Written evidence from News Media Association

Extended Terms of Reference
How will the increases to courts and tribunals fees announced in Cm. 9123, "Court and Tribunal Fees," published on 22 July 2015, and the further proposals for introducing or increasing fees included for consultation in Cm. 9123, affect access to justice?

1. The News Media Association is the voice of the news media in the UK. It represents national and local news media companies whose newsbrands-national, regional and local newspapers in print and digital—are read by 42 million adults every month in print and online.

2. The NMA would like to highlight the wider implications of the MoJ’s proposals for public scrutiny of public bodies.

3. The Ministry of Justice consultation paper proposes the introduction of fees for all proceedings in the General Regulatory Chamber: specifically £100 to start proceedings with a determination on the papers; and a further fee of £500 for a hearing. It also asks whether there are any proceedings in the General Regulatory Chamber that should be exempt from fees. (Questions 14 and 15)

4. The NMA strongly believes that proceedings under the Freedom of Information Act 2000 should be exempted from the fees. Introduction of fees at the levels proposed could deter appeals against wrongful refusal of information, irrespective of the merits of their case and the particular or general importance of release of the information requested. This would frustrate the purpose of the FOI Act allowing unlawful refusals to go unchallenged and legal uncertainty, favouring institutional secrecy.

5. The NMA represents national and local newspaper titles which report the work of all levels of the criminal and civil courts. Increasingly this requires access to documentation in order to follow, understand and report cases accurately. We have welcomed the constructive discussion on rights of access and facilitation of supply of court documents, court lists and court registers that we have had with the MoJ, HMCTS, Civil and Criminal Rule Procedure Committees, Ministers and all who have facilitated improved access. The NMA therefore also considers it important that the review does not lead to any increase in existing fees or the introduction of new fees for the supply, inspection and copying of court documentation. Any increase in reporting costs would in practice impede local, regional and national media court coverage, to the detriment of the public’s understanding of the work of the courts.

15 September 2015