

Annex A

Email 1a: Policy to SGLD relating to the decision to establish Court Fee Working Group (10/09/2025)

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Sent: 10 September 2025 11:54
To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Cc: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Subject: RE: Urgent : Draft Submission - court fee review - Policy to SGLD

Hi [Redacted - Section 38(1)(b)],

Thank you for sending this through. **[This information falls out with the scope of the request]**

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- At paragraph 19 would it be worth adding a timescale for the work of the Working Group, under Option 1? Does this feed in to the following paragraph, of it not being done before parliament is dissolved? Does this mean even the recommendations wouldn't come back before dissolution? It may be worth clarifying.
- In the Option 1 'Pros' column after paragraph 21, I think there is some repetition between 'avoids stakeholder backlash' and 'political risk management', particularly as the first paragraph mentions opposition parties. Maybe the second one could be removed?
- I think the messaging for Option 2 could be stronger. It feels like we're trying to say it's not practically possible, but it doesn't go quite that far. Like we'd

need extra staff, and couldn't recruit them in time, but *if it did happen* then the quality of the outcome would be poor. Is it that the work could be rushed, or that it couldn't happen?

Happy to discuss any or all of the above.

Many thanks,
[Redacted - Section 38(1)(b)]

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Sent: 08 September 2025 16:16
To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Cc: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Subject: Urgent : Draft Submission - court fee review - Policy to SGLD

Hi [Redacted - Section 38(1)(b)],

As discussed, for review **[This information falls out with the scope of the request]**

With apologies for the delay getting this over to you , it would be helpful if you can prioritise. **[This information falls out with the scope of the request]**

[Redacted - Section 38(1)(b)] – grateful for any comments/amends either in attached word doc or in erdm.

thanks

[Redacted - Section 38(1)(b)]

[Redacted - Section 38(1)(b)] Senior Policy Officer
Civil Law and Legal System

[Redacted - Section 38(1)(b)]
Courts and Tribunals | Directorate for Justice | Civil Law and Legal System Division
Scottish Government | St Andrew's House | Area GW15 | Regent Road | Edinburgh | EH1
3DG |

Mob: **[Redacted - Section 38(1)(b)]**
Tel: **[Redacted - Section 38(1)(b)]**

Email 1b: Submission Attachment to the above email relating to the decision to establish Court Fee Working Group (10/09/25)

Civil Law and Inquiries Team
Justice Directorate
September 2025

Minister for Victims and Community Safety

Options for Court Fees Review 2025

Priority and Purpose

1. **URGENT:** To seek your approval of a review of court fees in 2025.

Recommendation

2. Recommends that you: Agree to **Option 3(b) – Two-Year Inflationary Fee Increase (2026/27 and 2027/28) alongside Court Fee Working Group.**

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3. Discussions with SCTS to establish a Court Fee Working Group have been commenced and the Terms of Reference for the group are being progressed **[Redacted – Section 30(b)(i)]**.
4. It is anticipated that the Working Group will provide a set of recommendations for a revised court fee structure and simplification of the current system of court fees. The recommendations would then be subject to a public consultation exercise in 2026 **[Redacted – Section 30(b)(i)]**.
5. This course of action is intended to fulfil the commitment you provided at Committee (set out above) . However, this means that court fee income would not keep pace with current inflation levels and the SCTS budget will be impacted. Three options have been developed for your consideration.

Options Considered and Advice

Option 1 - Public Announcement of Court Fee Working Group and 2026 Consultation

[This information falls out with the scope of the request]

6. To ensure that SG fulfils previous commitments, we would recommend writing to the Committee to set out the establishment of the Court Fee Working Group and its remit and the subsequent public consultation on recommendations.
7. The Working Group would be tasked with reviewing the current fee structure and providing a set of recommendations for reform and simplification. These recommendations would then form the basis of a public consultation exercise.
8. Given the extensive nature of this work it would not be possible to complete it before parliament is dissolved early next year and as such court fees will remain at their current level for 2026/27 with the additional risk (depending on timing and outcome of consultation) that court fees will remain at their current level for 2027/28.
9. Subject to advice from SpAds and Comms colleagues, this may be accompanied by a press release. (A Committee letter and a draft media statement will be drafted)

Pros:

- **Fulfils previous commitments:** Demonstrates that the Scottish Government is delivering on the commitment made to the Committee to consult on structural reform.

- **Transparency and reform intent:** Signals a clear intention to modernise and simplify the court fee system.
- **Avoids stakeholder backlash:** Court fee increases are generally unpopular; this avoids pre-election criticism from stakeholders such as the Law Society of Scotland, Citizens Advice Scotland, and opposition parties.
- **Low resource demand:** Requires minimal additional staff time, allowing the Civil Law team to focus on other legislative priorities (e.g. Crofting Bill, FAI Review).
- **Political risk management:** Avoids the political risk of introducing further fee increases during a sensitive pre-election period.

Cons:

- **Budgetary impact on SCTS:** Without a fee increase, SCTS faces an estimated shortfall of £1.7 million in 2026/27 and a further £2 million in 2027/28.
- **Risk of steep future increases:** Delaying action may necessitate a substantial increase in court fees in 2028 to restore real-terms income.
- **Court fees will not keep pace with inflation:** This further erodes the cost recovery position (currently around 60%) and places additional pressure on the SCTS budget.
- **Perception of deferred decision-making:** The approach may be viewed as deferring substantive action on a known issue, rather than addressing the funding gap within the current parliamentary term.
- **Uncertainty for SCTS planning:** Lack of clarity on future income may hinder SCTS's ability to plan and deliver services effectively.
- **Potential criticism from stakeholders:** While avoiding immediate backlash, some stakeholders may question the delay in addressing structural funding issues.

[This information falls out with the scope of the request]

[This information falls out with the scope of the request] [Redacted – Section 30(b)(i)] .

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Option 3 (a) – One-Year Inflationary Fee Increase (2026/27) alongside Court Fee Working Group

10. This option proposes a modest, one-year inflationary increase to court fees from 1 April 2026 to protect the SCTS budget in the short term, while simultaneously progressing longer-term structural reform through the establishment of a Court Fee Working Group. The inflationary increase—anticipated to be in line with CPI forecasts for 2026/27—would apply across all court fees but would not involve any structural changes to the fee system at this stage. In parallel, the Scottish Government would publicly announce the formation of the Working Group, fulfilling the commitment made to the Committee **[Redacted – Section 30(b)(i)]**.
11. This dual-track approach is intended to balance the immediate need to safeguard SCTS’s financial sustainability with the longer-term objective of delivering a fairer, more transparent and modernised fee system.

Pros:

- **Protects SCTS budget:** Helps to mitigate the projected shortfall in court fee income for 2026/27, estimated at £1.7 million thus reducing the pressure on the Justice portfolio.
- **Balances short- and long-term needs:** Provides immediate financial support while allowing time for meaningful reform.
- **Politically defensible:** A modest inflationary increase is easier to justify than a large structural rise, especially when paired with a clear reform plan.
- **Fulfils Committee commitment:** Meets the commitment to consult on structural reform while also addressing immediate financial pressures.
- **Avoids steep future increases:** Reduces the risk of needing a large catch-up increase in 2028.

- **Demonstrates responsible fiscal management:** Shows the Scottish Government is taking a balanced and pragmatic approach to funding the courts.
- **Deliverable with current staff resource.**

Cons:

- **Short-term solution only:** Provides budget protection for one year, with no guarantee of stability beyond 2026/27.
- **Future uncertainty:** If the consultation and reform process is delayed, SCTS may face renewed financial pressure in 2027/28.
- **Stakeholder criticism remains possible:** Even modest increases are likely to attract criticism from stakeholders.

Option 3(b) – Two-Year Inflationary Fee Increase (2026/27 and 2027/28) alongside Court Fee Working Group and Consultation

12. Option 3(b) builds on Option 3(a) by proposing a two-year inflationary increase to court fees, covering both 2026/27 and 2027/28. This approach provides greater financial certainty for SCTS over a longer period and allows additional time for the Court Fee Working Group to complete its work and for the Scottish Government to prepare a robust consultation exercise based on its recommendations **[Redacted – Section 30(b)(i)]**.
13. While the second year’s fee order would come into force, it could be revoked if the outcomes of the consultation and subsequent policy decisions require an alternative structure to be implemented earlier **[Redacted – Section 30(b)(i)]**.

Pros:

- **Provides greater financial certainty:** Offers SCTS a more stable income stream over two years, reducing budget pressure for the Justice portfolio.
- **Allows more time for reform:** Gives the Court Fee Working Group additional time to complete its work and for the Scottish Government to prepare a robust consultation.
- **Flexible implementation:** The second-year fee order could be revoked if a new structure is ready earlier, allowing responsiveness to reform outcomes **[Redacted – Section 30(b)(i)]**.
- **Avoids steep future increases:** Helps prevent the need for a large corrective increase in 2028.
- **Demonstrates strategic planning:** Shows the Scottish Government is taking a longer-term view of court fee policy while maintaining fiscal responsibility.

Cons:

- **Still subject to stakeholder criticism:** Any fee increase is likely to be unpopular, particularly if not accompanied by visible reform progress.
- **May be perceived as delaying reform:** Some stakeholders may view the two-year increase as a postponement of structural change, despite the parallel reform work.

Assessment of Options

14. **Option 3(b)** offers the most balanced and sustainable approach. It proposes a two-year inflationary increase to court fees, providing greater financial certainty for SCTS while allowing sufficient time for the Court Fee Working Group to complete its work and for the Scottish Government to prepare a robust consultation exercise based on its recommendations. The second-year fee order would be laid in advance but could be revoked if a new structure is ready earlier, offering flexibility without compromising budget stability. **[Redacted – Section 30(b)(i)]** This option fulfils the commitment made to the Committee, protects the SCTS budget from further erosion in real terms, and avoids the risk of a steep corrective increase in future years. It demonstrates responsible fiscal planning and a clear commitment to reform, while also allowing the necessary time and space for meaningful stakeholder engagement and evidence-based policy development.
15. **Option 3(a)** – Provides short-term budget protection and supports reform, but leaves SCTS exposed to renewed financial pressure in 2027/28.
16. **Option 1** – Fulfils the commitment to reform but does not address immediate financial pressures, resulting in a projected budget shortfall for SCTS.
17. **Option 2** – Attempts to accelerate reform but is not feasible within current resource constraints and risks producing a weak evidence base and a poorly supported consultation, which may attract criticism from stakeholders and opposition parties **[Redacted – Section 30(b)(i)]**.
- 18. For these reasons, Option 3(b) is the recommended course of action.**

Contribution to the Government's Four Priorities

19. This proposal contributes to the Government's priority of delivering effective public services by supporting the financial sustainability of SCTS, which plays a vital role in the justice system. It also supports the priority of equality by maintaining a well-funded system of court fee exemptions and legal aid, ensuring that access to justice is preserved for those who cannot afford to pay.
20. The establishment of a Court Fee Working Group and subsequent public consultation aligns with the priority of community engagement and transparency in decision-making, while the proposed inflationary increases reflect a responsible approach to public finances.

Risks to Delivery

21. There is a risk that the Scottish Green party would attempt to annul the orders, however this risk is mitigated by the announcement of the Court Fee Working Group which is likely to be welcomed [Redacted – Section 30(b)(i)].

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[This information falls out with the scope of the request] [Redacted – Section 30(b)(i)].

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Quality Assurance

22. This submission has been approved by Denise Swanson, Deputy Director, Civil Law and Legal Systems.

Conclusion and next Steps

23. If you agree to **Option 3(b)** a Court Fee Review consultation will be drafted for your approval
24. We anticipate publishing the consultation before the end of September.
25. Court Fee Orders will be prepared in anticipation of laying in January.

«NAME»

«Directorate+Division»

«Extension Number»

Cabinet Secretaries and Ministers Copy List	For Action	For Information Portfolio interest	For Information Constituency interest	For Information General awareness
Minister for Victims and Community Safety	X			
Cabinet Secretary for Justice and Home Affairs		X		

Officials Copy List
DG Education and Justice Director of Justice Deputy Director Civil Law and Legal System [Redacted - Section 38(1)(b)] [Redacted - Section 38(1)(b)] [Redacted - Section 38(1)(b)] [Redacted - Section 38(1)(b)] [Redacted - Section 38(1)(b)]

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Email 2a: Email exchange between Scottish Government officials relating to internal discussions, emails, or correspondence leading to its creation of the Court Fee Working Group

From: [Redacted - Section 38(1)(b)]<[Redacted - Section 38(1)(b)]@gov.scot>

Sent: 10 September 2025 13:24

To: [Redacted - Section 38(1)(b)]<[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)]<[Redacted - Section 38(1)(b)]@gov.scot>

Cc: [Redacted - Section 38(1)(b)]<[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)]<[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)]<[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)]<[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)]<[Redacted - Section 38(1)(b)]@gov.scot>

Subject: RE: Urgent : Draft Submission - court fee review - Policy to SGLD

Hi many thanks, some edits and comments from me hopefully these make sense

Regards

[Redacted - Section 38(1)(b)]

[Civil Courts, Justice Transformation and Inquiries](#)|[Directorate for Justice](#)|[Scottish Government](#)|[Tel: \[Redacted - Section 38\(1\)\(b\)\]](#) | [Email: \[Redacted - Section 38\(1\)\(b\)\]@gov.scot](mailto:[Redacted - Section 38(1)(b)]@gov.scot)

Be kind and be the reason someone Smiles today.

Email 2b: Email attachment to above email relating to internal discussion on the creation of the Court Fee Working Group

Civil Law and Inquiries Team
Justice Directorate
September 2025

Minister for Victims and Community Safety

Options for Court Fees Review 2025

Priority and Purpose

26. **URGENT:** To seek your approval of a review of court fees in 2025.

Recommendation

27. Recommends that you: Agree to **Option 3(b) – Two-Year Inflationary Fee Increase (2026/27 and 2027/28) alongside Court Fee Working Group.**

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[This information falls out with the scope of the request] [Redacted – Section 30(b)(ii)] .

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[This information falls out with the scope of the request] [Redacted – Section 30(b)(i)] .

Current Position on Substantive Review of Court Fees

28. Preparatory work has begun on a full 'root and branch' review of court fee structure and discussions with SCTS to establish a Court Fee Working Group [Redacted – Section 30(b)(i)] have been commenced and the Terms of Reference for the group are being progressed [Redacted – Section 30(b)(i)].
29. It is anticipated that the Working Group will provide a set of recommendations by XXXXXX for a revised court fee structure and simplification of the current system of court fees. The recommendations would then be subject to a public consultation exercise in 2026 [Redacted – Section 30(b)(i)].
30. To ensure that SG fulfils previous commitments, we would recommend writing to the Committee to set out the establishment of the Court Fee Working Group and its remit and the subsequent public consultation on recommendations.
31. The Working Group would be tasked with reviewing the current fee structure and providing a set of recommendations for reform and simplification. These recommendations would then form the basis of a public consultation exercise.
32. Given the extensive nature of this work it would not be possible to complete it before parliament is dissolved early next year and as such court fees will remain at their current level for 2026/27 with the additional risk (depending on timing and outcome of consultation) that court fees will remain at their current level also for 2027/28.
33. Subject to advice from SpAds and Comms colleagues, this may be accompanied by a press release. (A Committee letter and a draft media statement will be drafted)
34. This course of action is intended to fulfil the commitment you provided at Committee (set out above) . However, this means that court fee income would not keep pace with current inflation levels while this substantive review is taking place and the SCTS budget will be impacted. Three options in relation to court fees from 1 April 2026 have been developed for your consideration.

Options Considered and Advice

Option 1 - Public Announcement of Court Fee Working Group and 2026 Consultation with no court fee increase on 1 April 2026

35. This is in effect the 'do nothing' option in relation to court fees for the year commencing 1 April 2026. We would not take any substantive action to increase court fees before the end of this parliamentary term [Redacted – Section 30(b)(ii)].

Pros:

- **Fulfils previous commitments:** Demonstrates that the Scottish Government is delivering on the commitment made to the Committee to consult on structural reform.
- **Transparency and reform intent:** Signals a clear intention to modernise and simplify the court fee system.
- **Avoids stakeholder negative response:** Court fee increases are generally unpopular; this avoids pre-election criticism from stakeholders such as the Law Society of Scotland, Citizens Advice Scotland, and opposition parties.
- **Political risk management:** Avoids the political risk of introducing further fee increases during a sensitive pre-election period.

Cons:

- **Budgetary impact on SCTS:** Without a fee increase, SCTS faces an estimated shortfall of £1.7 million in 2026/27 and a further £2 million in 2027/28.
- **Risk of steep future increases:** Delaying action may necessitate a substantial increase in court fees in 2028 to restore real-terms income.
- **Court fees will not keep pace with inflation:** This further erodes the cost recovery position (currently around 60%) and places additional pressure on the SCTS budget.
- **Perception of deferred decision-making:** The approach may be viewed as deferring substantive action on a known issue, rather than addressing the funding gap within the current parliamentary term.
- **Uncertainty for SCTS planning:** Lack of clarity on future income may hinder SCTS's ability to plan and deliver services effectively.
- **Potential criticism from stakeholders:** While avoiding immediate backlash, some stakeholders may question the delay in addressing structural funding issues.

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Option 3 (a) – One-Year Inflationary Fee Increase (2026/27) alongside Court Fee Working Group

36. This option proposes a modest, one-year inflationary increase to court fees from 1 April 2026 to protect the SCTS budget in the short term, while simultaneously progressing longer-term structural reform through the establishment of a Court Fee Working Group **[Redacted – Section 30(b)(i)]**.

37. The inflationary increase—anticipated to be in line with CPI forecasts for 2026/27—would apply across all court fees but would not involve any structural changes to the fee system at this stage. In parallel, the Scottish Government would publicly announce the formation of the Working Group, fulfilling the commitment made to the Committee **[Redacted – Section 30(b)(i)]**.

38. This dual-track approach is intended to balance the immediate need to safeguard SCTS’s financial sustainability with the longer-term objective of delivering a fairer, more transparent and modernised fee system.

Pros:

- **Protects SCTS budget:** Helps to mitigate the projected shortfall in court fee income for 2026/27, estimated at £1.7 million thus reducing the pressure on the Justice portfolio.
- **Balances short- and long-term needs:** Provides immediate financial support while allowing time for meaningful reform.
- **Politically defensible:** A modest inflationary increase is easier to justify than a large structural rise, especially when paired with a clear reform plan.
- **Fulfils Committee commitment in full:** Meets the commitment to consult on structural reform while also addressing immediate financial pressures.
- **Avoids steep future increases:** Reduces the risk of needing a large catch-up increase in 2028.
- **Demonstrates responsible fiscal management:** Shows the Scottish Government is taking a balanced and pragmatic approach to funding the courts.
- **Deliverable** without diverting resources from other legislative priorities.

Cons:

- **Short-term solution only:** Provides budget protection for one year, with no guarantee of stability beyond 2026/27.
- **Future uncertainty:** If the consultation and reform process is delayed, SCTS may face renewed financial pressure in 2027/28.
- **Stakeholder criticism remains possible:** Even modest increases are likely to attract criticism from stakeholders.

Option 3(b) – Two-Year Inflationary Fee Increase (2026/27 and 2027/28) alongside Court Fee Working Group and Consultation

39. Option 3(b) builds on Option 3(a) by proposing a two-year inflationary increase to court fees, covering both 2026/27 and 2027/28. This approach provides greater financial certainty for SCTS over a longer period and allows additional time for the Court Fee Working Group to complete its work and for the Scottish Government to prepare a robust consultation exercise based on its recommendations [Redacted – Section 30(b)(i)].

40. While the second year's fee order would come into force in 2027-2028, recommendations from the working group and wider consultation in 2026 would need to be considered in the context of any current fee order in place at that time [Redacted – Section 30(b)(i)].

Pros:

- **Provides greater financial certainty:** Offers SCTS a more stable income stream over two years, reducing budget pressure for the Justice portfolio.
- **Allows more time for reform:** Gives the Court Fee Working Group additional time to complete its work and for the Scottish Government to prepare a robust consultation.
- **Flexible implementation:** The second-year fee order being in place allows time to consider the timing and operationalisation of any new structure being implemented [Redacted – Section 30(b)(i)].
- **Avoids steep future increases:** Helps prevent the need for a large corrective increase in 2028.
- **Demonstrates strategic planning:** Shows the Scottish Government is taking a longer-term view of court fee policy while maintaining fiscal responsibility.

Cons:

- **Still subject to stakeholder criticism:** Any fee increase is likely to be unpopular, particularly if not accompanied by visible reform progress.
- **May be perceived as delaying reform:** Some stakeholders may view the two-year increase as a postponement of structural change, despite the parallel reform work.

Assessment of Options

41. **Option 1** – Fulfils the commitment to reform but does not address immediate financial pressures, resulting in a projected budget shortfall for SCTS.
42. **Option 2** – Attempts to accelerate reform but is not feasible [Redacted – Section 30(b)(i)].
43. **Option 3(a)** – Provides short-term budget protection and supports reform, but leaves SCTS exposed to renewed financial pressure in 2027/28.

Option 3(b) is the recommended course of action.

44. **Option 3(b)** offers the most balanced and sustainable approach. It proposes a two-year inflationary increase to court fees, providing greater financial certainty for SCTS while allowing sufficient time for the Court Fee Working Group to complete its work and for the Scottish Government to prepare a robust consultation exercise based on its recommendations. The second-year fee order would be laid in advance but could be revoked if a new structure is ready earlier, offering flexibility without compromising budget stability [Redacted – Section 30(b)(i)].
45. This option fulfils the commitment made to the Committee, protects the SCTS budget from further erosion in real terms, and avoids the risk of a steep

corrective increase in future years. It demonstrates responsible fiscal planning and a clear commitment to reform, while also allowing the necessary time and space for meaningful stakeholder engagement and evidence-based policy development.

Contribution to the Government's Four Priorities

46. This proposal contributes to the Government's priority of delivering effective public services by supporting the financial sustainability of SCTS, which plays a vital role in the justice system. It also supports the priority of equality by maintaining a well-funded system of court fee exemptions and legal aid, ensuring that access to justice is preserved for those who cannot afford to pay.

47. The establishment of a Court Fee Working Group and subsequent public consultation aligns with the priority of community engagement and transparency in decision-making, while the proposed inflationary increases reflect a responsible approach to public finances.

Risks to Delivery

48. There is a risk that the Scottish Green party would attempt to annul the orders, however this risk is mitigated by the announcement of the Court Fee Working Group which is likely to be welcomed [Redacted – Section 30(b)(i)].

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Quality Assurance

49. This submission has been approved by Denise Swanson, Deputy Director, Civil Law and Legal Systems.

Conclusion and next Steps

If you agree to **Option 3(b)** a Court Fee Review [Redacted – Section 30(b)(ii)] consultation on the two year inflation related increase to court fees will be drafted for your approval

- a) We anticipate publishing the consultation before the end of September.
- b) Court Fee Orders will be prepared in anticipation of laying in January.

«NAME»

«Directorate+Division»

«Extension Number»

Cabinet Secretaries and Ministers Copy List	For Action	For Information Portfolio interest	For Information Constituency interest	For Information General awareness
Minister for Victims and Community Safety	X			
Cabinet Secretary for Justice and Home Affairs		X		

Officials Copy List
DG Education and Justice Director of Justice Deputy Director Civil Law and Legal System [Redacted - Section 38(1)(b)] [Redacted - Section 38(1)(b)] [Redacted - Section 38(1)(b)] [Redacted - Section 38(1)(b)] [Redacted - Section 38(1)(b)]

[This information falls out with the scope of the request]

Email 3a: Email of submission to the Minister for Victims and Community Safety – Court Fee Review Options (19/09/2025) relating to the decision to establish the Court Fee Working Group

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>

Sent: 19 September 2025 12:24

To: Minister for Victims and Community Safety 2024 <MinisterforVCS@gov.scot>

Cc: Cabinet Secretary for Justice and Home Affairs 2024 <CabSecforJHA@gov.scot>; DG Education & Justice <dgej@gov.scot>; Director of Justice <DirectorofJustice@gov.scot>; Deputy Director Civil Law & Legal System Team

<DeputyDirectorCivilLawLegalSystemTeam@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>

Subject: Submission - Court Fee Review Options

PS/ Minister for Victims & Community Safety

CC

PS/ Cabinet Secretary for Justice and Home affairs

Priority Marking : **URGENT**

Good afternoon [Redacted - Section 38(1)(b)],

Please find attached submission on Court Fee options for Ms Brown's consideration. Have marked as Urgent as we are under some time pressure to take forward required actions and secure a laying slot for the Court Fee Orders should Ms Brown approve the recommendations.

Many thanks

[Redacted - Section 38(1)(b)]

[Redacted - Section 38(1)(b)]

Senior Policy Officer

Civil Law and Legal System

[Redacted - Section 38(1)(b)]

Courts and Tribunals | Directorate for Justice | Civil Law and Legal System Division
Scottish Government | St Andrew's House | Area GW15 | Regent Road | Edinburgh | EH1 3DG |

Mob: [Redacted - Section 38(1)(b)]

Tel: [Redacted - Section 38(1)(b)]

Email 3b: Attachment of Submission to the Minister for Victims and Community Safety – Court Fee Review Options (19/09/2025) relating to the decision to establish the Court Fee Working Group

Civil Law and Inquiries Team
Justice Directorate
19 September 2025

Minister for Victims and Community Safety

Options for Court Fees Review 2025

Priority and Purpose

1. **URGENT:** To ask you to consider options for court fee increase and to seek your approval of an inflation only increase and limited review of court fees in 2025.

Recommendation

2. Recommends that you:
3. **Agree to Option 3(b)** – Two-Year Inflationary Fee Increase (2026/27 and 2027/28) alongside Court Fee Working Group.

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[This information falls out with the scope of the request]

Current Position on Substantive Review of Court Fees

4. Preparatory work has begun on a full 'root and branch' review of court fee structure and discussions with SCTS to establish a Court Fee Working Group have been commenced and the Terms of Reference for the group are being progressed. The Court Fee Working Group will comprise of SCTS analysts and subject matter experts; Clerks of the Court and Scottish Government officials.
5. It is difficult to anticipate the lifespan of the Working Group due to the complexity of the current court fee system but we anticipate it will take around 12-18 months to provide a set of recommendations for a revised court fee structure and simplification of the current system of court fees. Subject to Ministerial approval, the recommendations would subsequently be the focus of a public consultation exercise, anticipated to take place in late 2026 or early 2027
6. To ensure that we fulfil the commitment made to the Committee, we would recommend writing to the Committee to set out the establishment of the Court Fee Working Group and its remit and the subsequent public consultation on recommendations.
7. Given the extensive nature of this work it is not considered possible to complete it before parliament is dissolved early next year and as such court fees will remain at their current level for 2026/27 with the additional risk (depending on timing and outcome of consultation) that court fees will remain at their current level also for 2027/28.
8. Subject to advice from SpAds and Comms colleagues, this may be accompanied by a press release. (A Committee letter and a draft media statement will be drafted)
9. This course of action is intended to fulfil the commitment you provided at Committee (set out above) . However, this means that court fee income would not keep pace with current inflation levels while this substantive review is taking place and the SCTS budget will be impacted. Three options in relation to court fees from 1 April 2026 have been developed for your consideration.

Options Considered and Advice

Option 1 - Public Announcement of Court Fee Working Group and Future Consultation with no court fee increase on 1 April 2026

10. This is in effect the 'do nothing' option in relation to court fees for the year commencing 1 April 2026. We would not take any substantive action to increase court fees before the end of this parliamentary term.

Pros:

- **Fulfils previous commitments:** Demonstrates that the Scottish Government is delivering on the commitment made to the Committee to consult on structural reform.
- **Transparency and reform intent:** Signals a clear intention to modernise and simplify the court fee system.
- **Avoids stakeholder negative response:** Court fee increases are generally unpopular; this avoids pre-election criticism from stakeholders such as the Law Society of Scotland, Citizens Advice Scotland, and opposition parties.
- **Political risk management:** Avoids the political risk of introducing further fee increases during a sensitive pre-election period.

Cons:

- **Budgetary impact on SCTS:** Without a fee increase, SCTS faces an estimated shortfall of £1.7 million in 2026/27 and a further £2 million in 2027/28.
- **Risk of steep future increases:** Delaying action may necessitate a substantial increase in court fees in 2028 to restore real-terms income.
- **Court fees will not keep pace with inflation:** This further erodes the cost recovery position (currently around 60%) and places additional pressure on the SCTS budget.
- **Uncertainty for SCTS planning:** Lack of clarity on future income may hinder SCTS's ability to plan and deliver services effectively.
- **Potential criticism from stakeholders:** While avoiding immediate backlash, some stakeholders may question the delay in addressing structural funding issues.

Option 2 - Fast track the Substantive Review of court fees

11. We have reviewed the timeline requirements to support this option and this option is not feasible.
12. This work will require extensive statistical evidence from SCTS regarding the use of each court fee and would also require the analysis of different court fee models. To allow new court fee orders to be taken forward in this parliament, a wider court fee consultation would need to be published before the end of September 2025.
13. Even if SCTS is able to provide the necessary statistical material in an expedited timeframe it is unlikely that the work required to inform the consultation could realistically be completed before the 30 September deadline.

Pros:

- **Fulfils consultation commitment:** Would meet the commitment made in the last consultation to consult on structural reform within the current parliamentary term.
- **Potential to address some structural issues sooner:** Could lead to a partially simplified fee structure earlier than Option 1 but will be limited in its ability to address all structural issues.

Cons:

- **Unrealistic timeline:** Even with expedited input from SCTS, it is unlikely the necessary evidence base and analysis could be completed before the September 2025 deadline.
- **Resource constraints:** The resource required to do this in such a short time period is already committed to other legislative priorities.
- **Stakeholder criticism:** There is a high risk of criticism from stakeholders and opposition parties that the review was rushed and not given due consideration.
- **Limited financial benefit:** Even if completed, the review may not result in increased income until late 2026, meaning the SCTS budget would still be impacted in the short term and increased pressure on the Justice Portfolio budget.

Option 3 (a) – One-Year Inflationary Fee Increase (2026/27) alongside Court Fee Working Group

14. This option proposes a modest, one-year inflationary increase to court fees from 1 April 2026 to protect the SCTS budget in the short term, while simultaneously progressing longer-term structural reform through the establishment of a Court Fee Working Group.
15. The inflationary increase—anticipated to be in line with CPI forecasts for 2026/27—would apply across all court fees but would not involve any structural changes to the fee system at this stage. In parallel, the Scottish Government would publicly announce the formation of the Working Group, fulfilling the commitment made to the Committee.
16. This dual-track approach is intended to balance the immediate need to safeguard SCTS’s financial sustainability with the longer-term objective of delivering a fairer, more transparent and modernised fee system.

Pros:

- **Protects SCTS budget:** Helps to mitigate the projected shortfall in court fee income for 2026/27, estimated at £1.7 million thus reducing the pressure on the Justice portfolio.
- **Balances short- and long-term needs:** Provides immediate financial support while allowing time for meaningful reform.
- **Politically defensible:** A modest inflationary increase is easier to justify than a large structural rise, especially when paired with a clear reform plan.
- **Fulfils Committee commitment in full:** Meets the commitment to consult on structural reform while also addressing immediate financial pressures.
- **Avoids steep future increases:** Reduces the risk of needing a large catch-up increase in 2028.
- **Demonstrates responsible fiscal management:** Shows the Scottish Government is taking a balanced and pragmatic approach to funding the courts.
- **Deliverable** without diverting resources from other legislative priorities.

Cons:

- **Short-term solution only:** Provides budget protection for one year, with no guarantee of stability beyond 2026/27.
- **Future uncertainty:** If the consultation and reform process is delayed, SCTS may face renewed financial pressure in 2027/28.
- **Stakeholder criticism remains possible:** Even modest increases are likely to attract criticism from stakeholders.

Option 3(b) – Two-Year Inflationary Fee Increase (2026/27 and 2027/28) alongside Court Fee Working Group and Consultation

17. Option 3(b) builds on Option 3(a) by proposing a two-year inflationary increase to court fees, covering both 2026/27 and 2027/28. This approach provides greater financial certainty for SCTS over a longer period and allows additional time for the Court Fee Working Group to complete its work and for the Scottish Government to prepare a robust consultation exercise based on its recommendations.
18. While the second year's fee order would come into force in 2027-2028, recommendations from the working group and substantive consultation in 2026 would be considered in the context of any current fee order in place at that time.

Pros:

- **Provides greater financial certainty:** Offers SCTS a more stable income stream over two years, reducing budget pressure for the Justice portfolio.
- **Allows more time for reform:** Gives the Court Fee Working Group additional time to complete its work and for the Scottish Government to prepare a robust consultation.
- **Flexible implementation:** The second-year fee order being in place allows time to consider the timing and operationalisation of any new structure being implemented.
- **Avoids steep future increases:** Helps prevent the need for a large corrective increase in future years.
- **Demonstrates strategic planning:** Shows the Scottish Government is taking a longer-term view of court fee policy while maintaining fiscal responsibility.

Cons:

- **Still subject to stakeholder criticism:** Any fee increase is likely to be unpopular, particularly if not accompanied by visible reform progress.
- **May be perceived as delaying reform:** Some stakeholders may view the two-year increase as a postponement of structural change, despite the parallel reform work.

Assessment of Options

19. **Option 1** – Fulfils the commitment to reform but does not address immediate financial pressures, resulting in a projected budget shortfall for SCTS.
20. **Option 2** – Provides an option to accelerate reform but is not considered feasible at this stage. .

21. **Option 3(a)** – Provides short-term budget protection and supports reform, but leaves SCTS exposed to renewed financial pressure in 2027/28.

22. **Option 3(b) is the recommended course of action.**

23. **Option 3(b)** offers the most balanced and sustainable approach. It proposes a two-year inflationary increase to court fees, providing greater financial certainty for SCTS while allowing sufficient time for the Court Fee Working Group to complete its work and for the Scottish Government to prepare a robust consultation exercise based on its recommendations.

24. This option fulfils the commitment made to the Committee that the next substantive review will have the *‘public’s interests at heart as part of the next fees review’* and the public commitment to *‘look at a wider range of structural issues effecting the fees system.’*

25. It importantly protects the SCTS budget from further erosion in real terms and avoids the risk of a steep corrective increase in future years. It demonstrates responsible fiscal planning and a clear commitment to reform, while also allowing the necessary time and space for meaningful stakeholder engagement and evidence-based policy development.

Contribution to the Government’s Four Priorities

[This information falls out with the scope of the request]

26. The establishment of a Court Fee Working Group and subsequent substantive public consultation aligns with the priority of community engagement and transparency in decision-making, while the proposed inflationary increases reflect a responsible approach to public finances.

Risks to Delivery

27. There is a risk that the Scottish Greens would attempt to annul the orders as they did in 2024 when the 10% increase was introduced, however this risk is mitigated by the announcement of the Court Fee Working Group and subsequent consultation exercise which is likely to be welcomed.

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Quality Assurance

28. This submission has been approved by Denise Swanson, Deputy Director, Civil Law and Legal Systems.

Conclusion and next Steps

29. If you agree to **Option 3(b)** a Court Fee consultation on the two year inflation related increase will be drafted for your approval

- c) We anticipate publishing the consultation before the end of September.
- d) Court Fee Orders will be prepared in anticipation of laying in January.

[Redacted - Section 38(1)(b)]

Justice Directorate: CLLS

[Redacted - Section 38(1)(b)]

Cabinet Secretaries and Ministers Copy List	For Action	For Information Portfolio interest	For Information Constituency interest	For Information General awareness
Minister for Victims and Community Safety	X			
Cabinet Secretary for Justice and Home Affairs		X		

Officials Copy List
DG Education and Justice Director of Justice Deputy Director Civil Law and Legal System

Officials Copy List

[Redacted - Section 38(1)(b)]

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[Redacted - Section 38(1)(b)]

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[Redacted - Section 38(1)(b)]

Email 4: Minister for Victims and Community Safety response to submission (19/09/2025) relating to the decision to establish the Court Fee Working Group

From: [Redacted - Section 38(1)(b)]< [Redacted - Section 38(1)(b)]@gov.scot> **On Behalf Of** Minister for Victims and Community Safety 2024

Sent: 19 September 2025 15:20

To: [Redacted - Section 38(1)(b)]< [Redacted - Section 38(1)(b)]@gov.scot>; Minister for Victims and Community Safety 2024 <MinisterforVCS@gov.scot>

Cc: Cabinet Secretary for Justice and Home Affairs 2024 <CabSecforJHA@gov.scot>; DG Education & Justice <dgej@gov.scot>; Director of Justice <DirectorofJustice@gov.scot>; Deputy Director Civil Law & Legal System Team

<DeputyDirectorCivilLawLegalSystemTeam@gov.scot>; [Redacted - Section 38(1)(b)]<

[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)]< [Redacted - Section

38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)]< [Redacted - Section 38(1)(b)]@gov.scot>;

[Redacted - Section 38(1)(b)]< [Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section

38(1)(b)]< [Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)]< [Redacted -

Section 38(1)(b)]@gov.scot>

Subject: RE: Submission - Court Fee Review Options

This email is for the official record and confirms a Ministerial Decision. This email must be placed in the official record (eRDM) by your team in line with SG records management policy.

[Redacted - Section 38(1)(b)]

Thank you again for the call. Ms Brown is content to Agree to Option 3(b) – Two-Year Inflationary Fee Increase (2026/27 and 2027/28) alongside Court Fee Working Group.

Kind regards

[Redacted - Section 38(1)(b)]

[Redacted - Section 38(1)(b)]

Private Secretary to Minister for Victims and Community Safety, Siobhian Brown
The Scottish Government | 1W.11, St Andrew's House, Regent Road, Edinburgh, EH1 3DG
M: [Redacted - Section 38(1)(b)] | E: MinisterforVCS@gov.scot

All emails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private offices do not keep official records of such e-mails or attachments.

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Email 5: Email exchange between Scottish Government officials relating to internal discussions, emails or correspondence leading to its creation of Court Fee Working Group

From: [Redacted - Section 38(1)(b)]
Sent: 13 August 2025 13:16
To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Subject: RE: FOR ACTION: Court Fees 2025

This might help (although might have missed something!)

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[This information falls out with the scope of the request]

[Redacted - Section 38(1)(b)]
Senior Policy Officer
Civil Law and Legal System

[Redacted - Section 38(1)(b)]
Courts and Tribunals | Directorate for Justice | Civil Law and Legal System Division
Scottish Government | St Andrew's House | Area GW15 | Regent Road | Edinburgh | EH1
3DG |

Mob: [Redacted - Section 38(1)(b)]
Tel: [Redacted - Section 38(1)(b)]

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Sent: 13 August 2025 12:37
To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Subject: RE: FOR ACTION: Court Fees 2025

Have added comments in red below

Hope that helps

[Redacted - Section 38(1)(b)] Senior Policy Officer

Civil Law and Legal System

[Redacted - Section 38(1)(b)]

Courts and Tribunals | Directorate for Justice | Civil Law and Legal System Division
Scottish Government | St Andrew's House | Area GW15 | Regent Road | Edinburgh | EH1
3DG |

Mob: **[Redacted - Section 38(1)(b)]**

Tel: **[Redacted - Section 38(1)(b)]**

From: **[Redacted - Section 38(1)(b)]**<[\[Redacted - Section 38\(1\)\(b\)\]@gov.scot](mailto:[Redacted - Section 38(1)(b)]@gov.scot)>

Sent: 13 August 2025 11:49

To: **[Redacted - Section 38(1)(b)]**<[\[Redacted - Section 38\(1\)\(b\)\]@gov.scot](mailto:[Redacted - Section 38(1)(b)]@gov.scot)>

Subject: RE: FOR ACTION: Court Fees 2025

Ok bear with me it's getting clearer. Sorry if I'm being a pain.

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From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Sent: 13 August 2025 11:46
To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Subject: RE: FOR ACTION: Court Fees 2025

Hi [Redacted - Section 38(1)(b)]

[This information falls out with the scope of the request]

[This information falls out with the scope of the request]

[Legislation.gov.uk](https://legislation.gov.uk)

[Legislation.gov.uk](https://legislation.gov.uk)

[Redacted - Section 38(1)(b)]
Senior Policy Officer
Civil Law and Legal System

[Redacted - Section 38(1)(b)]
Courts and Tribunals | Directorate for Justice | Civil Law and Legal System Division
Scottish Government | St Andrew's House | Area GW15 | Regent Road | Edinburgh | EH1
3DG |

Mob: [Redacted - Section 38(1)(b)]
Tel: [Redacted - Section 38(1)(b)]

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Sent: 13 August 2025 11:35
To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Subject: RE: FOR ACTION: Court Fees 2025

Don't apologise, keep me right please.

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[This information falls out with the scope of the request]

Many thanks

[Redacted - Section 38(1)(b)]

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Sent: 13 August 2025 11:30
To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Subject: RE: FOR ACTION: Court Fees 2025

No sorry if I've added confusion here

[This information falls out with the scope of the request]

[This information falls out with the scope of the request]

[Redacted - Section 38(1)(b)]
Senior Policy Officer
Civil Law and Legal System

[Redacted - Section 38(1)(b)]

Courts and Tribunals | Directorate for Justice | Civil Law and Legal System Division
Scottish Government | St Andrew's House | Area GW15 | Regent Road | Edinburgh | EH1
3DG |

Mob: [Redacted - Section 38(1)(b)]
Tel: [Redacted - Section 38(1)(b)]

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Sent: 13 August 2025 11:23
To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Subject: RE: FOR ACTION: Court Fees 2025

[Redacted - Section 38(1)(b)],

So glad you are here keeping me right.

[This information falls out with the scope of the request]

[This information falls out with the scope of the request]

Many thanks

[Redacted - Section 38(1)(b)]

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Sent: 13 August 2025 11:10
To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Subject: FW: FOR ACTION: Court Fees 2025

Hi [Redacted - Section 38(1)(b)]

Couple of issues

[This information falls out with the scope of the request]

Court fee working group is for the 'big court fee review' nothing to do with the one year inflation increase. We don't need to set up the working group straight away .

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[This information falls out with the scope of the request]

[Redacted - Section 38(1)(b)]
Senior Policy Officer
Civil Law and Legal System

[Redacted - Section 38(1)(b)]

Courts and Tribunals | Directorate for Justice | Civil Law and Legal System Division
Scottish Government | St Andrew's House | Area GW15 | Regent Road | Edinburgh | EH1
3DG |

Mob: **[Redacted - Section 38(1)(b)]**
Tel: **[Redacted - Section 38(1)(b)]**

From: **[Redacted - Section 38(1)(b)]** <**[Redacted - Section 38(1)(b)]**@gov.scot>

Sent: 13 August 2025 09:55

To: **[Redacted - Section 38(1)(b)]** <**[Redacted - Section 38(1)(b)]**@gov.scot>; **[Redacted - Section 38(1)(b)]** <**[Redacted - Section 38(1)(b)]**@gov.scot>; **[Redacted - Section 38(1)(b)]** <**[Redacted - Section 38(1)(b)]**@gov.scot>

Cc: **[Redacted - Section 38(1)(b)]** <**[Redacted - Section 38(1)(b)]**@gov.scot>; **[Redacted - Section 38(1)(b)]** <**[Redacted - Section 38(1)(b)]**@gov.scot>; **[Redacted - Section 38(1)(b)]** <**[Redacted - Section 38(1)(b)]**@gov.scot>; **[Redacted - Section 38(1)(b)]** <**[Redacted - Section 38(1)(b)]**@gov.scot>; **[Redacted - Section 38(1)(b)]** <**[Redacted - Section 38(1)(b)]**@gov.scot>

Subject: RE: FOR ACTION: Court Fees 2025

[Redacted - Section 38(1)(b)],

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[This information falls out with the scope of the request]

The first step would be to re-establish the court fees working group to ensure there is a collaborative approach between the Scottish Government and SCTS, with the initial meeting taking place early September. The next stage would follow quickly after the initial working group session with the draft orders, impact assessments and policy notes being developed by October.

Given the rise in fees is focussed on staying in line with inflation, it is proposed that a short consultation exercise be undertaken in November with responses collated and

considered in any revisions to the draft orders in December and laid before Parliament in January.

As the consultation is rolled out it would be sensible to include handling lines on the commitment made to hold a wider consultation on the more complex matters at a later date.

Kind regards

[Redacted - Section 38(1)(b)]

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>

Sent: 13 August 2025 09:53

To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>

Cc: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>

Subject: RE: FOR ACTION: Court Fees 2025

Hi [Redacted - Section 38(1)(b)],

[This information falls out with the scope of the request]

Thanks for this. As you say time has been tight on other things over the Summer.

[This information falls out with the scope of the request]

[Redacted - Section 38(1)(b)] **[This information falls out with the scope of the request]**

Many thanks,

[Redacted - Section 38(1)(b)]

[Redacted - Section 38(1)(b)]

Deputy Director, Legal - Constitutional & Civil law

MS Teams or [Redacted - Section 38(1)(b)]

This advice is from the Scottish Government Legal Directorate. It may be exempt from disclosure under Freedom of Information legislation. Legal advice and the source of legal advice must not be disclosed outside the Scottish Government without the prior consent of the Law Officers. Find out more on [Pathways LPP training](#)

This [one pager](#) has 3 excellent resources on law in government and how to work with SGLD

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>

Sent: 13 August 2025 09:30

To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section

38(1)(b)< [Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)]< [Redacted - Section 38(1)(b)]@gov.scot>

Cc: [Redacted - Section 38(1)(b)]< [Redacted - Section 38(1)(b)]@gov.scot>

Subject: FOR ACTION: Court Fees 2025

Hello,

[This information falls out with the scope of the request]

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[This information falls out with the scope of the request]

[Redacted - Section 38(1)(b)] – [This information falls out with the scope of the request]

In the meantime, I will get dates in the diaries for the working group and I can also dig out last years papers that would need to be revised as this might be the place to start rather than drafting new ones from scratch.

Any questions please let me know. Happy to talk through.

Kind regards

[Redacted - Section 38(1)(b)]

[Redacted - Section 38(1)(b)]

Head of Civil Courts and Inquiries

Directorate for Justice | Scottish Government | Tel: [Redacted - Section 38(1)(b)] | Email: [Redacted - Section 38(1)(b)]@gov.scot

[Redacted - Section 38(1)(b)]

Email 6: Email exchange between Scottish Government officials and Scottish Courts and Tribunal Service (SCTS) officials relating to internal discussions, emails or correspondence leading to creation of Court Fee Working Group

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>
Sent: 30 July 2025 08:36
To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Subject: RE: Engagement

Thanks [Redacted - Section 38(1)(b)],
I'll come back to you re the engagement discussion.
Happy to discuss the fee orders working group, [Redacted - Section 38(1)(b)] will join the discussion too. We'll need to move it into the next week if that's ok.
[This information falls out with the scope of the request]

Thanks,
[Redacted - Section 38(1)(b)]

From: [Redacted - Section 38(1)(b)]@gov.scot <[Redacted - Section 38(1)(b)]@gov.scot>
Sent: 29 July 2025 09:44
To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>
Subject: RE: Engagement

CAUTION: This email is from an external sender, please take extra care to consider its context, intent and veracity before clicking on links or opening attachments.

Thanks [Redacted - Section 38(1)(b)]

[This information falls out with the scope of the request]

We are also hoping to set up a working group for Court Fee Review (similar to the one we had pre Covid)

While we've yet to get Ministerial clearance it looks like we would be doing some sort of inflation rise for 2026/27 then looking at a more strategic/comprehensive review for the following normal 3 year cycle.

[This information falls out with the scope of the request]

[Redacted - Section 38(1)(b)]
Senior Policy Officer
Civil Law and Legal System

[Redacted - Section 38(1)(b)]

Courts and Tribunals | Directorate for Justice | Civil Law and Legal System Division

Scottish Government | St Andrew's House | Area GW15 | Regent Road | Edinburgh | EH1 3DG |

Mob: [Redacted - Section 38(1)(b)]

Tel: [Redacted - Section 38(1)(b)]

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>

Sent: 29 July 2025 08:01

To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>

Subject: RE: Engagement

Hi [Redacted - Section 38(1)(b)],

Apologies for the delay in coming back to you on this, things have been quite busy.

[This information falls out with the scope of the request]

Thanks,

[Redacted - Section 38(1)(b)]

From: [Redacted - Section 38(1)(b)]@gov.scot <[Redacted - Section 38(1)(b)]@gov.scot>

Sent: 23 June 2025 10:09

To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>

Subject: RE: Engagement

CAUTION: This email is from an external sender, please take extra care to consider its context, intent and veracity before clicking on links or opening attachments.

Hi [Redacted - Section 38(1)(b)],

More than happy to have a chat. **[This information falls out with the scope of the request]**

[This information falls out with the scope of the request]

I have a pretty free diary from Wednesday onwards

[Redacted - Section 38(1)(b)]

[Redacted - Section 38(1)(b)]

Senior Policy Officer

Civil Law and Legal System

[Redacted - Section 38(1)(b)]

Courts and Tribunals | Directorate for Justice | Civil Law and Legal System Division
Scottish Government | St Andrew's House | Area GW15 | Regent Road | Edinburgh | EH1 3DG |

Mob: [Redacted - Section 38(1)(b)]

Tel: [Redacted - Section 38(1)(b)]

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>

Sent: 16 June 2025 16:37

To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>

Subject: Engagement

Hi [Redacted - Section 38(1)(b)],

Hope all is good with you.

[This information falls out with the scope of the request]

[This information falls out with the scope of the request]

Thanks,

[Redacted - Section 38(1)(b)]

[Redacted - Section 38(1)(b)]

Director of Legislation and Information Unit

Scottish Courts and Tribunals Service

[Redacted - Section 38(1)(b)]

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<https://www.scotcourtribunals.gov.uk>

Email 7: Email exchange between Scottish Government officials relating to the internal discussions, emails or correspondence leading to the creation of the Court Fee Working Group

From: [Redacted - Section 38(1)(b)]

Sent: 22 August 2025 13:41

To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>

Cc: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>

Subject: Court Fee Working Group

Morning [Redacted - Section 38(1)(b)]

I had a chat with SCTS colleagues about setting up a the Court Fee Review Working Group .

I stressed that we have yet to get Ministerial approval for the course of action for next year Court Fee increases (if indeed there are to be any) .

I highlighted that we are potentially looking at 3 options

- Do nothing
- 1 year inflation increase (possibly two years)
- Full 'root and branch' review

Option 3 SCTS were in agreement that we are not in a position to do a full review this year and indicated that it might even take longer than a year for the Working Group to sort out court fees properly .

That may mean we need to extend the 1 year option to a two year option to give us some leeway. If we did do the Court Fee Orders with a the two year inflation increase there would be nothing to stop us from revoking the year 2 fee increases and implementing the 'full review' outcomes at any point during that second year. 2 year increase would not cause very little extra work and would avoid us having to do another review next year if we aren't in a position to take forward Option 3

Option 1 SCTS were in agreement that [Redacted - Section 38(1)(b)] would be very vocal in condemning this course of action given the impact on SCTS budget.

Option 2 – SCTS agreed this would be their preferred option and were really keen that we if we can get this in place for as close as possible to start of net financial year i.e. April 2026.

In tandem SCTS will set up the Working Group (asap) and invite all of us to be on the Working Group (we can take a decision later who would be best placed to attend)

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[Redacted - Section 38(1)(b)] [This information falls out with the scope of the request]

[Redacted - Section 38(1)(b)]

Senior Policy Officer

Civil Law and Legal System

[Redacted - Section 38(1)(b)]

Courts and Tribunals | Directorate for Justice | Civil Law and Legal System Division
Scottish Government | St Andrew's House | Area GW15 | Regent Road | Edinburgh | EH1
3DG |

Mob: **[Redacted - Section 38(1)(b)]**

Tel: **[Redacted - Section 38(1)(b)]**

Email 8a: Email to Deputy Director sign off on submission to Minister relating to court fee options relating to the decision to establish the Court Fee Working Group

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Sent: 18 September 2025 17:45
To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; Deputy Director Civil Law & Legal System Team <DeputyDirectorCivilLawLegalSystemTeam@gov.scot>
Cc: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Subject: RE: Submissions - Court Fee Review Draft -For DD approval

[Redacted - Section 38(1)(b)], in Denise's absence happy for this to go as we are up against tight timeline for getting the consultation out

Regards

[Redacted - Section 38(1)(b)]
[Civil Courts, Justice Transformation and Inquiries](#) | [Directorate for Justice](#) | [Scottish Government](#) | [Tel: \[Redacted - Section 38\(1\)\(b\)\]](#) | [Email: \[Redacted - Section 38\(1\)\(b\)\]@gov.scot](#)

Be kind and be the reason someone Smiles today.

From: [Redacted - Section 38(1)(b)]
Sent: 17 September 2025 11:13
To: Deputy Director Civil Law & Legal System Team
Cc: [Redacted - Section 38(1)(b)]; [Redacted - Section 38(1)(b)]
Subject: Submissions - Court Fee Review Draft -For DD approval

Morning Denise/Ryan

For approval – please find attached court fee submission.

Thanks

[Redacted - Section 38(1)(b)]
[Redacted - Section 38(1)(b)]
Senior Policy Officer
Civil Law and Legal System

[Redacted - Section 38(1)(b)]

Courts and Tribunals | Directorate for Justice | Civil Law and Legal System Division
Scottish Government | St Andrew's House | Area GW15 | Regent Road | Edinburgh | EH1 3DG |

Mob: [Redacted - Section 38(1)(b)]
Tel: [Redacted - Section 38(1)(b)]

Email 8b: Attachment of submission to Minister on court fee options relating to the decision to establish Court Fee Working Group

Civil Law and Inquiries Team
Justice Directorate
September 2025

Minister for Victims and Community Safety

Options for Court Fees Review 2025

Priority and Purpose

50. **URGENT:** To seek your approval of a review of court fees in 2025.

Recommendation

51. Recommends that you: Agree to **Option 3(b) – Two-Year Inflationary Fee Increase (2026/27 and 2027/28) alongside Court Fee Working Group.**

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Current Position on Substantive Review of Court Fees

52. Preparatory work has begun on a full 'root and branch' review of court fee structure and discussions with SCTS to establish a Court Fee Working Group have been commenced and the Terms of Reference for the group are being progressed. The Court Fee Working Group will comprise of SCTS analysts and subject matter experts; Clerks of the Court and Scottish Government officials.
53. It is difficult to anticipate the lifespan of the Working Group due to the complexity of the current court fee system but we anticipate it will take around 12-18 months to provide a set of recommendations for a revised court fee structure and simplification of the current system of court fees. Subject to Ministerial approval, the recommendations would subsequently be the focus of a public consultation exercise, anticipated to take place in late 2026 or early 2027
54. To ensure that we fulfil the commitment made to the Committee, we would recommend writing to the Committee to set out the establishment of the Court Fee Working Group and its remit and the subsequent public consultation on recommendations.
55. Given the extensive nature of this work it is not considered possible to complete it before parliament is dissolved early next year and as such court fees will remain at their current level for 2026/27 with the additional risk (depending on timing and outcome of consultation) that court fees will remain at their current level also for 2027/28.
56. Subject to advice from SpAds and Comms colleagues, this may be accompanied by a press release. (A Committee letter and a draft media statement will be drafted)
57. This course of action is intended to fulfil the commitment you provided at Committee (set out above) . However, this means that court fee income would not keep pace with current inflation levels while this substantive review is taking place and the SCTS budget will be impacted. Three options in relation to court fees from 1 April 2026 have been developed for your consideration.

Options Considered and Advice

Option 1 - Public Announcement of Court Fee Working Group and Future Consultation with no court fee increase on 1 April 2026

This is in effect the 'do nothing' option in relation to court fees for the year commencing 1 April 2026. We would not take any substantive action to increase court fees before the end of this parliamentary term [**Redacted – Section 30(b)(ii)**].

Pros:

- **Fulfils previous commitments:** Demonstrates that the Scottish Government is delivering on the commitment made to the Committee to consult on structural reform.
- **Transparency and reform intent:** Signals a clear intention to modernise and simplify the court fee system.
- **Avoids stakeholder negative response:** Court fee increases are generally unpopular; this avoids pre-election criticism from stakeholders such as the Law Society of Scotland, Citizens Advice Scotland, and opposition parties.
- **Political risk management:** Avoids the political risk of introducing further fee increases during a sensitive pre-election period.

Cons:

- **Budgetary impact on SCTS:** Without a fee increase, SCTS faces an estimated shortfall of £1.7 million in 2026/27 and a further £2 million in 2027/28.
- **Risk of steep future increases:** Delaying action may necessitate a substantial increase in court fees in 2028 to restore real-terms income.
- **Court fees will not keep pace with inflation:** This further erodes the cost recovery position (currently around 60%) and places additional pressure on the SCTS budget.
- **Uncertainty for SCTS planning:** Lack of clarity on future income may hinder SCTS's ability to plan and deliver services effectively.
- **Potential criticism from stakeholders:** While avoiding immediate backlash, some stakeholders may question the delay in addressing structural funding issues.

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Option 3 (a) – One-Year Inflationary Fee Increase (2026/27) alongside Court Fee Working Group

58. This option proposes a modest, one-year inflationary increase to court fees from 1 April 2026 to protect the SCTS budget in the short term, while simultaneously progressing longer-term structural reform through the establishment of a Court Fee Working Group **[Redacted – Section 30(b)(i)]**.

59. The inflationary increase—anticipated to be in line with CPI forecasts for 2026/27—would apply across all court fees but would not involve any structural changes to the fee system at this stage. In parallel, the Scottish Government would publicly announce the formation of the Working Group, fulfilling the commitment made to the Committee.

60. This dual-track approach is intended to balance the immediate need to safeguard SCTS’s financial sustainability with the longer-term objective of delivering a fairer, more transparent and modernised fee system.

Pros:

- **Protects SCTS budget:** Helps to mitigate the projected shortfall in court fee income for 2026/27, estimated at £1.7 million thus reducing the pressure on the Justice portfolio.
- **Balances short- and long-term needs:** Provides immediate financial support while allowing time for meaningful reform.
- **Politically defensible:** A modest inflationary increase is easier to justify than a large structural rise, especially when paired with a clear reform plan.
- **Fulfils Committee commitment in full:** Meets the commitment to consult on structural reform while also addressing immediate financial pressures.
- **Avoids steep future increases:** Reduces the risk of needing a large catch-up increase in 2028.

- **Demonstrates responsible fiscal management:** Shows the Scottish Government is taking a balanced and pragmatic approach to funding the courts.
- **Deliverable** without diverting resources from other legislative priorities.

Cons:

- **Short-term solution only:** Provides budget protection for one year, with no guarantee of stability beyond 2026/27.
- **Future uncertainty:** If the consultation and reform process is delayed, SCTS may face renewed financial pressure in 2027/28.
- **Stakeholder criticism remains possible:** Even modest increases are likely to attract criticism from stakeholders.

Option 3(b) – Two-Year Inflationary Fee Increase (2026/27 and 2027/28) alongside Court Fee Working Group and Consultation

61. Option 3(b) builds on Option 3(a) by proposing a two-year inflationary increase to court fees, covering both 2026/27 and 2027/28. This approach provides greater financial certainty for SCTS over a longer period and allows additional time for the Court Fee

Working Group to complete its work and for the Scottish Government to prepare a robust consultation exercise based on its recommendations.

62. While the second year's fee order would come into force in 2027-2028, recommendations from the working group and wider consultation in 2026 would be considered in the context of any current fee order in place at that time.

Pros:

- **Provides greater financial certainty:** Offers SCTS a more stable income stream over two years, reducing budget pressure for the Justice portfolio.
- **Allows more time for reform:** Gives the Court Fee Working Group additional time to complete its work and for the Scottish Government to prepare a robust consultation.
- **Flexible implementation:** The second-year fee order being in place allows time to consider the timing and operationalisation of any new structure being implemented.
- **Avoids steep future increases:** Helps prevent the need for a large corrective increase in 2028.
- **Demonstrates strategic planning:** Shows the Scottish Government is taking a longer-term view of court fee policy while maintaining fiscal responsibility.

Cons:

- **Still subject to stakeholder criticism:** Any fee increase is likely to be unpopular, particularly if not accompanied by visible reform progress.
- **May be perceived as delaying reform:** Some stakeholders may view the two-year increase as a postponement of structural change, despite the parallel reform work.

Assessment of Options

63. **Option 1** – Fulfils the commitment to reform but does not address immediate financial pressures, resulting in a projected budget shortfall for SCTS.

64. **Option 2** – Attempts to accelerate reform but is not feasible.

65. **Option 3(a)** – Provides short-term budget protection and supports reform, but leaves SCTS exposed to renewed financial pressure in 2027/28.

Option 3(b) is the recommended course of action.

66. **Option 3(b)** offers the most balanced and sustainable approach. It proposes a two-year inflationary increase to court fees, providing greater financial certainty for SCTS while allowing sufficient time for the Court Fee Working Group to complete its work and for the Scottish Government to prepare a robust consultation exercise based on its recommendations. The second-year fee order would be laid in advance but could be revoked if a new structure is ready earlier, offering flexibility without compromising budget stability.

67. This option fulfils the commitment made to the Committee, protects the SCTS budget from further erosion in real terms, and avoids the risk of a steep corrective increase in future years. It demonstrates responsible fiscal planning and a clear commitment to reform, while also allowing the necessary time and space for meaningful stakeholder engagement and evidence-based policy development.

Contribution to the Government's Four Priorities

[This information falls out with the scope of the request]

68. The establishment of a Court Fee Working Group and subsequent public consultation aligns with the priority of community engagement and transparency in decision-making, while the proposed inflationary increases reflect a responsible approach to public finances.

Risks to Delivery

69. There is a risk that the Scottish Green party would attempt to annul the orders as they did in 2024 when the 10% increase was introduced, however this risk is mitigated by the announcement of the Court Fee Working Group which is likely to be welcomed.

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Quality Assurance

70. This submission has been approved by Denise Swanson, Deputy Director, Civil Law and Legal Systems.

Conclusion and next Steps

71. If you agree to **Option 3(b)** a Court Fee consultation on the two year inflation related increase will be drafted for your approval

- e) We anticipate publishing the consultation before the end of September.
- f) Court Fee Orders will be prepared in anticipation of laying in January.

«NAME»

«Directorate+Division»

«Extension Number»

Cabinet Secretaries and Ministers Copy List	For Action	For Information Portfolio interest	For Information Constituency interest	For Information General awareness
Minister for Victims and Community Safety	X	X		

Cabinet Secretaries and Ministers Copy List	For Action	For Information Portfolio interest	For Information Constituency interest	For Information General awareness
Cabinet Secretary for Justice and Home Affairs				

Officials Copy List
DG Education and Justice Director of Justice Deputy Director Civil Law and Legal System [Redacted - Section 38(1)(b)] [Redacted - Section 38(1)(b)] [Redacted - Section 38(1)(b)] [Redacted - Section 38(1)(b)] [Redacted - Section 38(1)(b)]

[This information falls out with the scope of the request]

Email 9: Ministerial Forward Court Fee Consultation

Ministerial Foreword

[This information falls out with the scope of the request]

[This information falls out with the scope of the request]

[This information falls out with the scope of the request]

A Court Fee Working Group will examine the structure and operation of court fees in Scotland. Due to the complexity of this task, the work of the group is expected to take 12 to 18 months to complete. The recommendations of this group will inform a full public consultation, which will contain proposals for structural reform of the court fee system. That future consultation will be the vehicle through which we deliver on the commitment made to the Equalities, Human Rights and Civil Justice Committee.

[This information falls out with the scope of the request]

[This information falls out with the scope of the request]

[This information falls out with the scope of the request] [Redacted – Section 30(b)(ii)].

Minister for Victims and Community Safety

Email 10: SCTS Working Group

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>

Sent: 05 February 2026 09:48

To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>

Cc: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@fatalaccidentinquiryreview.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>

Subject: RE: For Review - Scottish Court Fees 2026-2027 - Draft SSIs

Morning [Redacted - Section 38(1)(b)]

As [Redacted - Section 38(1)(b)] has said in her reply on the question **[This information falls out with the scope of the request]**

The question of the wording around fees arrangements we are content that this can be picked up at a later point perhaps by the Fees Order Working Group.

[This information falls out with the scope of the request]

[This information falls out with the scope of the request]

[This information falls out with the scope of the request]

[This information falls out with the scope of the request]

Many thanks

[Redacted - Section 38(1)(b)]

From: [Redacted - Section 38(1)(b)]@gov.scot <[Redacted - Section 38(1)(b)]@gov.scot>

Sent: 05 February 2026 09:18

To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>; [Redacted - Section 38(1)(b)]@gov.scot

Cc: [Redacted - Section 38(1)(b)]@gov.scot; [Redacted - Section 38(1)(b)]@fatalaccidentinquiryreview.scot

Subject: RE: For Review - Scottish Court Fees 2026-2027 - Draft SSIs

CAUTION: This email is from an external sender, please take extra care to consider its context, intent and veracity before clicking on links or opening attachments.

Thanks [Redacted - Section 38(1)(b)], that's really helpful.

[This information falls out with the scope of the request]

Many thanks

[Redacted - Section 38(1)(b)]

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>
Sent: 05 February 2026 08:08
To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Cc: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@fatalaccidentinquiryreview.scot>
Subject: Re: For Review - Scottish Court Fees 2026-2027 - Draft SSIs
Importance: High

Hi [Redacted - Section 38(1)(b)],

[This information falls out with the scope of the request]

[Redacted - Section 38(1)(b)]

[Redacted - Section 38(1)(b)]

[Redacted - Section 38(1)(b)]

Senior Legislation Implementation Manager

Legislation Implementation Team

Scottish Courts and Tribunals Service

Team Mailbox: litenquiries@scotcourts.gov.uk

From: [Redacted - Section 38(1)(b)]@gov.scot <[Redacted - Section 38(1)(b)]@gov.scot>
Sent: Wednesday, February 04, 2026 19:48
To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>; [Redacted - Section 38(1)(b)]@gov.scot <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>
Cc: [Redacted - Section 38(1)(b)]@gov.scot <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)]@fatalaccidentinquiryreview.scot <[Redacted - Section 38(1)(b)]@fatalaccidentinquiryreview.scot>
Subject: RE: For Review - Scottish Court Fees 2026-2027 - Draft SSIs

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Hi [Redacted - Section 38(1)(b)]

[This information falls out with the scope of the request]

Many thanks

[Redacted - Section 38(1)(b)]

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>
Sent: 04 February 2026 15:49
To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>
Cc: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@fatalaccidentinquiryreview.scot>
Subject: RE: For Review - Scottish Court Fees 2026-2027 - Draft SSIs

Hi [Redacted - Section 38(1)(b)]

We are considering this currently and should be able to respond shortly, apologies for any delay this is causing for you.

[This information falls out with the scope of the request]

Thanks

[Redacted - Section 38(1)(b)]

From: [Redacted - Section 38(1)(b)]@gov.scot <[Redacted - Section 38(1)(b)]@gov.scot>
Sent: 04 February 2026 14:04
To: [Redacted - Section 38(1)(b)]@gov.scot; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>
Cc: [Redacted - Section 38(1)(b)]@gov.scot; [Redacted - Section 38(1)(b)]@fatalaccidentinquiryreview.scot
Subject: RE: For Review - Scottish Court Fees 2026-2027 - Draft SSIs

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Hi [Redacted - Section 38(1)(b)],

I just wanted to check whether you've had a chance to consider [Redacted - Section 38(1)(b)] questions below.

Apologies for chasing - we have quite a tight turnaround, so I need to update SGLD as soon as possible.

Thanks,

[Redacted - Section 38(1)(b)]

[Redacted - Section 38(1)(b)] Senior Policy Officer

Civil Courts, Justice Transformation and Inquiries | Courts and Tribunals | Directorate for Justice

Email: [Redacted - Section 38(1)(b)]@gov.scot



From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>

Sent: 03 February 2026 16:17

To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>;

[Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>

Cc: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted -

Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <

[Redacted - Section 38(1)(b)]@fatalaccidentinquiryreview.scot>

Subject: RE: For Review - Scottish Court Fees 2026-2027 - Draft SSIs

Thanks [Redacted - Section 38(1)(b)], can I just check then that we can revisit this once the Working Group is up and running and that you are content with the wording as it is currently drafted?

[This information falls out with the scope of the request]

Many thanks

[Redacted - Section 38(1)(b)]

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>

Sent: 03 February 2026 16:06

To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted -

Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>

Cc: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted -

Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <

[Redacted - Section 38(1)(b)]@fatalaccidentinquiryreview.scot>

Subject: RE: For Review - Scottish Court Fees 2026-2027 - Draft SSIs

Hi [Redacted - Section 38(1)(b)]

I think the concerns about this wording could be picked up by the Fees Order Working Group (once we have that up and running). **[This information falls out with the scope of the request]**

I hope this is helpful.

Thanks

[Redacted - Section 38(1)(b)]

From: [Redacted - Section 38(1)(b)]@gov.scot <[Redacted - Section 38(1)(b)]@gov.scot>
Sent: 03 February 2026 15:51
To: [Redacted - Section 38(1)(b)]< [Redacted - Section 38(1)(b)]@scotcourts.gov.uk>
Cc: [Redacted - Section 38(1)(b)]< [Redacted - Section 38(1)(b)]@scotcourts.gov.uk>; [Redacted - Section 38(1)(b)]@gov.scot; [Redacted - Section 38(1)(b)]@gov.scot; [Redacted - Section 38(1)(b)]@fatalaccidentinquiryreview.scot
Subject: RE: For Review - Scottish Court Fees 2026-2027 - Draft SSIs

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Hi [Redacted - Section 38(1)(b)]

Thanks very much for this. **[This information falls out with the scope of the request]**

[This information falls out with the scope of the request]

As always, we are extremely tight for time so we would be grateful for clarification just as soon as possible.

Many thanks

[Redacted - Section 38(1)(b)]

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>
Sent: 30 January 2026 15:13
To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Cc: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>; [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@gov.scot>
Subject: Fw: For Review - Scottish Court Fees 2026-2027 - Draft SSIs
Importance: High

Hi [Redacted - Section 38(1)(b)],

[This information falls out with the scope of the request]

[This information falls out with the scope of the request]

[This information falls out with the scope of the request]

I trust this assists but please get in touch if we can assist further.

[Redacted - Section 38(1)(b)]

[Redacted - Section 38(1)(b)]

Senior Legislation Implementation Manager

Legislation Implementation Team

Scottish Courts and Tribunals Service

Team Mailbox: litenquiries@scotcourts.gov.uk

From: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>
Sent: Monday, January 26, 2026 13:57
To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>
Subject: FW: For Review - Scottish Court Fees 2026-2027 - Draft SSIs

From: [Redacted - Section 38(1)(b)]@gov.scot <[Redacted - Section 38(1)(b)]@gov.scot>
Sent: 26 January 2026 13:23

To: [Redacted - Section 38(1)(b)] <[Redacted - Section 38(1)(b)]@scotcourts.gov.uk>
Cc: [Redacted - Section 38(1)(b)]@gov.scot; [Redacted - Section 38(1)(b)]@gov.scot;
[Redacted - Section 38(1)(b)]@gov.scot
Subject: For Review - Scottish Court Fees 2026-2027 - Draft SSIs

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Hi [Redacted - Section 38(1)(b)]

I hope all is well with you. [This information falls out with the scope of the request]

[This information falls out with the scope of the request] We are speaking tomorrow in any event so you can let us know then if that is unrealistic from your perspective.

Many thanks

[Redacted - Section 38(1)(b)]

[Redacted - Section 38(1)(b)] | Senior Policy Adviser | Courts and Tribunals | Civil Law and Legal System | Justice Directorate | Scottish Government | St Andrews House | Edinburgh

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