



DEBATE PACK

Number CDP-2017-0001, 9 January 2017

Access to Justice

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Summary

A Westminster Hall debate on the subject of access to justice has been scheduled for 1430hrs on Wednesday 11 January 2017. The Member in charge of this debate is Rob Marris MP.

This debate pack provides a brief overview of and links to information on the following areas concerning access to justice: proposed changes to personal injury law and to soft tissue (whiplash) claims; court fees; changes to legal aid; court closures; and court reform.

Access to justice refers to the right of an individual to have effective access to the courts, so that they have the means to resolve legal disputes.

Recent changes to the justice system, in particular increases in court fees and court closures, have led many prominent commentators on the justice system, including MPs and the senior judiciary, to raise concerns over their impact on access to justice.

The Government has argued that such changes ensure that the courts and tribunal service is sustainably funded, which in turn will enable access to justice to be protected.

In a consultation titled Transforming our Justice System, the Government has stated that it is committed to pursuing reforms to the courts and tribunal system to provide the public with a justice system that "is affordable, intelligible and available for use by all, convenient for those who cannot easily attend in person, and supportive of those not comfortable with the law or technology".

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

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1. Background

In 2007, Lord Bingham of Cornhill, who was then Senior Lord of Appeal in Ordinary, argued that access to justice was one of the eight sub rules that make up the rule of law:

My fifth sub-rule is that means must be provided for resolving, without prohibitive cost or inordinate delay, bona fide civil disputes which the parties themselves are unable to resolve

In the case of *Daly*, Lord Bingham explained the common law right of access to justice was composed of three rights, one of which is the right of access to a court. The right to effective access to the courts is also protected by Article 6 (1) of the European Convention on Human Rights.

1.1 Changes to court fees

In June 2016, the Justice Committee published its report: [Courts and Tribunal Fees](#). The report provides the following overview of recent changes:

Over the course of the 2010-15 Parliament, the Coalition Government pursued policies aimed at decreasing the net cost of Her Majesty's Courts and Tribunals Service (HMCTS) to the public purse, through the introduction of, and increases in, various fees and charges for people using the courts. These included the introduction of fees for employment tribunals; a regime of fees for civil proceedings, including some so-called "enhanced" fees set at a level in excess of the cost of the proceedings to which they apply; and a mandatory charge imposed on anyone convicted of a criminal offence (the criminal courts charge). During this Parliament the Government has continued to bring forward and implement proposals for new and increased fees across civil and family courts and tribunals. (para 1)

On the relationship between access to justice and court fees the Committee commented:

We recognize that the principles of cost-recovery and of enhanced fees have been accorded statutory authority by Parliament. There is no doubt that Ministers are empowered, subject to parliamentary approval of the necessary delegated legislation, and subject to other provisions in the relevant primary legislation, to introduce such fees for litigants. However, the introduction of fees set at a level to recover or exceed the full cost of operation of the court requires particular care and strong justification. Where there is conflict between the objectives of achieving cost-recovery and preserving access to justice, the latter objective must prevail. (para 46)

The [Government's response](#) to the Justice Committee's report, defended the increases to fees:

In 2015/16, the net cost of the courts and tribunals service to the taxpayer was £1.2 billion. This is unsustainably high and we think that it is right to reconsider the balance of funding between the taxpayer and those who use the courts and tribunals and can afford to make a larger contribution. We will continue to look for opportunities to increase fee income where they are justified. (p 3)

The Government also emphasised that securing the sustainable funding of the courts and tribunal service is necessary to ensure that access to justice is protected.

Employment tribunal fees

Employment tribunal fees were introduced during July 2013 by the Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013 (SI 2013/1893). Prior to that, since the creation of the employment tribunal system, claimants were not required to pay fees to bring their claims. Claimants must now pay separate fees to issue their claim and have it heard. Fee levels differ according to the nature of the claim. It is possible for those with limited means to obtain a reduction or waiver of fees provided certain criteria are met.

The introduction of fees coincided with a steep decline in the number of cases received by employment tribunals. In the year to June 2013, employment tribunals received on average just under 13,500 single cases (brought by one person) per quarter. Following the introduction of fees, the number of single cases has averaged around 4,400 per quarter from October 2013 onwards, a decrease of 67%. The average number of multiple cases (brought by two or more people) received per quarter was just under 1,500 in the year to June 2013 but has averaged around 400 since October 2013, a 72% decrease.

On 11 June 2015 the Conservative Government announced the start of a [post-implementation review of tribunal fees](#). The Government has recently stated it will publish the conclusions of the review "in due course".

The [Justice Committee's report on court and tribunal fees](#) was highly critical of the Government's delay in publishing its post-implementation review. The Government's response to the report indicated that the review would be published in due course.

For more details see the Library Briefing Paper [Employment tribunal fees](#), SN07081, 26 November 2016.

Changes to legal aid

Background

The [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) removed many areas of law from the scope of civil legal aid.

In very broad terms, the coalition Government argued repeatedly that it had to make savings from the legal aid budget in England and Wales. It also wished to discourage cases from coming to court when they might

better be resolved by other means, such as mediation. Critics of the changes, on the other hand, argued that people seeking help with legal problems might be left with nowhere to turn.

Commentators such as the [National Audit Office](#) and [Commons Public Accounts](#) and [Justice Committees](#) agree that the changes have reduced spending on civil legal aid, but have questioned whether they have increased costs elsewhere in the legal system. They have also drawn attention to the increased difficulties that people may face in obtaining help with legal problems.

Concerns have also been raised about “advice deserts” — that is, areas where people cannot access certain legal aid services. Critics of the changes to legal aid say they have an adverse impact on providers of legal aid and especially, but not exclusively, the not-for-profit sector. Although neither the Justice Committee nor the Ministry of Justice know for certain whether there are advice deserts in England and Wales, data reported by the National Audit Office indicate that there might be a substantial number.

More information on the changes made to civil legal aid is available in the Library Briefing Papers 6645 [Civil legal aid changes since 2013: the impact on people seeking help with legal problems](#) and 6273 [Have changes to legal aid in England and Wales since 2013 created more “advice deserts”?](#)

Reviews of the 2012 Act

The Government

The current Government has reiterated a commitment originally made by the Coalition Government to review the operation of Parts 1 and 2 of the 2012 Act (i.e. the Parts relating to legal aid) within three to five years of their implementation. This would mean a review sometime between April 2016 and April 2018. The Government has not yet made any specific announcement on when the proposed review will take place.

The Bach Commission on Access to Justice.

In September 2015, Jeremy Corbyn and the then Shadow Lord Chancellor Lord Falconer asked Labour peer Lord Willy Bach to undertake a review of the legal aid system. The Bach Commission published an [interim report in November 2016](#) on the wider issue of access to justice. The Commission identified six key features of the justice system which it said undermine its ability to provide justice for all. Three of these relate specifically to legal aid:

- Fewer people can access financial support for a legal case
- Exceptional case funding has failed to deliver for those in need
- Bureaucracy in the Legal Aid Agency is costly and time-consuming.

1.2 Court closures

Since 2010, there have been two major court closure programmes: the then Her Majesty’s Courts Service’s (HCMS) Court Estate Reform

Programme (CERP) (2010-2014) and Her Majesty's Courts and Tribunals Service's (HMCTS) Estates Reform Project (ERP) (2015-). The CERP resulted in 103 magistrates' courts and 54 county courts being earmarked for closure. The ERP has led to 86 court and tribunal buildings to be scheduled for closure.

Estates Reform Project 2015

On 11 February 2016, the Government published its [national response](#) to the consultation on its proposals to close 91 courts and tribunals. The consultation response announced that 86 courts and tribunals would close.¹The Ministry of Justice also published [a schedule of potential implementation dates](#) of when the courts will cease to provide a public service.

For more information see the Library Briefing: [Court and tribunal closures](#), CBP 7346, 21 March 2016.

1.3 The HMCTS Reform Programme

These latest closures are one part of HMCTS' Reform Programme, which aims to improve access to justice by both modernising the court and tribunal estate and by making greater use of technology.

In September 2016, the Lord Chancellor, the Lord Chief Justice and the Senior President of the Tribunals launched [Transforming Our Justice System](#), a report which outlines a range of proposed changes designed to modernise the justice system in England and Wales using the £700 million allocated by the Treasury in the Budget of 2016. The report outlined a number of changes to Tribunals.

On 15 September 2016, The Lord Chancellor presented to [Parliament: Transforming our justice system: summary of reforms and consultation](#). This Command Paper outlined a number of proposed reforms to the courts system, including tribunals. The Paper consulted on a three specific reforms:

- Assisted digital facilities;
- Online conviction and statutory fixed fine; and
- Panel composition in the tribunals.

It is also worth noting that the HMCTS Reform Programme is designed to coordinate with two review of the courts system: Lord Justice Briggs' [Civil Courts Structure Review](#) (July 2016); and the Lord Leveson's Review of the [Efficiency in Criminal Proceedings](#) (January 2015).

1.4 Proposed changes to personal injury law and to soft tissue (whiplash) claims

The small claims track

Defended cases in the civil courts are assigned to one of three tracks, one of which is the small claims track (the others are the multi-track and the fast track).

¹ See Appendix

The small claims track is supposed to provide a simple and informal way of resolving disputes. Although lawyers may be instructed, in most cases, the court will not order legal costs to be paid by the losing party. This means that the successful party must generally pay their own costs and for this reason, many claimants deal with a small claim without the help of a solicitor.

The current financial limits for small claims

The financial limit for the small claims track for many types of claim is currently £10,000 (it was increased from £5,000 in April 2013). However, a lower limit of £1000 applies to claims for personal injury and housing disrepair.

Proposals to increase the limit for personal injury claims: background

The Government is concerned about the number of whiplash claims and the associated costs and about the impact of legal costs on motor insurance premiums. A consultation on what it refers to as “a package of measures to crack down on minor, exaggerated and fraudulent soft tissue injury (‘whiplash’) claims stemming from road traffic accidents (RTAs)” closed on 6 January 2017. Among other things, the Government proposes to increase the small claims track limit for personal injury claims to £5,000, and either to remove the right to general damages for minor soft tissue injuries or to set a reduced fixed amount of compensation.

Reaction to the proposals

The Law Society and the Association of Personal Injury Lawyers are among those who have raised concerns about the effect of the Government’s proposals including the impact on access to justice, with the prospect of claimants having to represent themselves when the defendant might be legally represented, and when there might be complex issues involved. The Association of British Insurers (ABI) has welcomed the proposals.

There has been some debate about whether the cost of motor insurance premiums will fall as a consequence of the proposed reforms. The Government considers that the reforms could result in a saving for motorists, but others question whether savings will be passed on by insurers.

For further details see Library Briefing Paper [Small claims for personal injuries including whiplash](#), SN04141, 15 December 2016

2. Statistics

2.1 Legal aid statistics

Summarising workloads across the legal aid system meaningfully with a single number is difficult due to the complexity of the services provided. The MoJ advises users “to look at trends in workload for each area of legal aid separately”. Statistics on the volume and value of legal aid for each area are published on a quarterly basis by the MoJ². The “key findings” from the latest edition: [Legal Aid Statistics: April to June 2016](#) (page 5) include:

Criminal legal aid

1. **Crime lower** workloads continue to decline gradually in the context of falling overall crime rates. The latest quarter saw a 4% fall compared to the same period in the previous year.
2. **Expenditure on crime lower** has declined 2% compared to the same period of the previous year. However, the suspension from April 2016 of the most recent cut to criminal legal aid fees has contributed to an increase in expenditure of 3% from the quarter prior to this change.
3. In **crime higher**, new orders for legal representation in the Crown Court continue to decline. The volume of **cases completed** also fell, down 11% in the latest quarter compared to the same period of last year.
4. **Expenditure within crime higher** is 16% lower in the latest quarter when compared to the same period of the previous year. This is partly due to the reduction in volumes and partly because that quarter of 2015 saw a particularly high-cost mix of cases completed.

Civil legal aid

5. In the latest quarter **legal help** new matter starts were 9% lower than in the same period of 2015. The implementation of the Legal Aid Sentencing and Punishment of Offenders (LASPO) Act in April 2013 resulted in large reductions in legal help workload and the overall trend subsequently levelled out at around one-third of pre-LASPO levels.
6. The number of **civil representation** certificates granted levelled out at around two-thirds of previous levels following the implementation of the LASPO Act, but has increased over the last year. In the latest quarter they were up 8% compared to the same period of the previous year.
7. The number of **mediation** assessments in the latest quarter was 17% down compared to the same period in 2015 and starts were down by 19% over the same period.
8. There were 479 applications for **Exceptional Case Funding (ECF)** received in the latest quarter; the most in a single quarter since the ECF scheme began in 2013. 455 of these had been determined as at 30 November, of which 46% were granted.

² www.gov.uk/government/collections/legal-aid-statistics

3. Media

3.1 Articles and blogs

General

Law Society

[A look at 2017: Access to justice](#)

Robert Bourns, 5 January 2017

Guardian

[Labour to push for fairer access to the justice system](#)

Owen Bowcott 25 November 2016

Stowe Family Law

[The Lord Chief Justice and a failing family law system](#)

Marilyn Stowe 7 November 2016

Law Society Gazette

[Access to justice 'very much at risk' – Neuberger](#)

Michael Cross 4 March 2016

Guardian

[The lack of access to justice is a national disgrace](#)

Charles Falconer and Willy Bach 16 January 2016

Guardian

[Top judge says justice system is now unaffordable to most](#)

Owen Bowcott 13 January 2016

Telegraph

[Lawyers fees and legal aid cuts block access to justice, warn top judges](#)

David Barrett 13 January 2016

Courts and court closures

Guardian

[Crisis in morale blamed for resignation of 842 magistrates since April](#)

Owen Bowcott 12 December 2016

Chichester Observer

[Legal challenge launched over Chichester court closures](#)

6 December 2016

Guardian

[Travel, court closures and falling crime: why magistrates are quitting](#)

Owen Bowcott 3 December 2016

Guardian

[Magistrates quitting in 'considerable' numbers over court closures](#)

Josh Halliday 29 November 2016

BBC online

[Magistrate court cases take a week longer to complete](#)

Laurence Cawley 17 November 2016

Telegraph

[Set up online courtrooms to cut lawyers out of legal process, says official report](#)

David Barrett 12 January 2016

Changes to court fees

Evening Standard

[Government accused of 'hiding' employment tribunal fees report](#)

Kate Proctor 19 December 2016

Changes to legal aid

Guardian

[Thousands left homeless by shortage of legal aid lawyers, say charities](#)

Owen Bowcott 18 December 2016

Law Society Gazette

[New legal aid 'advice deserts' emerge](#)

Monidipa Fouzder 9 December 2016

Huffington Post

[Labour lambasts government over access to justice 'crisis' following legal aid cuts](#)

Oliver Carter 25 November 2016

Personal injury claims

Solicitors Journal

[Lawyers urge Lord Chancellor to rethink whiplash reforms](#)

John van der Luit-Drummond 3 January 2017

Financial Times [Registration required]

[Insurers fight back against personal injuries review](#)

Oliver Ralph 19 December 2016

Politics.co.uk

[Liz Truss' whiplash scheme hands insurance companies a bumper payment](#)

John Hyde 7 December 2016

3.2 Press releases

Law Society

[Time to restore access to British justice](#)

25 November 2016

Ministry of Justice

[New crackdown on whiplash claims set to cut insurance premiums](#)

17 November 2016

Amnesty International

[Cuts to legal aid have 'decimated access to justice' for thousands of the most vulnerable](#)

10 October 2016

4. Parliamentary Business

4.1 Ministerial Statements

[Civil Legal Aid](#)

21 April 2016 | Written statements | HCWS 690

On 18th February the Court of Appeal handed down judgment on an appeal in a judicial review challenge to the domestic violence evidence requirements under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO). I would now like to inform the House of the steps the Government is taking to respond to the court's concerns.

Legal aid is a fundamental part of our justice system, but resources are not limitless. Our overriding approach to legal aid reform is to reduce the burden on the taxpayer of paying for legal aid, whilst ensuring that it is targeted at the highest priorities. In line with this approach, LASPO removed legal aid from most private family matters while making a clear exception for victims of domestic violence. In such cases, the applicant is required to supply specific evidence of domestic violence, which is set out in regulations.

In this judicial review, the Court of Appeal found that the regulations frustrated LASPO's purpose in two specific areas. First, in that they required evidence to have been obtained within a two-year period before the application for legal aid. Second, because they lacked provision for victims of financial abuse.

We continue to believe that victims of domestic violence in private family disputes should receive legal aid where evidence is provided, and the Court of Appeal has agreed that the Lord Chancellor has the power to make arrangements in regulations to allow this. But there are areas where we need further information—for example, the number of individuals who have evidence over two years old. We also need to more fully appreciate the issues in play in cases of financial abuse, on which there is only limited research available.

We have begun work with domestic violence support groups, legal representative bodies and colleagues across government to gather data and develop our understanding of these issues. Our findings will be used to inform an evidence-based solution to the court's concerns, with the aim of drawing up replacement regulations.

In the meantime we are taking immediate action, through interim regulations laid before Parliament today, to change our arrangements. We are more than doubling the original time limit for evidence – increasing it from two to five years, and we are introducing a provision for the assessment of evidence concerning financial abuse. We are expediting implementation of these changes so they will come into effect on Monday 25th April in order to make sure that victims of domestic violence can receive the support they need as soon as possible, and to give certainty to those considering applications for legal aid. We

believe that these arrangements address the court's concerns while work continues to find a sustainable longer-term solution.

4.2 Debates

[Criminal Justice System: Equality of Access](#)

HC Deb 30 November 2016 c579-86WH

4.3 Parliamentary Questions

Courts and court closures

[Magistrates' Courts: Wales](#)

Asked by: Lord Jones

To ask Her Majesty's Government how many Magistrates' Courts in Wales have been closed since, and including, 2010.

Answered by: Lord Keen of Elie | Department: Ministry of Justice

Since and including 2010, 21 magistrates' courts have closed in Wales. The reduction in magistrates' courts in Wales is due to underutilisation. Closing underused buildings allows us to reinvest in the justice system, improving access to justice and the experience for all court users.

22 Nov 2016 | Written questions | HL 3113

[Courts: Greater London](#)

Asked by: Philip Davies

To ask the Secretary of State for Justice, whether officials of her Department have discussed with non-governmental bodies proposals for further court closures in Greater London in the next 10 years.

Answered by: Sir Oliver Heald | Department: Ministry of Justice

HM Courts & Tribunals Service keeps its operational estate under review to make sure that it aligns with the delivery of reformed court and tribunal services.

On 15 September the Government published a consultation on the future of Camberwell Green and Hammersmith Magistrates' Courts. Any further proposals will be subject to public consultation.

16 September 2016 | Written questions | PQ 45698

[Courts: Closures](#)

Asked by: Andy Slaughter

To ask the Secretary of State for Justice, whether any further courts and tribunal offices are planned for closure in addition to those announced in the Government's response to the consultation on the court and tribunal estate, published in February 2016.

Answered by: Shailesh Vara | Department: Ministry of Justice

HMCTS keeps its operational estate under review to make sure that it aligns with the delivery of reformed court and tribunal services. Any proposals for further closures, should they be required, will be subject to public consultation.

25 Apr 2016 | Written questions | 34809

[Courts: Closures](#)**Asked by: Lord Beecham**

To ask Her Majesty's Government what savings they estimate will derive from their courts closure programme; and how much, and over what period, they plan to invest in technology to reduce the demand for court facilities in the justice system.

Answered by: Lord Faulks | Department: Ministry of Justice

The Impact Assessment published alongside the consultation document outlines estimated savings of £170m over a 10-year period.

The Government is committed to modernising the way in which justice is accessed and delivered. We are investing over £700m over the next 4 years to update the court and tribunal estate, installing modern IT systems and making the justice system more efficient and effective for modern users.

29 Mar 2016 | Written questions | HL 6956

[Courts: Closures](#)**Asked by: David Mackintosh**

To ask the Secretary of State for Justice, what steps he has taken to ensure (a) the efficiency of the transition to new courts of cases from courts that are planned for closure and (b) minimal adverse effect on those remaining courts.

Answered by: Shailesh Vara | Department: Ministry of Justice

Implementation of court closures has commenced and is expected to take place on a phased basis over the next two years. A schedule of anticipated closure dates has been published and can be accessed online at www.gov.uk/moj

Detailed implementation plans are being developed by each region of HM Courts & Tribunals Service. Local implementation groups will be established to oversee each closure. They will work in close cooperation

with the judiciary where appropriate. The groups are responsible for ensuring that the transfer of work to receiving sites takes place efficiently and that effective service delivery is maintained at receiving sites throughout the process of court closure.

29 Mar 2016 | Written questions | 31767

Changes to court fees

[Courts: Fees and Charges](#)

Asked by: Paul Blomfield

To ask the Secretary of State for Justice, which courts have fees set at cost recovery levels.

Answered by: Sir Oliver Heald | Department: Ministry of Justice

Our courts and tribunals play a critical role in our society and it is vital we preserve the principle of access to justice by providing a properly funded service.

It is right that those who use the court and tribunal system should pay more to relieve the burden on the taxpayer.

At every stage we have sought to protect the most vulnerable by ensuring that a system of fee remissions and exemptions is in place for those who cannot afford to pay a fee.

In the civil courts the fees for issuing money claims worth less than £10,000 and the hearing fees in small claims are set at cost recovery levels and in the family courts the fees for public law family proceedings, care and supervision orders, are at cost recovery levels. Additionally, applications for a grant of probate are also currently set at cost recovery levels.

12 December 2016 | Written questions | PQ 53318

[Courts: Appeals](#)

Asked by: Blomfield, Paul

To ask the Secretary of State for Justice, how many appeals or applications were brought (a) in each of the two years before the increase and (b) in each of the two years after the increase for each court or tribunal that has experienced a fee rise of more than 100 per cent in a single increase in the last five years.

Answered by: Sir Oliver Heald | Department: Ministry of Justice

Our courts and tribunals play a critical role in our society and it is vital we preserve the principle of access to justice by providing a properly funded service.

It is right that those who use the court and tribunal system should pay more to relieve the burden on the taxpayer. At every stage we have sought to protect the most vulnerable by ensuring that a system of fee remissions and exemptions is in place for those who cannot afford to pay a fee.

The only fees which have seen single increases of more than 100 per cent in the last five years are those payable for money claims of more than £10,000 brought in the civil courts. Those fees were increased in March 2015. The information relating to application volumes is below:

Year	2013/14	2014/15	2015/16
County Court Money Claims	74,497	75,788	65,648

The figures in the table include specified money claims worth more than £10,000 and unspecified money claims worth more than £15,000.

Unspecified money claims are categorised in three ways: under £15,000, between £15,000 and £50,000 and over £50,000, therefore it is not possible to generate a precise breakdown of unspecified money claims worth more than £10,000.

12 Dec 2016 | Written questions | 53359

[Immigration: Appeals](#)

Asked by: Paul Blomfield

To ask the Secretary of State for Justice, how many applications were made to her Department to remit or reduce fees in exceptional circumstances under Article 7 of the First-tier Tribunal (Immigration and Asylum Chamber) Fees Order 2011 in each year from 2011 to 2016; and how many of those applications were granted in each such year.

Answered by: Sir Oliver Heald | Department: Ministry of Justice

The cost of running our courts and tribunals is unsustainably high. It is absolutely right that those using the system, who can afford it, should pay more to relieve this burden. We make no exception for immigration and asylum cases and these appellants will continue to pay a fee. However, we have suspended the higher fees introduced in October this year. The Lord Chancellor's exceptional power to reduce or remit fees will remain in place, along with exemption and waiver arrangements in particular for those who cannot afford to pay. Our management information system does not collate data on unsuccessful applications for exceptional fee remissions. The number of applications granted since fees were introduced for proceedings in the First-tier Tribunal (Immigration and Asylum Chamber) in December 2011 are set out below:

Date (period)	Applications Granted
19.12.2011 to 31.03.2012	6
01.04.2012 - 31.03.2013	71
01.04.2013 to 31.03.2014	148
01.04.2014 to 31.03.2015	183
01.04.2015 to 31.03.2016	314
Total	722

This information covers up to the last full year for which information is available.

12 Dec 2016 | Written questions | 53312

[Courts: Appeals](#)

Asked by: Paul Blomfield

To ask the Secretary of State for Justice, what assessment she has made of the effect of fee increases in tribunals and courts in the last five years on numbers of applications and appeals.

Answered by: Sir Oliver Heald | Department: Ministry of Justice

The details of all court fee increases since 2010 can be found in the relevant secondary legislation, which is available on <http://www.legislation.gov.uk/>

When we announce our intention to change court and tribunal fees we routinely publish, alongside the Government response to consultation, an Impact Assessment setting out our assessment of the impacts of those changes, these are also available on the www.gov.uk website. We keep our court and tribunal fees policy under regular review.

8 December 2016 | Written questions | PQ 53360

Changes to legal aid

[Administration of Justice](#)

Asked by: Carolyn Harris

To ask the Secretary of State for Justice, what assessment she has made of the effect of the Legal Aid Sentencing and Punishment of Offenders Act 2012 on access to justice for the most vulnerable people in society.

Answered by: Sir Oliver Heald | Department: Ministry of Justice

The operation of the legal aid scheme is continually monitored by both the Ministry of Justice and the Legal Aid Agency, with legal aid statistics

published on a quarterly basis. In addition to this, we are committed to reviewing Parts 1 and 2 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 by April 2018. The timing of this review will be announced in due course.

16 Dec 2016 | Written questions | 56494

[Immigration: Legal Aid Scheme](#)

Asked by: Paul Blomfield

To ask the Secretary of State for Justice, how many legal aid applications for exceptional funding in relation to immigration matters were refused on means grounds in each of the last four years; and of those decisions how many were subsequently overturned.

Answered by: Sir Oliver Heald | Department: Ministry of Justice

We believe that the exceptional case funding (ECF) scheme is functioning as intended. Its purpose is to provide funding where it is legally needed. Every ECF application is carefully considered by the Legal Aid Agency on an individual basis.

The volume of ECF applications refused on means grounds since April 2013, by financial year, is provided in the table below.

Financial year	Quarter (if Applicable)	Volume
2013-14		2
2014-15		6
2015-16		12
2016-17	Q1 only	4

Of these 24 applications, none of the refusal decisions were subsequently overturned. We have here used the definition of an "overturned decision" to be where a solicitor has set out that the original ECF means assessment was incorrect, as opposed to where further means information later in time led to a subsequent application being granted for the same individual for immigration proceedings.

16 Dec 2016 | Written questions | 53308

[Legal Aid Scheme: Children and Young People](#)

Asked by: Richard Burgon

To ask the Secretary of State for Justice, how many (a) children under 18 years of age and (b) young people aged 18 to 24 were granted legal funding under the Exceptional Case Funding Scheme in (i) 2013-14 and (ii) 2015-16.

Answered by: Sir Oliver Heald | Department: Ministry of Justice

We believe that the exceptional funding scheme is functioning as intended. Its purpose is to provide funding where it is legally needed.

Every ECF application is carefully considered by the Legal Aid Agency on an individual basis.

The number of granted applications for Exceptional Case Funding by age of applicant and financial year of application shown in the table below.

Year	Under 18	18-24	Unknown
2013-14	1	4	13
2015-16	14	68	27

Please note, because client date of birth was only routinely recorded from October 2013 onwards figures for the above 2 years are not comparable.

For the avoidance of doubt, this data relates to the number of applications granted. It is possible for an individual to hold multiple legal aid certificates, and thus this data may not correspond with the number of discrete individuals granted funding.

13 Dec 2016 | Written questions | 56825

[Legal Aid, Sentencing and Punishment of Offenders Act](#)

Asked by: Kelvin Hopkins

I thank the Minister for his answer to my question, but a TUC report of this October raised concerns that the Act is a barrier to access to justice for victims of domestic violence. The regulations concerning the provision of evidence of domestic violence are restrictive and narrow and have led to a 16% drop in applications and a 17% drop in applications granted. Is it not time the Secretary of State admitted that the Act is denying access to justice for thousands and must be amended?

Answered by: Sir Oliver Heald | Department: Ministry of Justice

It is of course important that legal aid is available for victims of domestic violence, particularly those seeking protective injunctions. On the evidence requirements, in April we more than doubled the time limit on evidence from two to five years, and we have introduced a provision that allows the Legal Aid Agency to grant legal aid if it is satisfied that an application demonstrates financial abuse. This is important and it has been varied in the light of experience over the last two or three years, and we will continue to monitor it.

HC Deb 1 November 2016 c763-4

[Legal Aid, Sentencing and Punishment of Offenders Act](#)

Asked by: Rob Marris

Access to justice and legal aid are pillars of the welfare state, yet almost one third of legal aid areas in England and Wales have one or no housing advice providers, including the legal aid area covering my constituency. One provider is not enough, so what steps will the Government take to ensure there are at least two providers for each area?

Answered by: Sir Oliver Heald | Department: Ministry of Justice

It is important to recognise that housing cases where a person's home is at risk fall within the scope of legal aid. The Law Society has raised concerns, as the hon. Gentleman will know. There are a lot of these cases in some parts of the country, but very few in other parts. What we have done is, through the Legal Aid Agency, taken active steps to ensure that there is adequate provision of housing advice around the country.

Rob Marris:

Two!

Sir Oliver Heald:

On the point about one or two providers, there are some places where one firm is providing a range of offices and functions across a number of clients, and other areas where the circumstances only really require that there should be something like a telephone hotline, which there is. The provision that is being made is what is needed.

HC Deb 1 November 2016 c764

[Legal Aid, Sentencing and Punishment of Offenders Act](#)

Asked by: Margaret Ritchie

What assessment has the Minister made of the recent report by Amnesty International which has found that insufficient resources for legal aid are creating a two-tier judicial system?

Answered by: Sir Oliver Heald | Department: Ministry of Justice

It is important that legal aid is available in the most serious cases, such as those in which life or liberty is involved, a person's home is at risk, domestic violence is involved, or children are being taken away from their families. That is the legal aid provision that we have here. The hon. Lady claims that that is a two-tier system, but we claim that it is one that is targeted on need.

HC Deb 1 November 2016 c764

[Legal Aid, Sentencing and Punishment of Offenders Act](#)

Asked by: Christina Rees

Exceptional case funding was introduced as part of LASPO with the aim of ensuring that out-of-scope cases with exceptional circumstances would have access to legal aid. Between 2013 and 2016, 4,032 applications were made but, due to the stringency of the criteria, a staggering 3,081 of those applications were not granted. Will the Minister commit to broadening the criteria for exceptional case funding to allow more people to become eligible for this safety net and to increase access to justice for those who need it most?

Answered by: Sir Oliver Heald | Department: Ministry of Justice

The hon. Lady raises an important point. The number of cases being applied for and granted is rising, but there is also the question of ensuring that people who might need this funding are aware of it. That is an important part of the picture. Exceptional needs funding is a vital part of the picture and we will certainly keep it under review. If she wants to raise a particular detailed point with me about how it is operating, I would be more than happy either to discuss it with her or to enter into correspondence about it.

HC Deb 1 November 2016 c765

[Legal Aid, Sentencing and Punishment of Offenders Act](#)

Asked by: Lord Beecham

My Lords, it is four and a half years since Royal Assent, so it is a little disappointing that the Government have not yet decided when to carry out their promise. I had prepared a response, rather anticipating the Answer that the noble and learned Lord gave. However, today I was telephoned by a young woman in great distress because she is in the middle of a custody case involving her child by someone who is legally represented. There is no case here for legal aid to be granted under the present regime because there is no violence or any suggestion of child abuse. I tried to put her in touch with people who might help. This exemplifies some of the real problems that have arisen as a result of the narrowing of the field in which legal aid applies. Will the noble and learned Lord confirm that the Government will be open to reviewing such areas where legal aid has been withdrawn and will not be adamant about refusing to extend it to cases such as this?

Answered by: Lord Keen of Elie | Department: Advocate General for Scotland

I remind the noble Lord of a Written Answer by my noble friend Lord Faulks some time ago in which he pointed out that the review of LASPO would take place between April 2016 and April 2018, and towards the end of that period. With regard to the case which the noble Lord highlighted, of course I cannot comment on an individual case. However, I would observe that, prior to LASPO coming into force, almost two-thirds of family cases already had at least one unrepresented

litigant. Therefore, there has not been a sudden introduction of unrepresented litigants in the context of family courts and family cases since LASPO came into force. However, clearly, when it comes to a review of LASPO, particularly Part 1, we will take into consideration the sort of case that the noble Lord raised.

HL Deb 25 October 2016 c110

[Legal Aid, Sentencing and Punishment of Offenders Act](#)

Asked by: Baroness Lister of Burtersett

My Lords, the UN Committee on the Rights of the Child and the Equality and Human Rights Commission recommended that the review of the impact of LASPO on children should be expedited. Can the noble and learned Lord say what the Government's response is to these important recommendations?

Answered by: Lord Keen of Elie | Department: Advocate General for Scotland

A number of parties have raised the question of review of the impact of LASPO. The government position remains, as I outlined earlier, that we will carry out the appropriate review by April 2018.

HL Deb 25 October 2016 c111

[Legal Aid, Sentencing and Punishment of Offenders Act](#)

Asked by: Baroness Butler-Sloss

My Lords, is the Minister aware that, whereas in the past most of the litigants in person in the cases I tried over many years were men, who chose not to have legal aid, now they are both parties? Therefore, neither party has legal aid and the judge has no knowledge of what is the issue between them that can be properly litigated for the best interests of the child. This is a serious matter, which also leads to enormous delays and overuse of Cafcass.

Answered by: Lord Keen of Elie | Department: Advocate General for Scotland

With particular reference to proceedings concerning children, I point out that legal aid remains available where most needed. Indeed, legal aid was provided for in over 54,000 proceedings last year under the special Children Act.

HL Deb 25 October 2016 c111

Personal injury claims

[Small Claims](#)

Asked by: David Nuttall

To ask the Secretary of State for Justice, what discussions the Government has had with representatives of the insurance industry on (a) raising the small claims limit and (b) reforming whiplash compensation.

Answered by: Dr Phillip Lee | Department: Ministry of Justice

A consultation paper and impact assessment setting out the case for reform were published on 17 November and are available on gov.uk

Since the publication of the consultation Ministers and officials have met to discuss the proposed reforms with a range of interested parties from across the sector, including representatives from the insurance industry, claimant lawyers, defendant lawyers and credit hire companies. The government has made clear it expects savings from its reform package to be passed on to policy holders and will monitor the industry's reaction closely.

The consultation closes on 6 January.

22 Dec 2016 | Written questions | 57801

[Personal Injury: Compensation](#)

Asked by: Christina Rees

To ask the Secretary of State for Justice, what representations her Department has received on the proposed cap on whiplash claims compensation of £425 announced in her Department's Reforming the soft tissue injury (whiplash) claims process consultation, published on 17 November 2016.

Answered by: Sir Oliver Heald | Department: Ministry of Justice

A consultation paper was published on 17 November and is available on gov.uk

Both the press release and the consultation paper explain that insurers are expected to pass on around £1bn per annum to their motor policy holders through reduced premiums. This is estimated to mean an average saving of approximately £40 per motor insurance policy.

The consultation closes on 6 January and the government is due to publish its response by Friday 7 April 2017. When it does it will provide information on representations received, including those relating to the proposed cap on whiplash compensation.

13 Dec 2016 | Written questions | 56097

[Personal Injury: Compensation](#)

Asked by: Christina Rees

To ask the Secretary of State for Justice, what the source is of the statistic in her Department's press release entitled New crackdown on whiplash claims, published on 17 November 2016, that whiplash claims

are 50 per cent higher than a decade ago; and if she will place those statistics in the Library.

Answered by: Sir Oliver Heald | Department: Ministry of Justice

A consultation paper was published on 17 November together with an impact assessment detailing the evidence behind the government's proposals, available on gov.uk

The government's new reform package will disincentivise exaggerated and fraudulent claims, making it less likely that insurers will face such claims. Where an insurer believes a claim to be exaggerated or fraudulent they should challenge it.

30 Nov 2016 | Written questions | 54252

5. Organisations and further reading

General

[Access to Justice Foundation](#)

Bach Commission on Access to Justice, [The crisis in the justice system in England and Wales: interim report](#) , November 2016

House of Commons Committee of Public Accounts, [Efficiency in the criminal justice system](#) , HC 72 2016-17, 27 May 2016

Law Society

[Access to justice campaign](#)

Lord Chancellor, Lord Chief Justice and Senior President of Tribunals, [Transforming Our Justice System](#) , Ministry of Justice, September 2016

Lord Chief Justice, [The Lord Chief Justice's Report 2016](#) , Judiciary of England and Wales, 2016

Lord Chief Justice, [The Lord Chief Justice's Report 2015](#) , Judiciary of England and Wales, 2016

TUC, [Justice denied: impacts of the government's reforms to legal aid and court services on access to justice](#) , October 2016

Courts and court closures

Lord Justice Briggs, [Civil Courts Structure Review: Interim Report](#) , Judiciary of England and Wales, December 2015

Lord Justice Briggs, [Civil Courts Structure Review: Final Report](#) , Judiciary of England and Wales, July 2016

Changes to court fees

[Employment tribunal fees](#) , Commons Library Briefing Paper SN07081, 28 November 2016

House of Commons Justice Committee, [Courts and tribunals fees](#) , HC 167 2016-17, 20 June 2016

Ministry of Justice, [Government Response to the Justice Committee's Second Report of session 2016/17: Courts and Tribunals Fees](#) , Cm 9300, November 2016

Changes to legal aid

Amnesty International, [Cuts that hurt: the impact of legal aid cuts in England on access to justice](#) , October 2016

[Civil legal aid changes since 2013: the impact on people seeking help with legal problems](#) , Commons Library Briefing Paper SN06645, 14 January 2016

[Have changes to legal aid in England and Wales since 2013 created more "advice deserts"?](#) , Commons Library Briefing Paper SN06273, 11 December 2015

House of Commons Justice Committee, [Impact of changes to civil legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) , HC 311 2014-15, 12 March 2015

Ministry of Justice, [Government Response to Justice Committee's Eighth Report of Session 2014-15: Impact of changes to civil legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) , Cm 9096, July 2015

National Audit Office, [Implementing reforms to civil legal aid](#) , HC 784 2014-15, 20 November 2014

Personal injury claims

Ministry of Justice, [Reforming the soft tissue injury \(whiplash\) claims process: a consultation on arrangements concerning personal injury claims in England and Wales](#) , November 2016

[Small claims for personal injuries including whiplash](#) , Commons Library
Briefing Paper SN04141, 15 December 2016

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