

Consultation Response

Scottish Civil Justice Council - Public
Consultation on a Simplified Table of Fees
(for officers of court)

August 2025



Introduction

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Civil Justice Committee welcome the opportunity to consider and respond to the Scottish Civil Justice Council Public Consultation on a simplified table of fees (for officers of court) The committee has the following comments to put forward for consideration.

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?

The Civil Justice Committee have no objections to the 2 existing sets of regulations being replaced 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?

The Civil Justice Committee agree that unit based charging will provide improved transparency however, the Committee would welcome clarity on how the various percentage surcharges were calculated and the rationale for having each of these surcharges in the specific circumstances.

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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?

The Civil Justice Committee agree that 1 unit of time should be fixed at 6 minutes. The Civil Justice Committee had no comments on the monetary value starting at £5.40.

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

The Civil Justice Committee had no comments on this.

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?

The Civil Justice Committee had no comments on this.

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

The Civil Justice Committee have not identified any unintended consequences at this time that might arise from implementing a change 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?

The Civil Justice Committee supports the proposed change to the Council progressing inflation adjustments in advance.

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

The Civil Justice Committee are of the view that a combination of both CPIH and CPI should be used when forecasting inflation.

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?

The Civil Justice Committee had no comments on this.

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