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### **Fees in the United Kingdom Supreme Court – A Consultation**

Thank you for your letter of 11 February 2009 inviting the Legal Services Commission (LSC) to comment on the above consultation paper.

#### **Court Fees**

We note that the new fees are approximately 40% higher than the current fees at the House of Lords. The level of increment seems high in view that the Supreme Court will only select cases that have an element of wider public interest. It is prudent to continually ask whether the fees level would act as a deterrent for the appeal of such cases.

The LSC has conducted an impact analysis and, given the small volume of House of Lords cases which are publicly funded, has concluded that the proposed new fees would have minimal impact of £50k on the legal aid fund. Given, however, all the demands on the fund, we need to register that this will be an additional pressure.

#### **Assessment Costs**

The LSC assesses its own costs by reference to its payment regulations and contracts for all very high cost cases, which constitute the vast majority of cases funded in the House of Lords. We have therefore focussed on inter-partes claims or claims for costs against the LSC. The proposed new assessment costs of 2.5% of the claimed amount and 2.5% of the allowed amount seems reasonable compared to the current assessment cost of approximately 5%. Assuming costs are awarded appropriately, the split fee should encourage claims for reasonable costs. Again, given the relatively small volume of claims, our own analysis has concluded that the proposed new assessment costs would have an unwelcome, albeit modest impact on the legal aid fund.

I hope you find this response useful. We would welcome the opportunity to contribute to any Legal Aid and Justice Impact Test conducted at a later stage.

If you have any queries about its contents, please do not hesitate to contact Lily Loke, Corporate Governance Adviser, at [lily.loke@legalservices.gov.uk](mailto:lily.loke@legalservices.gov.uk).

Yours sincerely

**Carolyn Regan**  
**Chief Executive**  
**Legal Services Commission**

cc. Lily Loke