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COURT FEES INCREASE CASTS SHADOW ON ACCESS TO JUSTICE

New proposals to increase civil court fees could limit access to justice for thousands of accident victims, claims the Association of Personal Injury Lawyers (APIL)

In its response to a consultation paper on fee changes by the Department for Constitutional Affairs, APIL warns that a hike in court fees could lead to reluctance among insurers to cover personal injury cases, because of the increased financial risk.

“APIL firmly believes that the court service, which operates for the public good, should not have to be paid for by its users,” said APIL secretary Mark Harvey. “In many cases there is no other way to resolve an issue other than going to court – why should people have to pay for the privilege?”

“The fact that the Government wants to hike the fees even more concerns me deeply,” he said. “We have a very serious access to justice issue here which could affect thousands of people. Many insurers may not be willing to offer cover if fees increase as the cost of losing will be higher. This could potentially leave personal injury victims unable to take their case to court.”

APIL says the county court, in which most personal injury cases are heard, is already taking more money in fees than it currently spends, which, says Harvey, makes fee increases even more unpalatable.

“It simply cannot be justified. It is bad enough that people have to pay to have their case heard in the first place, but charging more money when there is a risk that access to justice will be under threat is totally unacceptable.”

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Note to editors:

No. of personal injury claims issued in the County Court 2002 – 89,740
(Source: Civil Court Fees – Consultation Paper on Fee Changes (Code No CP 10/04)
May 2004, page 14)

Pre-Increase Shortfall against Cost 2004-05
County Courts - Cost Recovery percentage 104.77 %

Post Increase Shortfall against Cost 2004-05
County Courts - Cost Recovery percentage 111.65 %

(Source: Civil Court Fees – Consultation Paper on Fee Changes (Code No CP 10/04)
May 2004, page 28 & 29)

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