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?

We are a firm of Sheriff Officers and Messengers-at-Arms and have been trading since 2012.

Our partners have been actively involved with the Society of Messengers-at-Arms & Sheriff Officers, our designated professional association and have considerable experience in the challenges of the current fee structure. We are broadly in support of the proposals suggested in the consultation.

We strongly agree that the two sets of regulations from 2002 should be consolidated. This will provide greater clarity and prevent inconsistencies particularly if there are amendments in future to any of the specific regulations.

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 agree.

***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?**

We strongly agree that this should be the baseline starting point, recalculated at the starting point. This will help provide a clear and straightforward transition from the existing system.

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

Yes we agree.

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?**

Please see annex attached

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

We do not believe that there will be any unintended consequences from changing to unit based charging.

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 welcome this proposal which will provide greater certainty and allow for planning, budgeting and investment for Sheriff Officer businesses. At present under the current process there is very little stability and with no clear methodology being used it is very difficult to make long term investment into the profession.

The other benefit will be more gradual increases with increased transparency. At present with increases being applied several years apart it can result in significant increases to take into account the intervening period. The proposed changes will mean that service users will not experience "price shocks" such as have occurred several times in the past.

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

We would recommend a blended combination of CPI and CPIH indices should be used when forecasting inflation. This has been the approach in recent years in calculating previous fee increases and has worked well and provided a fair reflection of changes.

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?**

Following the successful implementation of these reforms we would recommend that there is established an ongoing working group on fee reform comprised of members of The Scottish Civil Justice Council's Cost and Funding Committee, the Secretariat and members of The Society of Messengers-at-Arms & Sheriff Officers. This group could continue the work of modernisation and investigating opportunities and innovations in other jurisdictions.

At present the Society have several committees working on these issues. A consolidated approach between the designated professional association for officers of court and the official body responsible for fees will be of great advantage in the future.