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Our Ref: FOI 2026-115

Date: 23 April 2026

Freedom of Information (Scotland) Act 2002 (FOISA)

Thank you for your request, received by the Scottish Courts and Tribunals Service (SCTS) on 25 March 2026, in which you have sought information concerning the Court Fee Working Group, Court Transcript Fees and Access, and Policy Development and Reform.

In terms of information sought, it may be helpful if I firstly explain the roles and responsibilities of the SCTS. The function of the SCTS is to provide administrative support to the Scottish courts, tribunals and to their judiciary, including the High Court of Justiciary, Court of Session, sheriff courts, Justice of the Peace courts, and to the Office of the Public Guardian (OPG) and Accountant of Court.

This administrative support does not include drafting, reforming legislation or determining government policy.

In Scotland, the Scottish Government proposes and implements legislation and the Scottish Parliament is the law-making body for Scotland in areas that are devolved to it.

Having considered the terms of the information sought, please see answers to each part in turn - detailed below:

Court Fee Working Group

All recorded information relating to the establishment of the Court Fee Working Group, including:

- ***Internal correspondence (emails, messages, or notes) concerning its creation***
- ***Draft or final terms of reference***
- ***Membership (proposed or confirmed)***
- ***Meeting schedules, agendas, or planning documents***
- ***Any project initiation, scoping, or briefing documents***

The responsibility for setting court fees is a matter that is reserved to the Scottish Ministers and is put into effect by Orders laid in parliament. The Orders establish statutory fee-charging regimes, which the SCTS administer.

In response to part 1 of your request, in which you have sought all recorded information held by SCTS relating to the establishment of the Court Fee Working Group – we have understood the information you seek to relate to the establishment of the Fee Order Working Group in 2019.

By way of explanation, The Fee Order Working Group (FOWG) is the only ‘working group’ concerning court fees in which the SCTS administration are involved.

In terms of internal correspondence concerning the FOWG’s creation/establishment – having made enquiries with the current chair of the working group, and the chair who was in position during the group’s initial establishment, we have located one item of correspondence in the form of an email which mentions the creation of the group. Please see **Annex A** appended to this letter.

I should highlight, as the FOWG was established in 2019, with the first meeting having taken place on 20 November 2019, in line with SCTS retention of administrative records – such information would only be retained for a period of 3-5 years and thereafter securely destroyed. As such, it is likely had there been any further correspondence matters at the time of the groups creation these would have been destroyed in line with retention.

I can confirm SCTS do hold a copy of **the terms of reference of the FOWG**, last updated on 26 September 2019, which was discussed and agreed at the first meeting of the FOWG on 20 November 2019 - please see appended to this letter **Annex B**.

As you will note, the ToR provided within Annex B sets out information sought in terms of the purpose of group and reasons for establishment, membership, meeting schedule (frequency of meetings), including the groups key activities and reporting responsibilities.

In terms of agendas and/or planning documents - please see appended to this letter **Annex C** which contains a copy of the agenda held from the first meeting of the FOWG following its establishment.

Please note some information has been redacted from Annex A and Annex B provided, as it contains personal data of staff members and other third parties. Under FOISA, I am unable to provide you with personal data of another person. The exemption applicable here is Section 38(1)(b) (personal data of another person, the release of which would not be considered fair in terms of the data protection principles). This is an absolute exemption and not subject to the public interest test.

For completeness, following investigations undertaken, I must advise we have identified no recorded information in terms of any form of project initiation, scoping or briefing documents at the point of the working groups establishment.

Accordingly, I must give notice in terms of Section 17 of FOISA, that no information is held by SCTS with regards to this part of your request.

In case it may be of interest, I can advise there is a large volume of information which is publicly accessible via the Scottish Government website concerning consultations of court fees including impact assessments concerning same which can be accessed below:

[The Court Fees \(Misc Amendments \(Scotland\) Order 2016\) – Final Business and Regulatory Impact Assessment](#)

[Scottish Court Fees 2018-2021 consultation](#)

[Scottish Court Fees 2025-2027 consultation](#)

[Equality Impact Assessment for Scottish Court Fees Orders 2026-2027](#)

Should you wish to obtain any further information regarding these publications you may wish to contact Scottish Government directly:

Email: contactus@gov.scot

Post: General Enquiries Scottish Government

St. Andrew's House, Regent Road, Edinburgh, EH1 3DG

Court Transcript Fees and Access

All documents, briefing papers, internal discussions, or analysis (from 1 January 2024 to present) relating to:

- ***Court transcript fees in criminal cases***
- ***Access to transcripts for accused persons or appellants***
- ***Any consideration of fee reductions, waivers, or exemptions***
- ***Any comparison between provision of transcripts to complainers and accused persons***
- ***Any access-to-justice, equality, or fairness assessments relating to transcript availability***

In response to part 2 of your request, [Section 94 of the Criminal Procedure \(Scotland\) Act 1995](#) (1995 Act) sets out who is entitled to request a transcription of a trial audio recording and the procedure for doing so. Section 94(2)(b) of the 1995 Act allows the Clerk of Justiciary to provide to any person, not being a person convicted at the trial, a copy of a transcript upon payment of a fee.

The SCTS carries out the administrative process in accordance with this legislation. As stated earlier in the response, the SCTS does not make legislative provisions – this is a matter for the Scottish Government/Scottish Ministers. As explained at the outset, the SCTS is responsible for providing administrative support to the Scottish courts, tribunals, their judiciary and OPG.

As set out in the 1995 Act, there is an applicable fee for obtaining a transcript in criminal proceedings. The cost of obtaining a court transcript in criminal cases is published on the SCTS website - [Criminal proceedings transcripts | Scottish Courts and Tribunals Service](#)

To facilitate transcription requests, SCTS hold a contract with Epiq Global to carry out all transcription. Pricing for the service is established through a transparent and competitive procurement process, in line with public sector procurement regulations.

The final contract price is agreed based on the pricing submitted in the tender, subject to any clarifications or negotiated refinements that remain within the scope of the original procurement.

Lastly, for completeness, in terms of access, fee reductions, comparisons between provisions and any access-to-justice, equality, or fairness assessments relating to transcripts in criminal proceedings – these are not matters which fall within SCTS' administrative remit – as the provisions for obtaining such information is governed fully by legislation. Accordingly, I must give notice in terms of Section 17 of FOISA (information not held).

As explained above, the SCTS has an administrative function only. We do not create or prescribe the content, style, or structure of legislation beyond publishing what is provided for in the relevant legislation and rules of court.

Policy Development and Reform

Any documents relating to current or planned reform of:

- ***Court fee structures***
- ***Transcript pricing***
- ***Access to court records in criminal proceedings***

In response to part 3 of your request, whilst SCTS does try to provide information where possible, I must give notice in terms of Section 17 of FOISA (information not held) in that SCTS do not hold any information concerning policy development or reform.

As explained in response to points 1 and 2 of your request for information, concerning Court fee structure and transcription costs - SCTS is responsible for providing administrative support to the Scottish courts, tribunals, their judiciary and OPG. This support does not include drafting or reforming legislation and/or determining government policy.

For completeness, in terms of access to court records in criminal proceedings – the court rules provide a comprehensive code governing disclosure of court records and documents serviced in the course of proceedings. Court rules can be accessed within the [Rules and Practice](#) section of the SCTS website. SCTS carry out the administrative process in accordance with these.

Further information on what SCTS can disclose in terms of criminal cases can be found on our website - [data-protection-what-can-we-tell-you-about-criminal-cases.pdf](#)

Should you feel dissatisfied with this response or the manner in which your request has been handled, FOISA provides for a review process to be conducted. Should you wish to take advantage of this process you may apply in writing for a review. Your request should provide details of why you wish a review to be carried out and should be made within 40 working days of receipt of this letter to:-

The Freedom of Information Officer
Scottish Courts and Tribunals Service
Saughton House
Broomhouse Drive
Edinburgh
EH11 3X
foi@scotcourts.gov.uk

Following that review should you still feel dissatisfied, you have the right to lodge an appeal with the Scottish Information Commissioner either online:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>

or at the following address:-

Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St. Andrews
FIFE

Yours sincerely,

Ellen Bannatyne

Information & Correspondence Officer