



## **The Scottish Civil Justice Councils response to the consultation on COURT FEES 2022-2025**

On 10 December 2021, the Scottish Government opened a consultation exercise on:  
[Scottish court fees 2022-2025](#)

One of the questions asked within that consultation falls within the remit of the Scottish Civil Justice Council for keeping the civil justice system under review. The Council submitted the following response to that question:

***Question 3 - The Scottish Government is seeking views on whether to exempt environmental cases within the meaning of the Aarhus Convention. Do you consider that such cases should be court fee exempt? If so, how would you define an Aarhus case? Views on fees for public interest litigation more broadly would also be welcomed.***

The Council supports the proposal that fee exemptions should apply.

They are a very pragmatic way to help minimise the cost burden on those citizens who do contemplate raising an environmental action. Fee exemptions would help to support the commitments made by successive governments, as a signatory to the Aarhus convention, to take all reasonable steps to ensure that raising an environmental action within the civil courts is not prohibitively expensive.

With regard to the more practical challenge of identifying criteria for the types of actions that should be exempt from fees the Council would suggest that a fee exemption should apply:

- Where the court has granted a Protective Expenses Order in an environmental law case.

**Secretariat to the Scottish Civil Justice Council  
March 2022**