

PUBLIC PETITION NO.

PE01784

Name of petitioner

Gordon Edwards

Petition title

Review of the Sheriff Court Fees Order 2018

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to conduct a review of the Sheriff Court Fees Order 2018 to make self-litigation more accessible to disabled people.

Action taken to resolve issues of concern before submitting the petition

I have spoken to my MSP, Fiona Hyslop. She wrote to the Scottish Courts and Tribunals Service and the Cabinet Secretary for Justice, Humza Yousaf MSP, about this issue.

Petition background information

I am someone who believes in self-litigation. I believe that in cases which are not complex and do not require a solicitor or an advocate that I should be allowed to self-litigate through the courts.

However, I am prevented from doing so due to hearings fees. I do not qualify for fee exemption in Scotland as PIP is not one of the qualifying benefits. It is, however, a qualifying benefit in England and Wales.

In Scotland, there is no low-income test for those who aren't on any benefits, unlike in England, Wales and Northern Ireland.

This needs to change as an important part of Article 6 of the European Convention of Human Rights is for a person to have access to justice. This includes the right to self-litigate.

Whilst fee exemption is available for those in receipt of Employment Support Allowance (ESA) or Universal Credit, for those on disability benefits like PIP or on a low income, it is not. This means that our human rights are at risk.

The Scottish Courts and Tribunals Service stated in their response to Fiona Hyslop MSP's letter that it is the Scottish Government who determines court fees and not the court service. The response also stated that a review of court of session fees was underway. However, this review did not include sheriff court fees.

The Cabinet Secretary for Justice also responded to Fiona Hyslop MSP's letter, stating that court fees had an important role to play in paying for our justice system. However, his response didn't address the issue of those who cannot afford to pay court fees, including those in receipt of PIP.

I want the committee to examine the Sheriff Court Fees Order 2018. I would like the Committee to ask the Faculty of Advocates to consider whether the current fee exemption rules within the Sheriff Court Fees Order 2018 comply with Article 6 of the European Convention of Human Rights. I would also like the committee to look at the court systems for England, Wales and Northern Ireland to see if fee exemption processes can be improved in Scotland.

Unique web address

<https://www.parliament.scot/GettingInvolved/Petitions/ReviewofFeesOrder>

Related information for petition

Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

YES

How many signatures have you collected so far?

0

Closing date for collecting signatures online

05 / 02 / 2020

Comments to stimulate online discussion

- Have you ever wanted to lodge an application to self-litigate but been unable to afford the court fees set out by the Scottish Government?
- Do you feel that self-litigation is a constitutional right?
- Do the current rules for fee exemption mean that some groups find it more difficult to self-litigate than others?