

9th May 2016

Fee Consultation
Finance Branch
Northern Ireland Courts and Tribunals Service
Laganside House
23-27 Oxford Street
Belfast
BT1 3LA

Dear Sir/Madam

Re: Response to consultation on Proposed Increase to Court Fees

Housing Rights was established in 1964 and is the leading provider of independent specialist housing advice services in Northern Ireland. It works to achieve positive change by protecting and promoting the rights of people who are in housing need and our policy work is based on the experience of our clients. Our services are delivered throughout NI and focus on the key areas of preventing homelessness, accessing accommodation, tackling affordability and poor housing conditions.

Housing Rights welcomes the opportunity to comment on the Proposed Increase to Court Fees. The organisation acknowledges that court fees have not increased since 2007 and that this must have had an effect on the revenue streams of the NI Courts and Tribunals Services (NICTS). Therefore, it accepts that the NICTS must try to recoup the full cost of the services it provides. However, Housing Rights is concerned about the possible negative impact that any increase in fees may have on the ability of people to have access to justice.

The consultation document asserts that the current discrepancy between the actual cost of service provision and recoupment of funds puts a financial burden on the tax payer. However, any increase in fees will lead to a correlating increase in the amount applied for from Legal Aid to cover the increased costs of those who are eligible for assistance. So, in essence, the tax payer will still have to pay more; the only difference is that the cost will be passed on to Legal Aid. This is especially worrying at a time when Legal Aid is the subject of major reforms, with the likelihood of further restrictions being put in place.

Options for cost recovery

Housing Rights agrees with the recommendation of the NICTS that the best option for cost recovery is Option 3; an incremental increase over the course of three years. However, even with a three year phased increase there will still be an overall increase of 24% in the cost of fees by the end of the three years. This represents a substantial increase in cost and is especially worrying for those who may not be eligible for Legal Aid but who are also outside the criteria for an exemption or remission of the fee. Such people will face a serious barrier to accessing justice.

This is especially important when one considers the general level of indebtedness in Northern Ireland. Housing Rights' debt advisers deal with people in financial hardship every day. Their experience mirrors the most recent NI Family Resources Survey which found that 59% of the population had no savings.¹ Furthermore, NI council areas are all within the most over-indebted 40% of the UK.² The Consumer Council has also recently reported that '*less than half of NI consumers are keeping up with bills and financial commitments without difficulty.*'³ Housing Rights believes that issues of debt and financial capability should be borne in mind when considering the potential impact of increased fees.

Remissions and exemptions

Housing Rights is particularly worried that whilst the Remissions and Exemptions policy is not part of this consultation exercise, it may be the subject to review in future. The consultation document states that "*The policy came into effect in 2007 and it is now considered timely for it to be reviewed. This will be taken forward as part of the fundamental fee review.*" It is crucial that the remissions element of the Remissions and Exemptions policy is not diluted, as it is currently the only means of assistance for those in financial hardship who do not have access to Legal Aid or who are not in receipt of a qualifying benefit for an exemption. Housing Rights would urge the Department for Justice to maintain the Remissions and Exemptions policy in its current form. Housing Rights feels that any reduction in the help available would most certainly impact negatively on peoples' access to justice.

Housing Rights would be pleased to participate in any future discussions with the NICTS on these proposals and the possible impact on our clients and others in financial hardship. If you would like any further information about this response please do not hesitate to contact me.

¹ NI Statistics & Research Agency (2015) 'Family Resources Survey Northern Ireland 2013/14', p71

² See Money Advice Service (2013) 'Indebted Lives: the complexities of life in debt', p22

³ Graham, K (2014) 'Briefing: Consumer Concerns – Cost of Living', p2

Yours faithfully

S. Geary

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