

Abstract

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Court income

The courts have provided about FIM 170 million a year in income for the state, while expenditure has totalled between FIM 900 million and FIM 1 billion a year. Court charges have ranged from FIM 350 to FIM 1,000. Charges have been based on the Act on Charges Collected for Services Performed by Courts and Certain Justice Administration Officials (701/93). This special Act diverges in some key respects from the general Act on the Charge Criteria of the State (150/92).

Court income was audited on the basis of the grounds in the special act. Attention was focused especially on the need for the special act and the grounds given for the level of charges. The second part of the audit concerned the achievement of objectives. Objectives were set with regard to the amount of income and the efficiency of the charge system. Here the audit focused on the amount of income. The efficiency of the charge system was also evaluated to a certain extent with the help of court visits.

In contrast with other state charges, court charges have not been derived from performance cost evaluations. The Government bill on which the Act is based strongly emphasized that pricing according to cost evaluations would prevent or restrict people from seeking legal protection. Nor were charges based on any other criteria, since the bill argued that no generally applicable criteria existed. The bill was supported by investigating what amount of income and coverage of expenditure charges would provide.

This type of reasoning left key solutions up to general and unverifiable impressions. The real effect of charges on legal protection has not been investigated, for example. The audit suggested that charges actually have little or no significance in this respect. Other factors cause considerably larger costs, alongside which charges collected by the state have apparently had a quite secondary significance.

The Government bill indicated that new charges would clearly increase the amount of income and the coverage of expenditure, without mentioning that the coverage percentage in previous years was clearly higher than at the time the bill was drafted. The audit showed that development has not been in line with projections concerning the amount of income. Since costs have risen in the meantime, the coverage percentage has fallen sharply during the past ten or so years.

In the opinion of the State Audit Office, in striving to ensure reasonable legal costs, more attention should be paid to the total costs of legal proceedings, in which charges collected by the state have fairly little weight and are also easier to know in advance. The Ministry of Justice should study the matter and evaluate the effects of charges on legal protection with this in mind. The reevaluation of performance pricing is also supported by the fact that predictions concerning the amount of income - a key part of grounds - have not been accurate. Evaluations should take advantage of the results of the Ministry of Justice's development work concerning cost calculation. There is a need to increase evaluations based on performance instead of evaluations based on courts' total income and costs, which have mainly been used up to now.