



Scottish  
Civil Justice  
Council

## RESPONDENT INFORMATION FORM

For the PUBLIC CONSULTATION on a simplified Table of Fees (*for 'officers of court'*)

Please note **this form must be completed** and returned with your response.

### Are you responding as an individual or an organisation?

☐ INDIVIDUAL

☐ Yes ORGANISATION

### Your details:

Your full name or your organisation's name:

Credit Services Association Limited

Phone number:

01912170775

Address:

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Postcode:

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### Your views on the publication of your response

Please indicate your preferences with regard to the publication of your response:

☐ Yes Publish response with name

☐ Publish response only (without name)

☐ Do not publish response

## *Respondent Information Form*

### **Providing your response**

If you have chosen to provide a separate written response, then please complete the first page of this Respondent Information Form and attach it to your response.

If you wish to include your responses within this Respondent Information Form, please insert your responses to each consultation question in the (expandable) boxes below:

#### *Proposal 1 - Consolidation*

**Question 1 – Do you agree that the 2 existing sets of regulations from 2002 should be replaced with 1 new consolidated instrument? If not why not?**

Yes. We support the proposal to simplify the current legislative system by replacing the 2 existing sets of regulations with 1 new consolidated instrument.

#### *Proposal 2 – Adopting unit based charging:*

**Question 2 – Do you agree that a change to “unit based charging” can provide improved transparency on the level of fee being charged? If not why not?**

Yes. We are broadly supportive of the proposed change to “unit based charging” including the aim to improve transparency on the level of fees being charged.

However it is important that the value for the unit is calculated prior to enactment to ensure that it is reflective of inflation and increases in costs. One of our members has proposed that the uplift prior to enactment should be calculated as set out in paragraph 18 of the consultation.

It is also important that the baseline number of units required to deliver services under each current line item is considered carefully prior to implementation to ensure that the number is reasonable in addition to ensuring that any fee increases and/or reductions are applied appropriately to the various services being supplied, for example, to reflect complexity.

**Question 3 – Do you agree that the baseline “monetary value” should start at £5.40 and that 1 unit of time should be fixed at 6 minutes? If not why not?**

Yes to both questions.

However we would expect the baseline “monetary value” to be recalculated prior to implementation to reflect the inflationary adjustment being agreed as per our comment in relation to question 2.

We note that fixing 1 unit of time at 6 minutes follows the practice adopted for recovery of judicial expenses and cannot see why this should be different for messengers at arms & sheriff officers.

**Question 4 – Do you agree that the proposed changes to the general regulations will support the adoption of unit based charging?**

Yes subject to ensuring that the percentage fee increases and decreases are set at appropriate rates to ensure that the fees are reflective of the services being provided.

In particular we understand that the Court of Session actions tend to be more complex and of higher value requiring greater technical expertise. Our members have expressed concern that the current fees are too low and that there should be a suitable increase. This should be taken into consideration when setting any surcharges. We have received a comment from one member that a 50% surcharge would be more appropriate than those suggested in the consultation.

**Question 5 – With regard to annex 4, do you have a view on whether any of the current 60 line items shown are no longer required, or whether any of the baseline unit of work should be amended? If so why?**

## *Respondent Information Form*

We are not aware of any of the line items that are no longer required.

However we have received a comment and related suggestion from one of our members in relation to the fee amounts for each of the following: (i) carrying out summary cause eviction; (ii) facilitating the return of a child and (iii) arresting a vessel, cargo or aircraft. Their suggestion is that these fees/associated unit value should be adjusted to provide for a minimum 50% increase in the number of units allocated. This is based on the fact that these activities carry significant responsibility and are of material importance to the instructing party neither of which is reflected in the current fees.

### **Question 6 – Do you have a view on any unintended consequences that might arise from implementing a change to unit based charging?**

One of our members has highlighted a possible unintended consequence in relation to fees for summary warrants. We understand that currently the fee for summary warrants applies regardless of the value of the debt. Any percentage fee reduction in relation to lower value debts therefore should not be applied to summary warrants.

### **Proposal 3 - Adjusting for inflation in advance:**

### **Question 7 – Do you have a view on the proposed change to the Council progressing inflation adjustments in advance?**

We understand that our members fully support and indeed welcome the benefits of annual, incremental uplifts which will provide greater certainty for financial planning and help achieve business sustainability.

### **Question 8 – Do you have a view on which indices (*CPI, CPIH or a combination of both*) should be use when forecasting inflation?**

We have no firm view on this but note that the consultation at paragraph 18 appears to propose the use of a combination of CPI and CPIH which does seem a sensible option.

*Other*

**Question 9 – Are you aware of any other opportunities to modernise how these regulated fees are set by the courts and charged to end users?**

We have been made aware by one of our members of a business process that has been modernised over recent years where a new fee could be usefully applied. Our members now receive the majority of their instructions via email with pdf attachments rather than by way of paper copies which was the position in the past.

There is now a new stage in the business process involving the conversion of electronic files to paper documents. This adds both time and consumable costs to the process. They have proposed that a new item be added for such conversion which could be set at 1 unit for every 20 pages with a cap of 3 units.