The LSLA has long been strongly opposed to increased court fees. The LSLA has campaigned actively against their introduction. We attach the following documents which set out the LSLA’s views:

a) the LSLA’s recent response (submitted on 18 September 2015) to the MOJ Consultation Paper: Cm9124 (“the MOJ Response”); and
b) a Solicitors Journal article on the topic written by Seamus Smyth and Jonathan Fozard on behalf of the LSLA.

Q. How have the increased court fees and the introduction of employment tribunal fees affected access to justice? How have they affected the volume and quality of cases brought?

A. The LSLA’s view is that increased court fees do reduce and will continue to reduce access to justice, specially for SMEs and any individuals (apart from the very wealthy ones) who are considering bringing claims worth £10,000 or more. The experience of many LSLA member solicitors is that increased court fees have deterred clients from commencing claims and will continue to do so. For more detail on the LSLA’s views – see the MOJ Response and the Solicitors Journal Article.

Q. How has the court fees regime affected the competitiveness of the legal services market in England and Wales, particularly in an international context?

A. The LSLA cannot comment usefully on whether the regime has already affected the competitiveness of the legal services market in England and Wales as it is too early to tell. That said, the LSLA considers that there is a not insignificant risk that enhanced fees will deter commercial parties from choosing to litigate in England by choosing a governing law and/or jurisdiction other than ours.

At the very least the MOJ has gifted to our competitors the opportunity to tell prospective litigators that our court fees are very much higher than elsewhere; while court fees may unfortunately constitute only a relatively minor element of the total litigation cost in international litigation, what matters is the perception that ours is more expensive - we could have done without our own government promoting that perception.

For more detail on the LSLA’s views, see the MOJ Response and the Solicitors Journal Article (and in particular, Paragraph 8 of the MOJ Response). [Not published].

12 October 2015