

## Annex B

### **Email 1b: Attachment to email – Submission to Minister on 2026-2027 Court Fees relating to early policy papers or briefing materials relating to court fees or transcript access**

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

Courts and Tribunals Policy  
February 2026

Minister for Victims and Community Safety

#### **Scottish Court Fees Orders 2026-2027**

##### **Priority and Purpose**

1. **Routine** - To provide advice following the consultation on the proposal to increase court fees; seek your approval to take forward a 3% increase in court fees in 2026/27 and a further 3% increase in 2027/28; and, seek clearance to sign statutory instruments on Wednesday 11 February 2026.

##### **Context and Issues**

2. The Scottish Government published a consultation seeking stakeholders' views on increasing court fees across Scotland. The consultation ran from 23 December 2025 to 30 January 2026. The main proposal in the consultation paper was that court fees should be increased by 3% on 1 April 2026, followed by a further 3% rise on 1 April 2027 in order to reflect inflationary pressures, and ensure financial sustainability of the Scottish Courts and Tribunal Service ("SCTS").
3. Eight responses were received in total from legal professionals and organisations in the justice system as well as organisations with an interest in consumer legal issues. The majority of those consulted opposed the increases, although many were opposed to the idea of court fees being payable by court users in general.
4. Given parliamentary timescales and pressures, officials have worked to produce five court fees orders and one set of court fees regulations for consideration alongside this advice to enable the change to be taken forward if Ministers agree. SCTS have been given the opportunity to comment on the draft instruments and their comments are taken into account.
5. The instruments are intended to be laid on the 13 February with a coming into force date of 1 April 2026. Impact assessments have been produced (EQIA, BRIA and CRWIA) and copies are attached for your clearance together with a policy note for each order.

## **Options Considered and Advice**

6. As outlined above, the responses to the consultation were almost all opposed to the proposed increase to court fees due to concerns regarding affordability, cumulative fee impacts, and access to justice. A summary of the consultation respondents and views are attached at **Annex A**. It is considered that the proposed 3% increase to court fees are aligned with anticipated inflation and represent a modest adjustment compared to the more substantial increases implemented in November 2024.
7. The SCTS budget has been based on the assumption of an increase in court fees coming into effect in April 2026. If a decision was taken not to increase the proposed fees, this would place additional pressure on the SCTS budget and likely lead to requests from SCTS to Scottish Government to fund the shortfall.
8. Given the significant pressure on public spending, our view is that the increases are necessary to maintain a modern and efficient justice system.
9. Preparatory work has now begun on a full review of the court fee structure, including the establishment of a Court Fee Working Group. The Group is expected to report in late 2026 or early 2027. A public consultation on its recommendations will follow.

## **Assessment of Options**

10. As above, we consider that increasing court fees is a necessary step in attempting to ease the strain on public expenditure in respect of the courts and justice system and providing a much-needed boost to the SCTS budget.
11. According to calculations provided by SCTS, the increases are anticipated to bring in an additional £3 million in revenue, assuming that current trends continue.

## **Contribution to the Government's Four Priorities**

12. The policy will make progress towards improving public services, as it will support access to justice through an efficient court system.

## **Financial and Legal Considerations**

13. Financial considerations are discussed above and have been covered in further detail in previous submissions on this subject.
14. On legal considerations, SGLD have worked closely with policy in developing the instruments. It is considered that such increases are proportionate and will present no risk that persons will effectively be prevented from having access to justice.

15. SGLD have also been involved in preparing the Child Rights and Wellbeing Impact Assessment (CRWIA) and other impact assessments. In particular, SGLD considers that the six instruments are compatible with the UNCRC requirements under the United Nations Convention on the Rights of the Child (Scotland) Act 2024. The SSIs do not directly relate to children's rights, but the increase in court fees will be relevant to children involved in the justice system whether as a party protecting their UNCRC rights or as the subject of family law proceedings or as a witness.
16. It is considered that the increase in court fees will support efforts to improve and modernise the justice system ensuring the public, including children as a party to proceedings, have quick and efficient access to justice. The additional revenue for SCTS will also help ensure vulnerable witnesses, including children, are able to present their evidence as witnesses and their views in family cases affecting them in court proceedings in the safest and most appropriate way possible.
17. Depending on their financial position, legal aid may be available in cases involving a child or where a child party faces court fees, subject to special eligibility rules and exemptions, as legal aid is available to other parties. As provided for in the instruments, certain recipients of legal aid are also exempt from payment of court fees. The SSI provisions do not impact a child's access to legal aid.
18. Overall, taking into account the availability of legal aid in a modern, well-funded, efficient court system, we assess that the increase in court fees will have a positive impact on some children's rights within and to the justice system and a neutral impact on others. Accordingly, the Minister can sign the UNCRC statements of compatibility to accompany the SSIs when they come forward for signing.

### **New Deal for Business Implications**

19. A BRIA is attached for consideration outlining the anticipated impact on businesses. The risk for implications is considered to be minimal.

### **Sensitivities**

20. There may be criticism from those that have responded to the consultation that their views have not been adequately considered and/or that the Scottish Government is undermining access to justice for individuals by increasing court fees. As outlined above, we are of the view the increase is necessary and proportionate and can develop public lines to that effect.
21. The Minister may recall that the committee showed considerable interest in the court fee increases taken forward in November 2024. Whilst the fee increases proposed in this submission are at a much lower level there is the possibility that the committee will be interested in the impact upon court users.

## Quality Assurance

22. This submission has been approved by Ryan McRobert, Deputy Director, Civil Law and Legal System.

## Conclusions and Next Steps

23. We recommend that preparations for laying the orders in Parliament continue with a view to the changes coming into effect for the 1 April 2026. The SSIs will be prepared for your signature on 11 February 2026.

24. You are asked to:

- a) **Note the terms of this submission and indicate you are content to take forward a 3% increase in court fees in 2026/27, with a further 3% increase in 2027/28;**
- b) **Note the terms of the attached EQIA, CRWIA and Policy Notes;**
- c) **Note the terms of, and sign and date the attached BRIA in advance of or at the time of signing the SSIs;**
- d) **Sign and return the attached statements of compatibility in advance of or at the time of signing the SSIs;**
- e) **Agree to sign the SSIs (which will be made available for you on 11/02/26).**

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

Courts and Tribunals Policy

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Justice and Home Affairs			X		
Cabinet Secretary for Finance and Local Government					X

### **COPY LIST**

Director General Education and Justice  
 Solicitor to the Scottish Government  
 Director of Justice  
 Denise Swanson & Ryan McRobert, Deputy Director, Civil Law & Legal System  
**[Redacted - Section 38(1)(b)]**, Unit Head, Justice Transformation Policy  
**[Redacted - Section 38(1)(b)]**, Head of Civil Courts and Inquiries  
**[Redacted - Section 38(1)(b)]**, Senior Policy Advisor  
**[Redacted - Section 38(1)(b)]**, SGLD  
**[Redacted - Section 38(1)(b)]**, SGLD,  
**[Redacted - Section 38(1)(b)]**, SGLD

[Redacted - Section 38(1)(b)], Finance  
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[Redacted - Section 38(1)(b)], Justice Finance  
[Redacted - Section 38(1)(b)], Spad  
[Redacted - Section 38(1)(b)], Comms  
Communications Justice

## **Annex A – Summary of Consultation Respondents and Views**

### **Overview**

A total of eight organisational responses were received to the consultation on Scottish Court Fees 2026–2027. Responses were submitted by legal professional bodies, public bodies and third-sector and advice organisations. No individual members of the public responded.

### **Respondent Organisations**

- Association of Personal Injury Lawyers (APIL)
- Citizens Advice Scotland
- Faculty of Advocates
- Forum of Insurance Lawyers (FOIL)
- Law Society of Scotland
- Scottish Courts and Tribunals Service (SCTS)
- Money Advice Scotland
- Amnesty International UK

### **High-Level Themes from Responses**

#### **Opposition to Fee Increases**

Most respondents opposed the proposed 3% increases in 2026 and 2027, citing concerns around affordability, cumulative increases and the potential risk to access to justice. Some respondents, including SCTS, APIL and the Law Society of Scotland, considered that modest inflationary increases could be justified as an interim step.

#### **Affordability and Access to Justice**

Advice sector organisations emphasised that even small increases may disproportionately affect people on low incomes or those marginally above exemption thresholds. Amnesty International UK and others raised concerns about potential impacts on effective access to justice under Article 6 ECHR.

#### **Policy and Structural Issues**

FOIL raised concerns about the frequency of fee increases since 2015 and the absence of a clear, long-term policy framework governing court fee setting. Several respondents sought greater transparency regarding SCTS's costs and income.

#### **Views on the Court Fee Review**

Respondents broadly supported the establishment of the Court Fee Working Group and the commitment to a full structural review. Many called for an inclusive and wide-ranging consultation to follow, with particular focus on affordability and the overarching purpose of court fee charging.

**Email 1c: Attachment to email – Equality Impact Assessment on 2026-2027 Court Fees relating to early policy papers or briefing materials relating to court fees or transcript access**

**[Redacted Section 25(1) Information otherwise accessible]** This document is published on the Scottish Government website and can be accessed via the following link - [Screening - Scottish Court Fees 2026-2027 - Equality Impact Assessment - gov.scot](#)

**Email 1d: Attachment to email – Business Impact Assessment on 2026-2027 Court Fees relating to early policy papers or briefing materials relating to court fees or transcript access**

**[Redacted Section 25(1) Information otherwise accessible]** This document is published on the Scottish Government website and can be accessed via the following link - [Scottish Court Fees 2026-2027 - Business Regulatory Impact Assessment - gov.scot](#)

**Email 1e: Attachment to email on Scottish Court Fees 206-2027 Policy Note – Justice of the Peace Court Fees**

**[Redacted Section 25(1) Information otherwise accessible]** This document is published on the Scottish Government website and can be accessed via the following link - [The Justice of the Peace Court Fees \(Scotland\) Order 2026 - Policy Note](#)

**Email 1f: Email Attachment of Scottish Court Fees 206-2027 Policy Note – Sheriff Appeal Court Fees**

**[Redacted Section 25(1) Information otherwise accessible]** This document is published on the Scottish Government website and can be accessed via the following link - [The Sheriff Appeal Court Fees Order 2026 - Policy Note](#)

**Email 1g: Email Attachment of Scottish Court Fees 206-2027 Policy Note – High Court of Justiciary Fees**

**[Redacted Section 25(1) Information otherwise accessible]** This document is published on the Scottish Government website and can be accessed via the following link - [The High Court of Justiciary Fees Order 2026 - Policy Note](#)

**Email 1h: Email Attachment of Scottish Court Fees 206-2027 Policy Note – Court of Session Fees**

**[Redacted Section 25(1) Information otherwise accessible]** This document is published on the Scottish Government website and can be accessed via the following link - [The Court of Session etc. Fees Order 2026 - Policy Note](#)

**Email 1i: Email Attachment of Scottish Court Fees 206-2027 Policy Note – Public Guardian’s Fees**

**[Redacted Section 25(1) Information otherwise accessible]** This document is published on the Scottish Government website and can be accessed via the following link - [The Adults with Incapacity \(Public Guardian’s Fees\) \(Scotland\) Regulations 2026 - Policy Note](#)

**Email 1j: Email Attachment of Scottish Court Fees 206-2027 Policy Note – Sheriff Court Fees**

**[Redacted Section 25(1) Information otherwise accessible]** This document is published on the Scottish Government website and can be accessed via the following link - [The Sheriff Court Fees Order 2026 - Policy Note](#)

**Email 2a: Attachment of submission to the Minister on the Court Fees Consultation, Analysis and Response relating to early policy papers or briefing materials relating to court fees**

[Redacted - Section 38(1)(b)]  
Courts and Tribunals Policy  
March 2026

Minister for Victims and Community Safety

**Court Fees Orders**

**Priority and Purpose**

**Routine** - Further to the submission of 10 February 2026 regarding court fees instruments, we are now seeking clearance for the attached Scottish Government analysis and response to the consultation to be published.

**Context and Issues**

25. The Scottish Government published a consultation seeking stakeholders' views on increasing court fees across Scotland. The consultation ran from 23 December 2025 to 30 January 2026. Eight responses were received in total from legal professionals and organisations in the justice system as well as organisations with an interest in consumer legal issues.
26. As you are aware, the six SSIs relating to court fees were laid on 13 February 2026 and come into force on 1 April 2026. The Delegated Powers and Law Reform Committee convened on 24 February 2026 and Equalities, Human Rights and Civil Justice Committee convened on 3 March 2026 and were in agreement that no reporting grounds were engaged.
27. Having fully considered the views of those who responded to the consultation, the increase to court fees proposed in the consultation will be implemented to reflect inflationary pressures, and ensure financial sustainability of the Scottish Courts and Tribunal Service ("SCTS").
28. Preparatory work has now begun on a full review of the court fee structure, including the establishment of a Court Fee Working Group. The Group is expected to report in late 2026 or early 2027. A public consultation on its recommendations will follow.

**Options Considered and Advice**

[Redacted – Section 30(b)(i) Free and frank exchange of advice]

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**[Redacted – Section 30(b)(i) Free and frank exchange of advice]**

**Contribution to the Scottish Government’s Four Priorities**

29. The policy will make progress towards improving public services, as it will ensure that the public have access and can rely on a well-funded and run national court system.

**Risk to Delivery**

30. None identified.

**Verity House Agreement Implications**

31. This has no impact on Local Government.

**[Redacted – Section 30(b)(ii) Free and frank exchange of views]**

**Quality Assurance**

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

**Conclusion and Next Steps**

Recommendation:

33. We recommend that you agree to the publication of the attached consultation response and analysis.

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

Courts and Tribunals Policy

<b>Copy List:</b>	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness

Cabinet Secretary for Justice and Home Affairs			X		
Cabinet Secretary for Finance and Local Government					X

**COPY LIST**

Director General Education and Justice  
Solicitor to the Scottish Government  
Director of Justice  
Denise Swanson & Ryan McRobert, Deputy Director, Civil Law & Legal System  
[Redacted - Section 38(1)(b)], Unit Head, Justice Transformation Policy  
[Redacted - Section 38(1)(b)], Head of Civil Courts and Inquiries  
[Redacted - Section 38(1)(b)], Senior Policy Advisor  
[Redacted - Section 38(1)(b)], SGLD  
[Redacted - Section 38(1)(b)], SGLD,  
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Communications Justice

**Email 2b: Attachment of the consultation response relating to early policy papers or briefing materials relating to court fees**

**[Redacted Section 25(1) Information otherwise accessible]** This document is published on the Scottish Government website and can be accessed via the following link - [Scottish Court Fees 2026-2027: consultation analysis and Scottish Government response - gov.scot](#)