

SCHEDULE 4

Article 5(6)

Sheriff court fees payable from 28th November 2016

PART 1

Sheriff court

TABLES OF FEES

Payable from 28th November 2016

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable)(1) £</i>
PART I — COMMISSARY PROCEEDINGS		
1. Petition for—		
(a) appointment of executor;	18	18
(b) restriction of caution;	18	18
(c) special warrant;	18	18
(d) sealing up of repositories or the like;	18	18
(e) appointment of Commissary factor.	18	18
(NOTE: the fee for all petitions in paragraph 1 includes issue of extract decree)		
2. Sealing up repositories or the like, per hour.	30	30
3.		
(a) Receiving and examining inventory of estate, except where sub-paragraph (b) or (c) of this paragraph applies—		
(i) where the amount of the estate vested in or belonging beneficially to the deceased, of which confirmation is required, or for which resealing under the Colonial Probates Act 1892 is required does not exceed—		
£50,000;	No fee	(2)
£250,000;	250	
(ii) where the amount of the estate exceeds £250,000;	500	

(1) Column 3 shows the fees which were payable by virtue of Part 1 of schedule 2 of S.S.I. 2015/264 immediately before the coming into force of this schedule.

(2) A different fee structure for item 3 has previously been applicable.

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<p>(b) receiving and examining additional or corrective inventory of estate or inventory of estate <i>ad non executata</i>—</p> <p>(i) where the amount of the estate vested in or belonging beneficially to the deceased, of which confirmation is required, or for which resealing under the Colonial Probates Act 1892 is required does not exceed—</p> <p style="padding-left: 40px;">£50,000;</p> <p style="padding-left: 40px;">£250,000;</p> <p>(ii) where the amount of the estate exceeds £250,000;</p> <p>(c) Receiving and examining inventory of estate where it is declared that confirmation is not required.</p>	<p style="text-align: center;">No fee</p> <p style="text-align: center;">250</p> <p style="text-align: center;">500</p> <p>The fees payable are 50% of those specified in sub-paragraph (a) or (b) of this paragraph. If confirmation is subsequently required the remaining 50% of the fees specified in sub-paragraph (a) or (b) are payable</p>	<p>The fees payable are 50% of those specified in sub-paragraph (a) or (b) of this paragraph. If confirmation is subsequently required the remaining 50% of the fees specified in sub-paragraph (a) or (b) are payable</p>
<p>4. Commissary copying and extracting.</p>		
<p>(1) Issuing certificate of confirmation—</p> <p>(a) if ordered when lodging inventory, each certificate;</p> <p>(b) if ordered subsequent to lodging inventory—</p> <p>(i) first certificate, including search fee;</p> <p>(ii) each subsequent certificate.</p>	<p style="text-align: center;">7</p> <p style="text-align: center;">18</p> <p style="text-align: center;">7</p>	<p style="text-align: center;">7</p> <p style="text-align: center;">18</p> <p style="text-align: center;">7</p>
<p>(2) Copy or duplicate confirmation—</p> <p>(a) if ordered when lodging inventory;</p> <p>(b) if ordered subsequent to lodging inventory—</p> <p>(i) duplicate confirmation, including search fee;</p> <p>(ii) each subsequent duplicate confirmation if ordered at the same time as the duplicate confirmation in head (i).</p>	<p style="text-align: center;">12</p> <p style="text-align: center;">24</p> <p style="text-align: center;">12</p>	<p style="text-align: center;">12</p> <p style="text-align: center;">24</p> <p style="text-align: center;">12</p>
<p>(3) Certified extract confirmation and will (if any)—</p> <p>(a) if ordered when lodging inventory;</p> <p>(b) if ordered subsequent to lodging inventory—</p>	<p style="text-align: center;">24</p> <p style="text-align: center;">36</p>	<p style="text-align: center;">24</p> <p style="text-align: center;">36</p>

(i) certified extract, including search fee;		
(ii) each subsequent certified extract if ordered at the same time as the certified extract in head (i).	24	24
(4) Copy will—		
(a) if ordered when lodging inventory;	7	7
(b) if ordered subsequent to lodging inventory—		
(i) copy will, including search fee;	18	18
(ii) each subsequent copy will if ordered at the same time as the copy will in head (i).	7	7
PART II — SHERIFF COURT		
PROCEEDINGS		
<i>Initial Writ</i>		
5. Initial writ in any proceedings not being proceedings for which any other paragraph of this Table prescribes a fee. (NOTE: fee covers issue of extract decree).	120	96
6. European Order for payment in terms of EU Regulation 1896/2006 – application for European Order for payment.	120	96
<i>Divorce and dissolution of civil partners</i>		
7. Initial writ in an action of divorce or dissolution of a civil partnership (other than a simplified divorce or dissolution of a civil partnership application). (NOTE: fee covers issue of extract decree).	150	150
<i>Application for simplified divorce and simplified dissolution of civil partnership</i>		
8. Any application (inclusive of all procedures other than those specified at paragraphs 9 and 38). (NOTE: fee covers issue of extract decree).	120	113
9. Subsequent application upon change of circumstances by party.	30	30
<i>Summary warrant</i>		
10. Application for summary warrant.	71	71
<i>Bankruptcy</i>		
11. Petition for sequestration of estates or petition for recall of award of sequestration.	113	113
12. Miscellaneous applications, including appeals under the Bankruptcy (Scotland) Act 1985 or the Bankruptcy (Scotland) Act 2016(3).	59	59
13. Application for the approval of composition.	36	36

(3) 2016 asp 21.

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<b><i>Declarator and petitions for completion of title for the Sheriff of Chancery</i></b>		
14. Application for declarator and petition for completion of title to the Sheriff of Chancery.	227	227
15. Issue of chancery extract.	107	107
<b><i>Summary cause/simple procedure</i></b>		
16. Summons for summary cause or claim form for simple procedure case (NOTE: includes European small claim procedure and fee covers issue of extract decree or issue of decision)—		
(a) actions for payment of money of £200 or less (or 250 euros for European small claims);	18	18
(b) other actions;	100	78
(c) on the marking of an appeal or the sending of an appeal form to the sheriff court.	59	59
<b><i>Criminal procedure</i></b>		
17. Complaint.	36	36
<b><i>Road Traffic Offenders Act 1988</i></b>		
18. Petition for removal of disqualification.	89	89
<b><i>Miscellaneous</i></b>		
19. Application under section 4 of the Requirements of Writing (Scotland) Act 1995.	18	18
20. Caveat.	36	36
21. Any proceedings under section 12 or 18 of the Civil Jurisdiction and Judgments Act 1982.	24	24
22. Note in a liquidation or judicial factory.	36	36
<b><i>Defender's responses</i></b>		
23. First writ, reponing note, application for recall of decree or attendance to state a defence or oppose an interim order (fee payable by each defender or compeerer) (NOTE: fee covers issue of extract decree) —		
(a) in proceedings to which paragraph 5 of this Table applies;	120	96
(b) in an action of divorce or dissolution of a civil partnership (other than a simplified divorce or dissolution of civil partnership).	150	150
<b><i>Civil court procedure</i></b>		
<b><i>Payable by pursuer</i></b>		
24. Lodging of a certified copy record under the Ordinary Cause Rules (NOTE: fee payable only once in respect of a cause).	113	113

25. Lodging of a certified closed record under the additional procedure of the Ordinary Cause Rules.	113	113
26. Fixing, allocating or assigning of a proof, a debate or a hearing in a summary or miscellaneous application on the merits of the cause.	54	54
27. For each day or part thereof of proof, debate or hearing in a summary or miscellaneous application on the merits of the cause (NOTE: not payable if the proof, debate or hearing does not proceed on that day).	227	227
28. Initial lodging of affidavits in a family action where proof by affidavit evidence has been allowed.	66	66
<b>Payable by any party (including pursuer)</b>		
29. Lodging of a written motion or minute and the lodging of any written opposition to any such motion or minute (NOTE: where a minute is accompanied by a relevant written motion no fee is payable in respect of lodging the motion).	48	48
30. Marking an appeal to the sheriff principal in any proceedings (other than as provided for in paragraph 16(c) of this Table).	113	113
<b>Sheriff court books</b>		
31. Recording protest of a bill or promissory note (NOTE: Extracts to be charged as in paragraph 36 of this Table).	24	24
32. Preservation of deeds, each deed (NOTE: This includes recording and engrossing. If extracts are required, a separate fee is to be charged as in paragraph 36 of this Table).	12	12
<b>Miscellaneous office procedures</b>		
33. Lodging each set of plans or other Parliamentary deposit.	71	71
34. Inspection of report of auction and the auditor of court's report.	18	18
35. Search and report service as instructed by a trade protection society, licensed credit reference agency or trade publication of protests of relevant court records as appropriately included in the Ordinary Cause Rules, with the fees below payable in advance—  weekly for 12 months.	346	346
36. Recording, engrossing, extracting, printing or copying of all documents, except as provided for at paragraph 4 of this Table (exclusive of search fee)—  (a) by photocopying or otherwise producing a printed or typed copy—		

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(i) up to 10 pages;	6	6
(ii) each page or part thereof in excess of 10 pages;	0.50	0.50
(b) for a copy of each document in electronic form.	6	6
(NOTE: Recording in Sheriff Court Register of Deeds to be charged as in paragraph 31.)		
37. Any search of records or archives, except as provided for at paragraph 4 of this Table, per 30 minutes or part thereof.—	12	12
In addition, correspondence fee where applicable.	12	12
38. Citation of, or intimation to, any person or persons by sheriff officer as instructed by the sheriff clerk.	12 plus sheriff officer's fee	12 plus sheriff officer's fee
<b>PART III — AUDITOR OF COURT</b>		
39. Taxing accounts of expenses incurred in judicial proceedings remitted to the auditor of court for taxation—		
(a) lodging account for taxation.	43	43
(b) taxing accounts of expenses etc.—		
(i) up to £400;	20	20
(ii) for every additional £100 or part thereof.	5	5
(NOTE: Fee to be determined by auditor of court on amount of account as submitted.)		
(c) cancellation of diet of taxation—		
(i) where written notice of cancellation received from receiving party after 4.00 pm on the fourth working day before the day of diet of taxation;	50% of fee that would have been payable under subparagraph (b) of this paragraph	50% of fee that would have been payable under subparagraph (b) of this paragraph
(ii) where written notice of cancellation received from receiving party after 4.00 pm on the second working day before the day of the diet of taxation.	75% of fee that would have been payable under subparagraph (b) of this paragraph	75% of fee that would have been payable under subparagraph (b) of this paragraph

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## PART 2

### Sheriff Personal Injury Court

#### Payable from 28th November 2016

<b>Column 1 (Matters)</b>	<b>Column 2 (Fee Payable) £</b>	<b>Column 3 (Fee Formerly Payable)(4) £</b>
1. Lodging of a written motion or minute and the lodging of any written opposition to any such motion or minute. (NOTE: where a minute is accompanied by a relevant written motion no fee is payable in respect of lodging the motion.)	54	54
2. Fixing, allocating or assigning of a proof or trial, a debate or a hearing on the merits of the cause	59	59
3. Hearing fee: per 30 minutes or part thereof.	77	77
4. Lodging a certified copy closed record. (NOTE: fee payable only once in respect of a cause).	107	107
5. Initial writ. (NOTE: fee covers issue of extract decree).	214	214
6. Lodging defences (fee payable by each defender or compeerer). (NOTE: fee covers issue of extract decree).	214	214
7. Citation of a civil jury.  (NOTE: includes outlays incurred in citing and countermanding, and is payable on the lodging of a proposed issue for jury trial.)	298	298
8. Certified copy of a document	18	18

(4) Column 3 shows the fees which were payable by virtue of Part 2 of schedule 2 of S.S.I. 2015/264 immediately before the coming into force of this schedule.