



Response from:

The Motor Schools Association of Great Britain
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THE ORGANISATION

The Motor Schools Association of Great Britain (MSA) makes the following response to the Ministry of Justice (MoJ) Consultation Document *Court and Tribunal Fees the Government response to consultation on enhanced fees for divorce proceedings, possession claims, and general applications in civil proceedings and Consultation on further fees proposals*

WHO WE REPRESENT

The MSA is the national trade association for driving instructors and schools founded in 1935. Members of the association are in the main Driving Standards Agency Approved Driving Instructors (ADI). We also have a partnership with the Institute of Large Goods Vehicle Driving Instructors (ILGVDI) and represent their interests together with those of potential driving instructors (PDIs) and a number of bus/coach and motorcycle instructors.

HOW WE GATHERED VIEWS

The MoJ did not consult this organisation directly regarding this matter and we were alerted to the consultation by an email from the Driver and Vehicle Standards Agency (DVSA) 26 August this gave us very little time to prepare a response.

In order to gather the views of MSA members' details of the consultation were circulated, via the relevant chairs and all of the ten MSA committees of the regions and nations of Great Britain. Details of the consultation were published in our news magazine Newslink circulated to all members (Page 10 September Issue) and on the associations' web site www.msagb.com

In addition the information was transmitted through social media on the MSA Twitter feed and through the MSA Facebook page. We published an indication of our intended response and invited members to comment, a number have done that and influenced this response. We have during the consultation period also held a number of members meetings at which our response has been discussed.

PUBLICATION OF MSA COMMENTS

We are content for our response to this consultation to be published by the MoJ.

GENERAL COMMENTS ABOUT THIS CONSULTATION

We are critical of the failure of the MoJ to consult directly with the MSA as one of the representatives of users of the Tribunal Services and we are also critical of the very short time allowed for this consultation which would appear to break cabinet office guidelines.

One of members stated: "*Sad as I am, I took the time to read the 50 page document and note that 92% of respondents disagreed with the original proposals and we're not talking about "Joe Bloggs" but eminent professionals and local authorities.*"

“Guess what? The MoJ are ignoring the weight of opinion and going ahead with the proposals and now want to consult”

CONSULTATION QUESTIONS

As suggested by the DVSA we are answering questions 14 and 15 that relate to chapter 4, paragraphs 124 to 127.

Question 14:

Do you agree with the proposed fees for all proceedings in the General Regulatory Chamber: specifically £100 to start proceedings with a determination on the papers; and a further fee of £500 for a hearing? Please give reasons.

MSA Response:

No we do not agree with these fees. We believe that they are likely to be a barrier to justice in so far as these fees will put off some appellants from lodging appeals.

Question 15:

Are there any proceedings in the General Regulatory Chamber that should be exempt from fees? Please give reasons.

MSA Response:

Yes we believe that appeals against decisions made by the ADI Registrar should be exempt from fees.

We are concerned that these fees will prevent qualified Approved Driving Instructors (ADIs) and prospective driving instructors from being able to challenge the rulings of the Registrar of ADIs. The regulatory framework under which the ADI Register operates relies on the regulator to take decisions that affect the livelihoods of individuals and from time to time those individuals may disagree with the decisions made.

Many appeals fail but some do not and they provide an excellent check and balance on the decisions of the ADI Registrar we believe that imposing fees would reduce the number of appeals and mean that the Registrar would not be challenged thereby removing the useful check that the General Regulatory Chamber provides.

We believe that few of these appeals are frivolous and if the tribunal feels they are then it would be reasonable to charge an amount towards costs in order to dissuade any abuses of the system although the consultation does not suggest that this is a problem.

DVSA ADIs are not highly paid and nearly all ADIs (estimates suggest in excess of ninety five percent) are self-employed. Driver training particularly at the start of an instructor’s career is not a well-paid profession with many instructors’ earnings being less than the annualised minimum wage of £13,520¹.

One MSA member stated: *“The £100 and the second stage with £500 cost is asking too much. Looking at it logically it would take a long time to recover that amount of money based on the average lesson price charged today.”*

We agree and urge that fees are not introduced for appeals against decisions made by the ADI Registrar in the General Regulatory Chamber.

¹ National Minimum Wage hourly rate for those over 21 years of age £6.50 x 40 hours x 52 weeks = £13,520