

Civil Courts and Inquiries Team  
Scottish Government  
Area GW15  
St Andrews House  
Edinburgh  
EH1 3DG

T: 0115 943 5400  
E: mail@apil.org.uk  
www.apil.org.uk

28 January 2026

By email only: [CourtFeeConsultation2526@gov.scot](mailto:CourtFeeConsultation2526@gov.scot)

Dear Sir/ Madam,

### **Scottish court fees 2025-2027: consultation**

APIL welcomes the opportunity to provide comments to the Scottish Government regarding proposals to revise court fees in Scotland.

We do not object to the proposed increases in fees to reflect inflation. However, these inflationary pressures must be acknowledged across the board, and solicitor fees must not be allowed to lag behind inflation. We welcome the adjustment to solicitor fees agreed by the Costs and Funding Committee in October 2025, based on a blended rate of CPI and CPIH.

APIL's position is that court fees must not be increased above inflation, and there should not be over-recovery. We also maintain that the level of service within the court system should be reflective of the fees paid.

APIL disagrees with the suggestion in paragraph 14 of the consultation that court users should meet the costs of using the court system. APIL maintains that the fee policy of 'full cost recovery' should not be the primary objective when setting court fees. This is a flawed approach – the court system is a public service from which the whole of society can benefit and should, primarily, be funded through taxation. For example, most people go to work safely, knowing that if they are negligently injured in the course of their employment, they are protected by both the law and the impartiality of the court system that enforces it. A person does not choose to be injured through another's negligence. Therefore, the court service, which assists them in obtaining redress, should be primarily funded by taxpayers, with users making a contribution towards the service they receive. The entire society benefits from the functions of the court, not just the direct users. For instance, just as schools are not paid for by pupils, and hospitals are not maintained by the sick, the civil court should not rely on court users as its main source of revenue. Justice, like education or healthcare, cannot be limited to those who can afford it.

The costs of litigation are a primary consideration for pursuers when deciding whether to seek justice through the courts, and court fees should not be so high as to prohibit this decision. Increased court fees may also lead to rises in insurance premiums, including car insurance and after-the-event insurance (ATE), because of the higher potential expenses involved in losing a case. Higher court fees may pose a significant barrier to access to

justice, especially if solicitors' fees are not adjusted frequently, since most court fees are paid upfront by the pursuer's solicitor, who may become increasingly reluctant to take on cases due to the potential financial risk involved.

APIL believes that the table of judicial fees, as currently structured, often fails to account for the full scope of work involved in cases, resulting in certain processes remaining unremunerated. The table should be updated to better reflect modern practices, as there are still gaps where the existing fee structure does not cover all the necessary steps taken in a case.

T: 0115 943 5400

E: mail@apil.org.uk

[www.apil.org.uk](http://www.apil.org.uk)

We hope our comments prove useful.

Yours sincerely,



Ana Ramos

Legal Affairs Assistant

[Ana.ramos@apil.org.uk](mailto:Ana.ramos@apil.org.uk)