £125 and exceeding £125 respectively.

⁴ The two current fees shown under Fee 11.3 / 13.2, 11.4 / 13.3 and 11.5 / 13.4 reflect the separate fees presently payable in the county court and High Court respectively.

11.5/13.4	On an application for a judgment summons.	£95/£90	£100
11.7	On an application for an attachment of earnings order to secure money due under an order made in family proceedings.	£65	£100
13.1	On sealing a writ of execution/possession/delivery.	£30	£50
13.5	On a request or application to register a judgment or order; or for permission to enforce an arbitration award; or for a certified copy of a judgment or order for use abroad.	£30	£50

Magistrates' Courts fees

Fee Number	Description	Current Fee	Proposed Fee
2.1	On an application to state a case for the opinion of the High Court under section 111 Magistrates' Courts Act 1980(3): drawing of case, copies, taking recognizance as required by section 114 of that Act and enlargement and renewal of such recognizance.	£400	£500
3.1	On a request for a certificate not otherwise charged.	£40	£60
16.1	On a request or revocation for a licence, consent or authority not otherwise provided for, to include registration when necessary. ⁵	£20/£30	£25
18.1	Commencement of new proceedings not otherwise mentioned in fees order. ⁶	£250	£425
18.2	Application for leave to issue	-	£100
18.3	Application by consent.	-	£50
18.4	Application on notice.	-	£100
19.1	On the application for a warrant of entry	£10	£15
19.2	On the application for any other warrant.	£50	£75
20	Commencement of committal applications in existing proceedings. ⁷	£90	£250

⁵ The two current fees shown under Fee 16.1 reflect the separate fees presently payable under Fee 16.1 (£20) and 16.2 (£30), which will be amalgamated under these proposals.

⁶ The current fee shown under Fee 18.1 is the total of fees potentially payable under the current Fee 18.1 (£75), 18.2 (£75), 18.3 (£50) and 18.4 (£50), which will be amalgamated under these proposals.

⁷ The current fee shown under Fee 20 is the total of separate fees payable under Fee 5.2 (£25), 5.3 (£25) and 5.4 (£40) for commitment, and the singular fee under Fee 12.4 (£90), which will be amalgamated under these proposals.

Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

Q.1 Do you have any comments on the proposed fee changes in the higher courts, bearing in mind that they take account of the work involved and the cost of each process?

Q.2 In particular, do you agree with the proposal to remove the financial value of the warrant as a consideration of the court fee?

Q.3 Do you agree that the proposed structural changes to the magistrates' court fees order achieves clarity and will capture all the processes it is intended to?

Q.4 Do you have any other comments on possible adjustments we could make to the magistrates' fees order in order to make it more streamlined and easier for users to understand?

Q.5 Do you have any comments on the proposed fee changes in the magistrates' court, bearing in mind that they take account of the work involved and the cost of each process?

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

How to respond

Please email your response by 4 March 2009 to:

Email: FeesPolicy@hmcourts-service.gsi.gov.uk

Alternatively send a hard copy to

**Fees Policy Branch
Civil Law & Justice Division
Ministry of Justice**

**2nd Floor , 2.21
102 Petty France
London SW1H 9AJ**

**Tel: 0203 334 3174
Fax: 0203 334 3230**

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <http://www.justice.gov.uk/index.htm>.

Alternative format versions of this publication can be requested from the address given above.

Publication of response

A paper summarising the responses to this consultation will be published in due course and if possible within three months of the closing date of the consultation. The response paper will be available on-line at <http://www.justice.gov.uk/index.htm>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that

confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Her Majesty's Courts Service	Impact Assessment
Consultation Stage	

Available to view/download at: <http://www.justice.gov.uk/publications/consultations.htm>

Contact name for enquiries: Kate Lane

Telephone number: 0203 334 3177

What is the problem under consideration? Why is government intervention necessary?

The consultation proposes to increase fees for some civil and family business in the county court, High Court and magistrates' courts so that they reflect the full cost of providing the court system for those cases. The package is designed to deliver income requirements for the Ministry of Justice (MoJ) for 2009/10 and beyond that have been built into our Comprehensive Spending Review Settlement. This is the next stage of the Ministry of Justice's fee strategy, agreed by Ministers, to develop and reform the court fee system to ensure it is fair and sustainable.

What are the policy objectives and the intended effects?

The objectives are to ensure the fee system meets its financial targets, protects access to justice, and achieves a close match between income and costs within the system. The effect of these proposals will transfer more of the cost of civil court business to the users. Full-cost pricing together with a system of fee concessions to ensure access to justice for the less well-off, is the best way of targeting the taxpayer's contribution.

What policy options have been considered? Please justify any preferred option.

The current proposals are part of a broader fee strategy and adhere to Government policy on fee charging – that fees should be set at levels that reflect the full cost (but no more) of the service. Not increasing fees would require MOJ to reduce spending significantly. This would undoubtedly affect court performance and service to customers. Therefore, this assessment does not consider a 'Do Nothing' option.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

Initially on receipt of responses from stakeholders to the consultation. Fees and the impact of any changes are constantly monitored by way of feedback from courts and customers and the regular monitoring of fee income and volumes.

Ministerial Sign-off For consultation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options

Signed by the responsible
Minister:

Date:

Policy Option		Description			
Annual Costs		<i>Description and scale of key monetised costs by 'main affected groups'</i> The proposed fee increases will transfer the £38m subsidy towards the full cost of these court proceedings from MOJ to the individuals and organisations that choose to initiate the court cases. Users include individuals, businesses, the Police and Local Authorities. The proportion of costs attributable to each is unknown. As a transfer of the subsidy, there is no overall cost or benefit. The impact on the administrative cost of fee collection is negligible, as generally, only the value of existing fees are changing.			
One off	Negligible	Yrs	-		
Average annual costs (excluding one-off)		£ Negligible		Total Cost (PV) £	
<i>Other key non-monetised costs by 'main affected groups'</i> : Court staff and users will need to adapt to the revised fees, and IT systems will need to be slightly amended.					
Annual Benefits		<i>Description and scale of key monetised benefits by 'main affected groups'</i> . These fee increases are designed to deliver the income requirements for 2008-09 and beyond built into the Ministry of Justice CSR 07 settlement. The taxpayers contribution will be better spent on funding the system of concessions for those who cannot afford court fees.			
One off	Nil	Yrs			
Average Annual Benefit (excluding one-off)		Nil		Total Benefit (PV) £Nil	
<i>Other key non-monetised benefits by 'main affected groups'</i> Increasing these fees to full cost levels means the courts are closer to self-funding. The simplified magistrates' court fees order will be easier for court users to understand. In addition, having fees set at full cost and not partially subsidised ensures users consider the true cost benefit of taking proceedings to court.					
<i>Key Assumption/Sensitivities/Risks</i> : If a significant drop in volumes of applications occurs and savings are not realised as quickly, this could result in a fee income shortfall.					
Price Base Year:	Time Period Years:	Net Benefit Range (NPV) £		Net Benefit (NPV Best Estimate) £	
What is the geographic coverage of the policy/option?				England and Wales	
On what date will the policy be implemented?				May 2009	
Which organisation(s) will enforce the policy?				MoJ / HMCS	
What is the total annual cost of enforcement for these organisations?				Negligible	
Does enforcement comply with Hampton principles?				Yes	
Will implementation go beyond minimum EU requirements?				No	
What is the value of the proposed offsetting measure per year?				Nil	
What is the value of changes in greenhouse gas emissions?				Nil	
Will the proposal have a significant impact on competition?				No	
Annual cost (£-£) per organisation (excluding one-off)		Micro	Small	Med	Large
Are any of these organisations exempt?		No	No	No	No
Impact on Admin Burdens Baseline (2005 Prices)					
Increase of	£	Decrease of	£	Net Impact	£
Key: Annual Cost: Constant Prices (Net) Present Value					

Evidence Base for Summary Sheets

Background

Court fees are worth about £470 million a year and cover nearly 78% of the full cost of running the civil and family courts.

The Treasury's *'Managing Public Money – Charges and Levies'* requires all fee-charging services to have an agreed financial objective, generally, that fees are set at levels to recover the full-cost of the service provided. MOJ policy can be summarised as full-cost pricing. This means fees are set at levels calculated to cover the full cost of the system if paid in full in every case (i.e. if no remissions system was in existence). Full-cost pricing together with a system of fee concessions to ensure access to justice for the less well-off, is the best way of targeting the taxpayer's contribution. The underlying fee policy and the need to meet financial targets are not in question in the consultation paper.

The proposals in the consultation paper aim to bring civil fees back to full-cost levels and increase magistrates' fees to 100% cost-recovery levels (if fees were paid in full in every case) for the first time. These proposals are the next step in our strategy of matching cost and income in the system. The proposed increases are worth £38m additional fee income in a full year. We propose to introduce:

- Increases in civil and family fees, particularly those for enforcement processes, in order to maintain full-cost recovery for civil business and keep the relevant family fees aligned with the civil equivalents;
- A simplified fees order for the magistrates' court that increases fees to bring cost-recovery levels up from around 55% to 100%.

Rationale for Government Intervention

Most fees for civil business in the magistrates' court are generally set well below full-cost levels and most of enforcement fees in the higher courts are not set at levels that reflect the full cost. It is Government policy to charge full-cost fees to those using these services. This policy is reflected in the options laid out in this consultation.

Options

The current proposals are part of a broader fee strategy as summarised in the consultation paper. They are driven by the department's financial targets as set out in the 2007 Comprehensive Spending Review and the need to comply with general Government fee charging policies. Not increasing fees would necessitate substantial reduction in MOJ spending; this would undoubtedly affect court performance and service to customers. Therefore, this assessment does not consider a 'do nothing' option.

Analysis of costs and benefits

Fees for Civil Proceedings in the Higher Courts

We propose to increase various enforcement process fees payable for civil and family business in the county courts and High Court. We also propose to align equivalent fees for civil and family business. This alignment makes the overall fee system simpler and fairer when processes are similar in terms of effort and cost.

Our objective is to return civil fees in the higher courts to full-cost levels. The previous over-recovery on civil (higher) has been removed. Cost and fee income forecasts for 2009/10 indicate this would be 98% at current fee levels. This means we need to increase fee income by around £21m. Enforcement fees were unchanged in the last round of civil changes in October 2007.

Pursuant to our general strategy of matching cost with income we are focusing this consultation paper on a discrete area of business that recovers significantly less than its full cost. In the context of enforcement, it is particularly important to charge the true cost of the particular process. Charging the true cost enables creditors to weigh the appropriateness of taking enforcement action against a possibly vulnerable debtor, and the realistic likelihood of recovering their money.

These fee increases will impact on a wide variety of court users including, in particular, large-scale creditors such as credit card companies and providers of financial services. In most cases the court fee will be passed onto the defendant by way of an order for costs.

Fees for Civil Proceedings in the Magistrates' Court

We are proposing to increase to full-cost levels, all fees for civil proceedings and processes. Historically magistrates' fees were very low and we took first steps towards the target of full-cost recovery in the package of fee increases introduced in January 2006 and October 2007. These brought the cost recovery to around 55%.

In total the proposed fee increases would raise £12m and ensure these fees meet financial targets for 2009/10 and beyond. These proposals do not consider a 'do nothing' option as the impact on the service provided by the court would be detrimental.

The costs would be borne by applicants in a wide range of cases, many of which are bodies in the public sector, such as the Police and local authorities. In some cases the cost will be passed onto the defendant by way of an order for costs.

Fees for other civil proceedings (a wide range of miscellaneous applications including anti-social behaviour, proceeds of crime proceedings, dangerous dogs and environmental protection) will be significantly increased under these proposals. This will impact, for example, on the Police who make a significant proportion of civil applications for Anti-Social Behaviour Orders (ASBO) and cash seizure orders under the Proceeds of Crime Act (POCA).

However the financial impact is not substantial – in 2006 fewer than 1300 ASBOs and 5000 cash forfeiture applications were made by the Police. Using these volumes as a guide, the additional cost of the proposals to the police would total approximately £1.5 million in a full year. We will work with the Home Office to identify current volumes and the financial impact will be reassessed before any proposals are implemented.

The plan to increase these fees to full-cost recovery levels was established and accounted for during the 2007 spending review period. Inter-departmental charging is a well-established principle aimed at transparency and optimising the allocation of resources. It ensures that departments are accountable for the cost of their policies.

Fees for family Proceedings

We propose to increase various enforcement fees payable for family proceedings. These changes will apply to court fees in both the county court and the High Court. In total, these proposed fee increases would raise £5m and increase overall recovery for family court fees to 58% of the full-cost (if the court fee were paid in full in every case) in a full year.

The costs of these proceedings will be borne by individuals using the family courts. A system of fee concessions exists to ensure access to justice is protected for less well-off individuals.

Summary

The changes proposed would transfer the full cost of certain categories of court business to users of the court. The major impact is simply a transfer of cost from one group (taxpayers) to another (users). The proposals will not lead to any increases in system costs. This cost would be borne by applicants in a wide range of different types of case. In many cases, the cost will then be passed onto the defendant by way of an order for costs. On current forecasts, the overall package would increase our total fee income by £38 million in a full year.

Public Consultation

The Consultation Paper is being sent to a variety of stakeholders including the Senior Judiciary of England and Wales, other Government Departments, the Civil Justice Council and the Family Justice Council.

Sectors and groups affected

Users of the magistrates', county and High Court will be affected. These include large-scale creditors such as credit card and utility companies, local authorities, small businesses and individuals pursuing debts. Research published by the Ministry of Justice in 2007⁸ suggests that fees are not a major factor in the decision making process when individuals are considering court action. In addition the system of fee concessions is in place to ensure access to justice is protected for those people who are unable to afford court fees.

⁸ *What's cost got to do with it? The impact of changing court fees on users* was carried out by Opinion Leader Research and published on 27 June 2007. It is available on the Ministry of Justice Website at <http://www.justice.gov.uk/publications/research280607.htm>.

Equality Impact Assessment

Government policies must be assessed specifically to ensure that they do not discriminate against anyone on the grounds of race, disability, gender, sexual orientation, age, religion or belief, and caring responsibilities.

Court users are not required to provide personal information about themselves so there is a lack of evidence as to how changes to court fees specifically affect diverse communities. We have set out the probable impacts below.

Race Equality Assessment

Research produced by the Department for Trade and Industry in 2002 shows that some black and minority ethnic groups' average (mean) hourly wages are significantly less than others. For example, Bangladeshi and Pakistani men earned almost 30% less per hour than the group identified as 'White'. Men identified as 'black/black British' earned 12% less than their Indian counterparts.

Ethnicity data for Jobseekers Allowance (JSA) claimants (produced by the Office of National Statistics) shows that a higher proportion of the ethnic minority working age population in England are claiming JSA compared with the white population. The paper suggests that these findings signal the "well-known labour market disadvantage faced by ethnic minorities". International Labour Organisation unemployment rates show ethnic minorities have a higher unemployment rate compared with the overall rate (latest data for spring 2006 show ethnic minorities have an unemployment rate of 11.2% compared with 5.2% overall). Within the ethnic minority population, however, there is considerable variation. The black or black British ethnic group has the highest proportion of their working age population on the claimant count, with 10.2% of the Other Black group on JSA.

Research undertaken by the Joseph Rowntree Foundation states that the income poverty rate varies substantially between ethnic groups: Bangladeshis (65%), Pakistanis (55%) and black Africans (45%) have the highest rates; black Caribbeans (30%), Indians (25%), white Other (25%) and white British (20%) have the lowest rates.

As the research above highlights, some minority ethnic groups tend to have lower incomes, be in receipt of benefits and be living in poverty. Any change in fees, therefore, would be likely to have a greater potential impact on these groups, and restrict their ability to seek justice in court. However, any person for whom payment of fees will cause financial hardship will be able to take advantage of the fee concession system. An applicant is eligible to receive a full remission if they either receive a specified means-tested benefit (including JSA) or if they can demonstrate that their gross annual income is below a specified threshold. Alternatively an applicant can receive a part-remission (they pay a contribution towards the fee) based on their disposable income.

Because of the fee concession system we do not think that there will be an impact of these fee proposals on people because of their racial group.

Religion and beliefs

There is a lack of information concerning earnings across different religions and HMCS does not collect any information that gives a breakdown on court users' religion or beliefs.

However the fee increases proposed will impact a wide variety of fees and within the scope of the civil court fees project we do not expect there to be any impact on people because of their religious or other beliefs.

Disability impact assessment

According to the UK's Office for National Statistics' *Labour Force Survey*, Sept - Dec 2006, only about half of disabled people of working age are in work (50%), compared with 80% of non disabled people of working age. The same survey reports that almost half (45%) of the disabled population of working age in Britain are economically inactive i.e. outside of the labour force. Only 16% of non-disabled people of working age are economically inactive

However due to the variety of fees and different services offered and our fee concession system being designed for all those that would suffer financial hardship regardless of disability, we do not expect that these proposals will have any impact on people with disabilities.

Age

The results of the 2007 Annual Survey of Hours and Earnings (ASHE) show that the top 10 per cent of the earnings distribution earned more than £906 per week, while the bottom 10 per cent earned less than £252.

Young people often earn significantly less than their older counterparts. In 2007 there were 16,000 jobs held by 16 to 17-year-olds with pay less than £3.30 per hour and 45,000 jobs held by 18 to 21-year-olds with pay less than £4.45 per hour. 231,000 jobs were held by those aged 22 and over with pay less than £5.35 per hour.

Median gross weekly earnings for full-time employees were highest for 40 to 49-year-olds at £516. Earnings increased until employees reached this age group and steadily decreased thereafter. People aged over 65 are much more likely to be economically inactive – due mostly, one would expect, to retirement.

We expect, therefore, that many of those potentially affected by fees will be covered by our fee concession system. As a result the actual impact of these policies on people because of age will be neutral.

Caring responsibilities

People with caring responsibilities often work part time, which increases their likelihood of being paid below the minimum wage and thus their ability to pay fees. The National Statistics ASHE estimates for Spring 2006 show that people in part-time work were almost three times more likely than people in full-time work to be paid less than the minimum wage.

Again due to the variety of fees and different services offered, the actual impact of these policies will be largely neutral. In any event our fee concession system will permit those who may suffer financial hardship from paying a fee doing so, should they qualify. Therefore, we do not expect there to be a direct impact of these fees on those with caring responsibilities.

Gender

Although figures are not available to us, anecdotal evidence would suggest that fathers generally pay child support maintenance to mothers rather than vice versa and thus it may appear likely that increases to the fee for issuing committal proceedings for unpaid child support maintenance would affect more women than men. The gender impact, however, is negligible. Proceedings are issued and paid for by the Child Support Agency on behalf of the applicant. The fee is then recovered from the debtor.

The 2001 census shows that 48.67% of the population is male and 51.34% are female. Women tend to earn less than men and so fees may have a greater impact on them.

According to the Office of National Statistics ASHE the gender pay gap for full time workers in April 2007 was 12.6 percent or 17.2 percent if mean rather than median earnings are used. The part-time gender pay gap measures female part time hourly earnings against male full time hourly earnings. In April 2007 this gap was 39.1 per cent using median hourly earnings and 35.6 per cent using mean earnings. These lower earnings leave women at greater risk of falling below the poverty line and of being worse off than men in retirement. It is expected that the fee concession system will mitigate this, allowing access to justice, and so we do not expect there to be an impact of these changes on the basis of gender.

Sexual orientation

A recent study has shown that gay men earn, on average, 6% less than their heterosexual equivalents, although lesbian women earn about 11% more than their heterosexual counterparts. This means that an increase in fees may affect gay men more than heterosexual men. However, if people cannot afford to pay the fees, they will be covered by our fee concession system. We do not therefore expect the proposed changes to impact this segment of the population.

Environmental

There is nothing to suggest that these fee changes will have an environmental impact.

Small Firms' Impact Test

Claimants are not required by the court rules to provide information that would make it possible to classify them as belonging to a particular group. It is therefore impossible to estimate the effect in isolation on the small business sector. Businesses in general, only pursue enforcement action when it is economical to do so, taking account of the likelihood of success. The fees paid for successful enforcement process are ultimately recoverable from the debtor, so the impact on the small business sector is likely to be broadly neutral.

Competition Assessment

The main sectors affected by the proposed fees are large-scale creditors, solicitors, individuals and other government departments. These areas are not dominated by a small number of large firms and are not characterised by rapid technological change. The proposed fees would affect existing and newer potential business / individuals in the same way, regardless of their size. As such, the proposed fees are not expected to have an impact on competition. We consider the proposals are unlikely to have a negative impact upon competition in any market. It is unlikely there would be any markets that would face a disproportionately large impact and a detailed competition assessment is not deemed necessary.

Enforcement / Sanctions / Monitoring

Nearly all fees are paid for in advance of the service so the sanction for non-payment is that the service will not be performed.

Legal Aid / Judicial Impact test

The majority of civil cases are not legally aided. Any Legal or Judicial impact will be broadly neutral. Charging the full cost for services undertaken by the court ensures users consider the true cost benefit and likely effectiveness of taking proceedings to court.

If the fee changes were not introduced, HMCS would be required to make significant savings across the business. This would have a detrimental effect on court performance.

Administration burdens / simplification

Administrative burdens will reduce as systems become more transparent and easier to understand.

Specific Impact Tests - Checklist

Type of testing undertaken	<i>Results in Evidence Base? (Y/N)</i>	<i>Results annexed? (Y/N)</i>
Competition Assessment	Yes	No
Small Firms Impact Test	Yes	No
Legal Aid	Yes	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	No	No
Rural Proofing	No	No

The consultation criteria

The seven consultation criteria are as follows:

1. **When to consult** – Formal consultations should take place at a stage where there is scope to influence the policy outcome.
2. **Duration of consultation exercises** – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact** – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises** – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation** – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises** – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
2. **Capacity to consult** – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

These criteria must be reproduced within all consultation documents.

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 Gabrielle Kann, the Ministry of Justice Consultation Co-ordinator using the following email address: consultation@justice.gsi.gov.uk.

Alternatively, from 12th December 2008 Gabrielle Kann can be contacted using the following details:

Gabrielle Kann
Consultation Co-ordinator
Ministry of Justice
7th floor
102 Petty France
London
SW1H 9AJ

Telephone: 0203 334 4496

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 under the **How to respond** section of this paper at page 26.

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