

STATEMENT BY FRED MITCHELL MP  
*ON RISE IN CIVIL COURT FEES*

House of Assembly - Opposition Committee Room  
Nassau,

*17th June 2010*

Yesterday in the House of Assembly, I spoke about the fees which are being proposed for the Supreme Court filing of documents in the Supreme Court.

I said in the House that this was anti poor and anti middle class.

The Prime Minister defended the decision saying that the system has not been reformed since 1971 and is in need of reform.

We all agree on reform. But this is not reform, this is a pure out and out revenue raising measure, using the Courts to raise money.

Notwithstanding the Prime Minister's assertions, the basic problem is this. Right now if an individual wants to start an action in the Supreme Court, the fee is \$9. I use the generally endorsed writ as the basic process.

When this rule comes into effect, that will jump to \$300 and will go on from there. This is an enormous and unconscionable jump.

While there are provisions for poor or indigent litigants, the procedures for those litigants appear to be a disincentive to starting litigation.

As I pointed out yesterday, the requirement that you must get a lawyer's opinion before you can qualify for a waiver of the fee is becoming part of an inextricable circle in that if you could afford a lawyer to get an opinion, you would not need to apply to waive the fee as an indigent litigant.

I again appeal to the powers to review this matter.

I would not be surprised that this can be challenged on constitutional grounds as driving citizens unfairly from the right to access the courts.

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