

Scottish Court Fees 2026-2027 Business and Regulatory Impact Assessment

February 2026

Scottish Court Fees 2026 onwards

Purpose and Intended Effect

Background

Fees for the Scottish Courts and the Office of the Public Guardian ("OPG") were consulted on in 2021 and fee increases for three years were implemented by a suite of 2022 Fees Orders, the last of which came into effect on 1 April 2024. A further consultation was conducted in 2024, with new fees coming into force into 2024, reflecting the high level of inflation experienced at that time.

The long-standing policy position on court fees is that, where a dispute is between two private individuals or entities, the majority of the benefits of resolving that dispute are expected to flow to the parties rather than to the state. That is not to say that there are not benefits to wider society in areas of legal doubt being settled by the courts but on balance it is unreasonable to ask taxpayers to fully fund the civil courts. Consequently, fees are charged rather than the costs being funded entirely from general taxation. The state provides substantial funding for the administration of the courts through the Scottish Courts and Tribunals Service ("SCTS") and continues to provide support through the legal aid and fee exemptions regimes.

In terms of the cost to individuals of pursuing a legal action, court fees comprise a relatively small proportion of the total cost by comparison with the cost of legal representation. Individuals may apply to the Scottish Legal Aid Board ("SLAB") for legal aid in civil actions to fund the costs of legal representation if they are eligible. Litigants may also have other funding options, for example success fee agreements ("no win no fee"), or third-party commercial funding for commercial actions where funders would pay up-front outlays such as court fees.

Objective

The Scottish Government policy is to ensure fees reflect the cost of the processes involved in administering the civil courts, whilst maintaining a well-targeted system of fee exemptions to protect access to justice. In line with that aim, the 2025 consultation proposed modest, inflation-based increases to court fees for 2026-2027 and from 2027 onwards.

The Scottish Government consider the specific fee rises of 3% on 1 April 2026, followed by a further 3% rise on 1 April 2027 as proportionate to ensure continued access to justice and necessary in order to reflect inflationary pressures, ensuring the financial sustainability of SCTS.

Preparatory work has separately begun on a full review of the court fee structure, including the establishment of a Court Fee Working Group. The Group is expected to report in late 2026 or early 2027. A public consultation on its recommendations will

follow. In the meantime, the Scottish Government will continue to monitor the impact of changes to court fees and wider courts reform.¹

Rationale for Government intervention

Both the Scottish Government and the SCTS are committed to delivering efficiencies and ensuring best value.

The policy contributes to the Scottish Government's Wealthier and Fairer and Safer and Stronger objectives, through the following national outcomes:

- Our public services are high quality, continually improving, efficient and responsive to local people's needs.
- We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.
- We live our lives safe from crime, disorder and danger.

Consultation

Within Government

The Scottish Government worked closely with officials at SCTS in drawing up the proposals. SCTS is an independent, judicially led, non-ministerial public body responsible for the administration of the Scottish courts, devolved tribunals and the OPG. SCTS is led by a governing Board, chaired by the Lord President, with members drawn from the judiciary, the legal profession, and from outside the justice system.

Public Consultation

On 23 December 2025, the Scottish Government published a public consultation on 'Scottish Court Fees 2026-2027'.

The consultation ran until 30 January 2026. Responses were received from legal professionals and organisations in the justice system as well as organisations with an interest in consumer legal issues.

Having fully considered the views of those who responded to the consultation, the Scottish Government has decided to implement the proposed increases to court fees in order to reflect inflationary pressures, and ensure financial sustainability of SCTS. A consultation analysis and Scottish Government response paper will be published separately in due course.

¹ Published BRIA can also be accessed through: [The Adults with Incapacity \(Public Guardian's Fees\) \(Scotland\) Regulations 2026](#)

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Business

The public consultation afforded the opportunity for business stakeholders (including bodies within the legal profession, legal advice suppliers, insurance organisations, consumer groups and union representatives) to make their views known.

None of the solicitor-representative organisations (Law Society of Scotland, Association of Personal Injury Lawyers and Forum of Insurance Lawyers) indicated that the proposed court fee increases would have a direct negative impact on their business operations or commercial viability. Their responses focused on wider views of access to justice, proportionality and the need for a clear and coherent policy framework for court fees.

Options

Option 1 – Do nothing. This would mean that the existing fees would remain in place. Litigants and lawyers will benefit financially in that they would not be liable for the elevated fees.

The downside to this option is that litigants will not benefit from the continuing programme of improvements and modernisation of the court processes that SCTS plan. This could lead to more delays to court cases and consequent increased expense for litigants and SCTS would not have sufficient funding to meet their operating requirements to deliver a modern quality service to court users.

Option 2 – An increase to reflect the rise in inflation since the previous court fees order. This option would be expected to raise an additional £3 million per annum if the number of civil cases remains constant.

Fee income ensures that reasonable cost recovery is maintained and sufficient funding is raised to meet SCTS's operating requirements. This means that the burden upon the taxpayer is not increased, and that SCTS continues to deliver a modern quality service to court users.

The downside to this option is that all litigants other than those exempted will bear the increase based on the type of action and the level of court which they use. Lawyers will bear the increase unless and until they are paid by clients or recover fees from the losing party.

Regulatory and EU Alignment Impacts

It is not anticipated that the proposed measures will have any impact on the following regulatory features related to leaving the EU: intra-UK trade, international trade and the Scottish Government's EU alignment policy.

Intra-UK Trade

This measure is not likely to impact on intra-UK trade.

International Trade

This measure is not likely to impact on international trade and investment.

EU Alignment

This measure is not likely to impact on the Scottish government's policy to maintain alignment with the EU.

Scottish Firms Impact Test

The Scottish Government does not consider that the increase in court fees will be at such a level as to deter litigants from pursuing or defending their cases in court. It follows that there should not be a negative impact on Scottish solicitors as a result of these increases. The Scottish Government considers that the planned increases in court fees should be a manageable cost for most firms which will be able to plan on the assumption that the outlay on fees will be recovered either as an upfront outlay paid by the client or at the conclusion of the case in the event of success. Clearly it is a matter for each firm affected as to how and when it charges clients. It is acknowledged that heightened court fees equates to heightened risk for legal firms which take on the liability of paying court fees on behalf of their clients, or claims management companies which choose to fund legal action on the basis of a success fee agreement.

Competition Assessment

There is no obvious impact on the market either in terms of incentives to compete or upon the range of suppliers.

Consumer Assessment

In considering access to justice, it is appropriate to view court users as consumers of a vital public service. Recognising court users as consumers allows for a clearer assessment of how proposed changes such as adjustments to court fees may affect their experience. While an increase in fees is anticipated, the rise is modest and supported by a system of exemptions to ensure that those who are unable to pay are not disadvantaged. This consumer-focused perspective ensures that any changes continue to uphold fairness, accessibility, and the fundamental principles of justice.

Test Run of Business Forms

No new forms will be introduced.

Digital Impact Test

No digital impact test is required.

Legal Aid Impact Test

An increase in court fees does not have a direct impact on the Legal Aid Fund as there are exemptions in place in relation to a person being assisted from the Legal Aid Fund. However, in some circumstances an unassisted party may obtain an order of court allowing payment of expenses out of the Fund. More information on the payment of expenses for unassisted party can be found on the [Scottish Legal Aid Board Civil Guidance](#).

In these cases, the unassisted party's court fees would be included in the payment of expenses from the Fund.

Enforcement, Sanctions and Monitoring

SCTS is responsible for the collection of fees and will gather statistical information.

Implementation and Delivery Plan

The proposal will be implemented through a package of orders and regulations with a proposed coming into force date of 1 April 2026. The second uplift is intended to come into force on 1 April 2027.

Post-implementation Review

Preparatory work has now begun on a full review of the court fee structure, including the establishment of a Court Fee Working Group. The Group is expected to report in late 2026 or early 2027. A public consultation on its recommendations will follow.

Summary and Recommendation

Court fees have generally been reviewed every three years, with the last full round being implemented in 2024, which implemented a headline increase of 10% to all court fees to commence in November 2024; a targeted further 10% increase on a limited number of court fees and some further minor technical and remedial amendments to the court fees orders.

The rationale for setting the increases at 10% was to keep it in line with a largely unforeseen rise in inflation, budget constraints and the significantly increased costs of operating the courts system. At the time of the previous increases, the Office for Budget Responsibility (OBR) inflation forecast for 2021 (CPI) was 1.5% rising to 2% in 2025 with intervening years just below 2%.

The Scottish Government has long had a policy to operate a system of fees which is reflective of the cost of processes, and the increase is in-line with that. The proposed

increases continue with this policy by raising court fees to ensure that the income raised reflects the costs incurred by SCTS in providing the civil court system. It represents an interim step to protect the financial sustainability of SCTS.

It introduces modest, inflation-based increases to court fees for 2026-2027 and from 2027 onwards. The specific fee rises are of 3% on 1 April 2026, followed by a further 3% rise on 1 April 2027 in order to reflect inflationary pressures, and ensure the financial sustainability of SCTS.

Summary costs and benefits table

Option	Total benefit per annum: - economic, environmental, social	Total cost per annum: - economic, environmental, social - policy and administrative
1	<p>Litigants and lawyers will benefit financially in that the present fees will remain in force.</p> <p>The Government would not need to lay Orders.</p>	<p>The downside to this option is that litigants will not benefit from the continuing programme of improvements and modernisation of the court processes that SCTS plan. This could lead to more delays to court cases and consequent increased expense for litigants. There is no benefit to the SCTS or the Scottish Government in this option.</p>
2	<p>This option is expected to raise an additional £3 million per annum if the number of civil cases remains constant. Fee income ensures that a reasonable cost recovery is maintained and that sufficient funding is raised to meet SCTS's operating requirements.</p> <p>The burden upon the taxpayer is not increased.</p> <p>The SCTS can deliver a modern quality service to court users.</p>	<p>All litigants other than those exempted will bear the increase based on the type of action and the level of court which they use.</p> <p>Lawyers may bear the increase unless and until they are paid by clients or recover fees from the losing party.</p> <p>Government has to prepare and lay amendment order.</p>

Declaration and Publication

I have read the Business and Regulatory Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed:

Date:

Minister's name: Siobhian Brown

Minister's title: Minister for Victims and Community Safety

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