

2008 No. 237

HIGH COURT OF JUSTICIARY

The High Court of Justiciary Fees Amendment Order 2008

Made - - - - *6th June 2008*

Laid before the Parliament *6th June 2008*

Coming into force in accordance with article 1

The Scottish Ministers make the following Order in exercise of the powers conferred by section 2 of the Courts of Law Fees (Scotland) Act 1895(a) and all other powers enabling them to do so.

Citation and commencement

1.—(1) This Order may be cited as the High Court of Justiciary Fees Amendment Order 2008 and, subject to paragraph (2), shall come into force on 1st August 2008.

(2) Article 2(b) and Schedule 2 shall come into force, and article 2(a) and Schedule 1 shall cease to have effect, on 1st April 2010.

Amendment of the High Court of Justiciary Fees Order 1984

2. The Table of Fees in the Schedule to the High Court of Justiciary Fees Order 1984(b) shall be substituted by—

- (a) the Table of Fees in Schedule 1 to this Order on 1st August 2008; and
- (b) the Table of Fees in Schedule 2 to this Order on 1st April 2010.

KENNY MACASKILL

A member of the Scottish Executive

St Andrew's House,
Edinburgh
6th June 2008

(a) 1895 c.14; section 2 was substituted by the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c.12), section 4, and modified by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), articles 2(1) and 4 and Schedule 2, Part I, paragraph 9 and Part IV. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1984/252, amended by S.I. 1994/3266, S.I. 1996/516, S.I. 1999/753 and S.S.I. 2007/321.

SCHEDULE 1

Article 2(a), as read with
article 1

TABLE OF FEES

Payable from 1st August 2008

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable)(a) £</i>
1. Petitions to the Nobile Officium and applications for criminal letters (inclusive fee covering all steps in procedure)	85	65
2. Extract convictions, per sheet or part thereof	35	26
3. Certified copy of any other document	15	11
4. Copying—		
(a) of each document up to 10 pages	5	—
(b) each further page or part thereof (in excess of 10 pages)	0.50	0.20
(c) of each document copied to CD or in electronic form	5	3
5. Searches – for any search of records or archives—		
(a) up to 30 minutes	15	11
(b) for more than 30 minutes up to 2 hours	35	29
(c) each additional 30 minutes (in excess of 2 hours)	10	8
(d) In addition, correspondence fee where applicable	10	8

(a) Column 3 shows the fees which were payable under S.S.I. 2007/321 immediately before the coming into force of this Schedule. Where there is no entry in column 3 but an entry in column 2 the matter is new or has been amended such that no direct comparison can be made with the fee formerly payable.

SCHEDULE 2

Article 2(b), as read with
article 1

TABLE OF FEES

Payable from 1st April 2010

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable)(a) £</i>
1. Petitions to the Nobile Officium and applications for criminal letters (inclusive fee covering all steps in procedure)	90	85
2. Extract convictions, per sheet or part thereof	35	35
3. Certified copy of any other document	15	15
4. Copying–		
(a) of each document up to 10 pages	5	5
(b) each further page or part thereof (in excess of 10 pages)	0.50	0.50
(c) of each document copied to CD or in electronic form	5	5
5. Searches – for any search of records or archives–		
(a) up to 30 minutes	15	15
(b) for more than 30 minutes up to 2 hours	35	35
(c) each additional 30 minutes (in excess of 2 hours)	10	10
(d) In addition, correspondence fee where applicable	10	10

(a) Column 3 shows the fees which were payable in Schedule 1 to this Order immediately before the coming into force of this Schedule.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies new fee levels payable to the Principal Clerk of Justiciary or any officer acting for the Principal Clerk in relation to proceedings in the High Court of Justiciary. Fee levels were last amended on 16th July 2007 by the High Court of Justiciary Fees Amendment Order 2007 (S.S.I. 2007/321). These new fees will be applicable from 1st August 2008 and are found in the Table of Fees in Schedule 1 to this Order.

This Order also specifies new fee levels which will be applicable from 1st April 2010, replacing those fees applicable from 1st August 2008. These fees are found in the Table of Fees in Schedule 2 to this Order.

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