

**2008 No. 239**

**SHERIFF COURT**

**The Sheriff Court Fees Amendment Order 2008**

*Made* - - - - *6th June 2008*

*Laid before the Scottish 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 Sheriff Court Fees Amendment Order 2008 and, subject to paragraphs (2) and (3), shall come into force on 1st August 2008.

(2) Article 2(3)(b) and Schedule 2 shall come into force, and article 2(3)(a) and Schedule 1 shall cease to have effect, on 1st April 2009.

(3) Article 2(3)(c) and Schedule 3 shall come into force, and article 2(3)(b) and Schedule 2 shall cease to have effect, on 1st April 2010.

**Amendment of the Sheriff Court Fees Order 1997**

2.—(1) The Sheriff Court Fees Order 1997(b) shall be amended in accordance with the following paragraphs.

(2) For article 7 (exemption of certain persons from fees)(c), substitute—

**“Exemption of certain persons from fees**

7.—(1) A fee to which this article applies shall not be payable by a person if—

- (a) the person or his or her partner is in receipt of income support under the Social Security Contributions and Benefits Act 1992(d);
- (b) the person is in receipt of an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995(e));

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(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. 1997/687 as amended by S.I. 1999/754, S.S.I. 2002/269 and S.S.I. 2007/318.

(c) As substituted by S.S.I. 2007/318.

(d) 1992 c.4. Section 124, which provides for income support, was amended by the Jobseekers Act 1995 (c.18), section 41 and Schedules 2 and 3, the Welfare Reform and Pensions Act 1999 (c.30), section 70 and Schedule 8, Part IV, paragraph 28, the State Pension Credit Act 2002 (c.16), Schedule 3, Schedule 2 Part 1, paragraph 2(2) and 2(3), the Civil Partnership Act 2004 (c.33), Schedule 24, paragraph 42, and the Welfare Reform Act 2007 (c.5), Schedule 3, paragraphs 9(9) and (10), and Schedule 8.

(e) 1995 c.18.

- (c) the person is in receipt of civil legal aid within the meaning of section 13(2) of the Legal Aid (Scotland) Act 1986<sup>(a)</sup> in respect of the matter in the Table of Fees in connection with which the fee is payable;
- (d) the fee is payable in connection with a simplified divorce or dissolution of a civil partnership application and the person is in receipt of advice and assistance from a solicitor under the Legal Aid (Scotland) Act 1986 in respect of that application;
- (e) the person's solicitor is undertaking work in relation to the matter in the Table of Fees in connection with which the fee is payable on the basis of any regulations made under section 36 of the Legal Aid (Scotland) Act 1986 providing for legal aid in a matter of special urgency;
- (f) the person or his or her partner is in receipt of guarantee credit under the State Pension Credit Act 2002<sup>(b)</sup>; or
- (g) the person or his or her partner is in receipt of working tax credit, provided that—
  - (i) child tax credit is being paid to the party, or otherwise following a claim for child tax credit made jointly by the members of a couple (as defined in section 3(5A) of the Tax Credits Act 2002)<sup>(c)</sup> which includes the party; or
  - (ii) there is a disability element or severe disability element (or both) to the tax credit received by the party,
 and that the gross annual income taken into account for the calculation of the working tax credit is £16,017 or less.

(2) This article applies to all fees regulated by this Order except—

- (a) the fees specified in Part I (Commissary proceedings) of the Table of Fees; and
- (b) in Part II (sheriff court proceedings) of the Table of Fees, the fee specified in paragraph 20 (petition for removal of disqualification).”.

(3) The Table of Fees in Schedule 1<sup>(d)</sup> shall be substituted by—

- (a) the Table of Fees in Schedule 1 to this Order on 1st August 2008;
- (b) the Table of Fees in Schedule 2 to this Order on 1st April 2009; and
- (c) the Table of Fees in Schedule 3 to this Order on 1st April 2010.

*KENNY MACASKILL*

A member of the Scottish Executive

St Andrew's House,  
Edinburgh  
6th June 2008

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(a) 1986 c.47. Section 13(2) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40), section 74 and Schedule 8, paragraph 36(3).  
 (b) 2002 c.16.  
 (c) 2002 c.21; section 3(5A) substituted for sections 3(5) to (6) by the Civil Partnership Act 2004 (c.33), Schedule 24, paragraph 144(3).  
 (d) Schedule 1 to the Sheriff Court Fees Order 1997 was substituted by S.I. 1999/754, article 2(3), S.S.I. 2002/269, article 2(3), and S.S.I. 2007/318, article 2(4).

SCHEDULE 1

Article 2(3)(a), as read with  
article 1

TABLE OF FEES

**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>
<b>PART I - COMMISSARY PROCEEDINGS</b>		
1. Petition for— (a) appointment of executor, (b) restriction of caution, (c) special warrant, (d) sealing up of repositories or the like, or (e) appointment of Commissary factor	15	12
2. Sealing up repositories or the like, per hour	25	18
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(b) is required does not exceed— £5,000 £50,000 (ii) where the amount of the said estate exceeds £50,000 (b) Receiving and examining additional or corrective inventory of estate or inventory of estate <i>ad non executa</i>	No fee 190 190 190	No fee 92 129 92

(a) Column 3 shows the fees which were payable under S.S.I. 2007/318 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.

(b) 1892 c.6.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable) £</i>
(c) Receiving and examining inventory of estate where it is declared that confirmation is not required:	The fees payable shall be 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) shall be payable	
<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>(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) first duplicate including search fee</p> <p>(ii) each subsequent duplicate if ordered at the same time as the first duplicate</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>(i) first certified extract including search fee</p> <p>(ii) each subsequent certified extract if ordered at the time of the first certified extract</p> <p>(4) Copy will–</p> <p>(a) if ordered when lodging inventory</p> <p>(b) if ordered subsequent to lodging inventory–</p> <p>(i) first copy including search fee</p> <p>(ii) each subsequent copy, if ordered at the same time as the first copy</p>	<p>5</p> <p>15</p> <p>5</p> <p>10</p> <p>20</p> <p>10</p> <p>20</p> <p>30</p> <p>20</p> <p>5</p> <p>15</p> <p>5</p>	<p>3</p> <p>11</p> <p>3</p> <p>6</p> <p>14</p> <p>6</p> <p>14</p> <p>21</p> <p>14</p> <p>4</p> <p>11</p> <p>4</p>
<p>PART II - SHERIFF COURT PROCEEDINGS</p> <p><i>Initial Writ</i></p> <p>5. Initial writ in any proceedings not being proceedings for which any other paragraph of this Table prescribes a fee</p>	75	57

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable) £</i>
<b><i>Divorce and dissolution of civil partners</i></b> 6. 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)	120	92
<b><i>Application for Simplified Divorce and simplified dissolution of civil partnership</i></b> 7. Any application (inclusive of all procedures other than those specified at paragraphs 8 and 9)	90	70
8. Citation of, or intimation to, any person or persons by sheriff officer	10 plus sheriff officer's fee	10 plus sheriff officer's fee
9. Subsequent application upon change of circumstances by party	25	19
<b><i>Summary warrant</i></b> 10. Application for summary warrant	55	44
<b><i>Bankruptcy</i></b> 11. Petition for sequestration of estates	90	71
12. Petition for discharge of a bankrupt or application for approval of composition or deed of arrangement	25	21
13. Miscellaneous applications including appeals under the Bankruptcy (Scotland) Act 1985(a)	45	36
14. Act and warrant of trustee	35	29
15. Application (written or oral) for discharge of trustee	25	21
<b><i>Declarator and Petitions for completion of title for the Sheriff of Chancery</i></b> 16. Applications for Declarator and Petitions for completion of title to the Sheriff of Chancery	180	142
17. Issue of chancery extract	85	68

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(a) 1985 c.66, as amended by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3).

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable) £</i>
<b><i>Summary cause</i></b> 18. Summons - summary cause (including small claim)– (a) actions for payment of money less than £200 (b) other actions (c) in relation to a small claim summons, citation of, or intimation to, any party by sheriff officer (d) on the marking of an appeal	15  60 10 plus sheriff officer's fee 45	8 (action for payment up to £50) 44 29  36
<b><i>Criminal procedure</i></b> 19. Complaint	25	21
<b><i>Road Traffic Offenders Act 1988(a)</i></b> 20. Petition for removal of disqualification	75	57
<b><i>Miscellaneous</i></b> 21. Application under section 4 of the Requirements of Writing (Scotland) Act 1995 (b)	15	12
22. Caveat	25	21
23. Any proceedings under section 12 or 18 of the Civil Jurisdiction and Judgments Act 1982(c)	20	15
24. Note in a liquidation or judicial factory	25	21
<b><i>Defender's responses</i></b> 25. First writ, reponing note or attendance to state a defence, or oppose an interim order (fee payable by each defender or compeerer) (a) in proceedings to which paragraph 5 of this Table applies	75	57

(a) 1988 c.53.

(b) 1995 c.7.

(c) 1982 c.27; section 12 was amended by the Civil Jurisdiction and Judgments Act 1991 (c.12), Schedule 2, paragraph 7 and section 18 was amended by the Insolvency Act 1985 (c.65), Schedule 8, paragraph 36, the Insolvency Act 1986 (c.45), Schedule 14, the Courts and Legal Services Act 1990 (c.41), Schedule 16, paragraph 41, the Criminal Justice Act 1993 (c.36), section 24, the Drug Trafficking Act 1994 (c.37), Schedule 1, paragraph 6, the Criminal Justice (Scotland) Act 1995 (c.20), Schedule 6, paragraph 183 and the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40), Schedule 4, paragraph 42.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable) £</i>
(b) in an action of divorce or dissolution of a civil partnership (other than a simplified divorce or dissolution of civil partnership)	120	92
<b><i>Civil court procedure</i></b>		
<i>Payable by pursuer</i>		
26. Lodging of a certified copy record under the standard procedure of the Ordinary Cause Rules 1993(a)	90	71
27. Lodging of a certified closed record under the additional procedure of the said Rules	90	71
28. Fixing of a proof, a debate or a hearing in a summary or miscellaneous application on the merits of the cause	40	32
29. For each day or part thereof of proof, debate or hearing in a summary or miscellaneous application on the merits of the cause (not payable if the proof, debate or hearing does not proceed on that day)	90	71
30. Endorsing of a minute in Form F27 in terms of rule 33.29(1)(b) of the said Rules	55	42
<i>Payable by any party(including pursuer)</i>		
31. Lodging of a written motion or minute; and the lodging of any written opposition to any such motion or minute	35	29
32. Marking an appeal to the Sheriff Principal in any proceedings (other than as provided for in paragraph 18(d) of this Table)	90	71
<b><i>Sheriff court books</i></b>		
33. Recording protest of a bill or promissory note (NOTE: Extract to be charged as in paragraph 38 of this Table.)	20	15
34. Preservation of deeds, each deed (NOTE: Recording and extracting to be charged as in paragraph 38 of this Table)	10	6
<b><i>Miscellaneous office procedures</i></b>		
35. Lodging each set of plans or other Parliamentary deposit	55	44

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(a) See Schedule 1 to the Sheriff Courts (Scotland) Act 1907 (c.51).

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable) £</i>
36. Inspection of report of sale and the auditor of court's report	10	10
37. 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 allowed by appropriate said Rules as amended, with the fees below payable in advance— (a) weekly for twelve months (b) twice weekly for twelve months (c) four times weekly for twelve months	275 545 1,095	215 427 858
38. Recording, engrossing, extracting or copying of all documents except as provided for at paragraph 4 of this Table (if a search is required an additional fee will be charged as per paragraph 39 of this Table) (a) by photocopying— (i) Up to 10 pages (ii) Each page or part thereof (in excess of 10 pages) (b) for a copy of a document on a computer disc or in other electronic form NOTE: Recording in Sheriff Court Register of Deeds to be charged as in paragraph 38(a)	5 0.50 5	0.20 3
39. Searches: for each search of records or archives, except as provided for at paragraph 4 of this Table— (a) up to 30 minutes (b) for more than 30 minutes up to 2 hours (c) for each additional 30 minutes (in excess of 2 hours) (d) In addition, correspondence fee where applicable	15 35 10 10	8 15 8 8
<b>PART III - AUDITOR OF COURT</b> 40. For taxing accounts of expenses incurred in judicial proceedings remitted to the auditor of court for taxation— (1) auditor's fee on lodging account for taxation (2) auditor's fee for taxing accounts of expenses etc.— (a) up to £400 (b) for every additional £100 or part thereof NOTE: Fee to be determined by auditor of court on amount of account as submitted.	34 18 5	34 18 5



<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable) £</i>
<p>(3) fee for cancellation of diet of taxation–</p> <p>(a) where written notice of cancellation received by receiving party within three working days of diet</p> <p>(b) where written notice of cancellation received by receiving party on the working day before or the day of the diet</p>	<p>50% of fee that would have been payable under sub-paragraph (2) of this paragraph</p> <p>75% of fee that would have been payable under sub-paragraph (2) of this paragraph</p>	<p>50% of fee that would have been payable under sub-paragraph (2) of this paragraph</p> <p>75% of fee that would have been payable under sub-paragraph (2) of this paragraph</p>

## SCHEDULE 2

Article 2(3)(b), as read with  
article 1

### TABLE OF FEES

**Fees payable from 1st April 2009**

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable)(a) £</i>
<b>PART I - COMMISSARY PROCEEDINGS</b>		
1. Petition for— (a) appointment of executor, (b) restriction of caution, (c) special warrant, (d) sealing up of repositories or the like, or (e) appointment of Commissary factor	15	15
2. Sealing up repositories or the like, per hour	25	25
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(b) is required does not exceed— £5,000 £50,000 (ii) where the amount of the said estate exceeds £50,000 (b) Receiving and examining additional or corrective inventory of estate or inventory of estate <i>ad non executa</i>	No fee 195 195 195	No fee 190 190 190

(a) Column 3 shows the fees which were payable in Schedule 1 to this Order 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.

(b) 1892 c.6.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable) £</i>
(c) Receiving and examining inventory of estate where it is declared that confirmation is not required:	The fees payable shall be 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) shall be payable	The fees payable shall be 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) shall be payable
<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>(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) first duplicate including search fee</p> <p>(ii) each subsequent duplicate if ordered at the same time as the first duplicate</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>(i) first certified extract including search fee</p> <p>(ii) each subsequent certified extract if ordered at the time of the first certified extract</p> <p>(4) Copy will–</p> <p>(a) if ordered when lodging inventory</p> <p>(b) if ordered subsequent to lodging inventory–</p> <p>(i) first copy including search fee</p> <p>(ii) each subsequent copy, if ordered at the same time as the first copy</p>	<p>5</p> <p>15</p> <p>5</p> <p>10</p> <p>20</p> <p>10</p> <p>20</p> <p>30</p> <p>20</p> <p>5</p> <p>15</p> <p>5</p>	<p>5</p> <p>15</p> <p>5</p> <p>10</p> <p>20</p> <p>10</p> <p>20</p> <p>30</p> <p>20</p> <p>5</p> <p>15</p> <p>5</p>
<p>PART II - SHERIFF COURT PROCEEDINGS</p> <p><b>Initial Writ</b></p> <p>5. Initial writ in any proceedings not being proceedings for which any other paragraph of this Table prescribes a fee</p>	80	75

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable) £</i>
<b><i>Divorce and dissolution of civil partners</i></b> 6. 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)	120	120
<b><i>Application for Simplified Divorce and simplified dissolution of civil partnership</i></b> 7. Any application (inclusive of all procedures other than those specified at paragraphs 8 and 9)	90	90
8. Citation of, or intimation to, any person or persons by sheriff officer	10 plus sheriff officer's fee	10 plus sheriff officer's fee
9. Subsequent application upon change of circumstances by party	25	25
<b><i>Summary warrant</i></b> 10. Application for summary warrant	60	55
<b><i>Bankruptcy</i></b> 11. Petition for sequestration of estates	95	90
12. Petition for discharge of a bankrupt or application for approval of composition or deed of arrangement	30	25
13. Miscellaneous applications including appeals under the Bankruptcy (Scotland) Act 1985(a)	45	45
14. Act and warrant of trustee	40	35
15. Application (written or oral) for discharge of trustee	30	25
<b><i>Declarator and Petitions for completion of title for the Sheriff of Chancery</i></b> 16. Applications for Declarator and Petitions for completion of title to the Sheriff of Chancery	185	180
17. Issue of chancery extract	90	85

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(a) 1985 c.66, as amended by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3).

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable) £</i>
<b><i>Summary cause</i></b>		
18. Summons - summary cause (including small claim)–		
(a) actions for payment of money less than £200	15	15
(b) other actions	65	60
(c) in relation to a small claim summons, citation of, or intimation to, any party by sheriff officer	10 plus sheriff officer's fee	10 plus sheriff officer's fee
(d) on the marking of an appeal	45	45
<b><i>Criminal procedure</i></b>		
19. Complaint	30	25
<b><i>Road Traffic Offenders Act 1988(a)</i></b>		
20. Petition for removal of disqualification	75	75
<b><i>Miscellaneous</i></b>		
21. Application under section 4 of the Requirements of Writing (Scotland) Act 1995(b)	15	15
22. Caveat	30	25
23. Any proceedings under section 12 or 18 of the Civil Jurisdiction and Judgments Act 1982(c)	20	20
24. Note in a liquidation or judicial factory	30	25
<b><i>Defender's responses</i></b>		
25. First writ, reponing note or attendance to state a defence, or oppose an interim order (fee payable by each defender or compeerer)		
(a) in proceedings to which paragraph 5 of this Table applies	75	75
(b) in an action of divorce or dissolution of a civil partnership (other than a simplified divorce or dissolution of civil partnership)	120	120

(a) 1988 c.53.

(b) 1995 c.7.

(c) 1982 c.27; section 12 was amended by the Civil Jurisdiction and Judgments Act 1991 (c.12), Schedule 2, paragraph 7 and section 18 was amended by the Insolvency Act 1985 (c.65), Schedule 8, paragraph 36, the Insolvency Act 1986 (c.45), Schedule 14, the Courts and Legal Services Act 1990 (c.41), Schedule 16, paragraph 41, the Criminal Justice Act 1993 (c.36), section 24, the Drug Trafficking Act 1994 (c.37), Schedule 1, paragraph 6, the Criminal Justice (Scotland) Act 1995 (c.20), Schedule 6, paragraph 183 and the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40), Schedule 4, paragraph 42.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable) £</i>
<b><i>Civil court procedure</i></b>		
<i>Payable by pursuer</i>		
26. Lodging of a certified copy record under the standard procedure of the Ordinary Cause Rules 1993(a)	95	90
27. Lodging of a certified closed record under the additional procedure of the said Rules	95	90
28. Fixing of a proof, a debate or a hearing in a summary or miscellaneous application on the merits of the cause	40	40
29. For each day or part thereof of proof, debate or hearing in a summary or miscellaneous application on the merits of the cause (not payable if the proof, debate or hearing does not proceed on that day)	95	90
30. Endorsing of a minute in Form F27 in terms of rule 33.29(1)(b) of the said Rules	55	55
<i>Payable by any party(including pursuer)</i>		
31. Lodging of a written motion or minute; and the lodging of any written opposition to any such motion or minute	40	35
32. Marking an appeal to the Sheriff Principal in any proceedings (other than as provided for in paragraph 18(d) of this Table)	95	90
<b><i>Sheriff court books</i></b>		
33. Recording protest of a bill or promissory note (NOTE: Extract to be charged as in paragraph 38 of this Table.)	20	20
34. Preservation of deeds, each deed (NOTE: Recording and extracting to be charged as in paragraph 38 of this Table)	10	10
<b><i>Miscellaneous office procedures</i></b>		
35. Lodging each set of plans or other Parliamentary deposit	60	55
36. Inspection of report of sale and the auditor of court's report	15	10

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(a) See Schedule 1 to the Sheriff Courts (Scotland) Act 1907 (c.51).

<p style="text-align: center;"><i>Column 1</i> (Matters)</p>	<p style="text-align: center;"><i>Column 2</i> (Fee Payable) £</p>	<p style="text-align: center;"><i>Column 3</i> (Fee Formerly Payable) £</p>
<p>37. 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 allowed by appropriate said Rules as amended, with the fees below payable in advance—</p> <p style="padding-left: 20px;">(a) weekly for twelve months</p> <p style="padding-left: 20px;">(b) twice weekly for twelve months</p> <p style="padding-left: 20px;">(c) four times weekly for twelve months</p>	<p style="text-align: center;">280</p> <p style="text-align: center;">560</p> <p style="text-align: center;">1,125</p>	<p style="text-align: center;">275</p> <p style="text-align: center;">545</p> <p style="text-align: center;">1,095</p>
<p>38. Recording, engrossing, extracting or copying of all documents except as provided for at paragraph 4 of this Table (if a search is required an additional fee will be charged as per paragraph 39 of this Table)</p> <p style="padding-left: 20px;">(a) by photocopying—</p> <p style="padding-left: 40px;">(i) Up to 10 pages</p> <p style="padding-left: 40px;">(ii) Each page or part thereof (in excess of 10 pages)</p> <p style="padding-left: 20px;">(b) for a copy of a document on a computer disc or in other electronic form</p> <p>NOTE: Recording in Sheriff Court Register of Deeds to be charged as in paragraph 38(a)</p>	<p style="text-align: center;">5</p> <p style="text-align: center;">0.50</p> <p style="text-align: center;">5</p>	<p style="text-align: center;">5</p> <p style="text-align: center;">0.50</p> <p style="text-align: center;">5</p>
<p>39. Searches: for each search of records or archives, except as provided for at paragraph 4 of this Table—</p> <p style="padding-left: 20px;">(a) up to 30 minutes</p> <p style="padding-left: 20px;">(b) for more than 30 minutes up to 2 hours</p> <p style="padding-left: 20px;">(c) for each additional 30 minutes (in excess of 2 hours)</p> <p style="padding-left: 20px;">(d) In addition, correspondence fee where applicable</p>	<p style="text-align: center;">15</p> <p style="text-align: center;">35</p> <p style="text-align: center;">10</p> <p style="text-align: center;">10</p>	<p style="text-align: center;">15</p> <p style="text-align: center;">35</p> <p style="text-align: center;">10</p> <p style="text-align: center;">10</p>
<p>PART III - AUDITOR OF COURT</p> <p>40. For taxing accounts of expenses incurred in judicial proceedings remitted to the auditor of court for taxation—</p> <p style="padding-left: 20px;">(1) auditor's fee on lodging account for taxation</p> <p style="padding-left: 20px;">(2) auditor's fee for taxing accounts of expenses etc.—</p> <p style="padding-left: 40px;">(a) up to £400</p> <p style="padding-left: 40px;">(b) for every additional £100 or part thereof</p> <p>NOTE: Fee to be determined by auditor of court on amount of account as submitted.</p>	<p style="text-align: center;">35</p> <p style="text-align: center;">19</p> <p style="text-align: center;">5</p>	<p style="text-align: center;">34</p> <p style="text-align: center;">18</p> <p style="text-align: center;">5</p>

<p style="text-align: center;"><i>Column 1</i> (Matters)</p>	<p style="text-align: center;"><i>Column 2</i> (Fee Payable) £</p>	<p style="text-align: center;"><i>Column 3</i> (Fee Formerly Payable) £</p>
<p>(3) fee for cancellation of diet of taxation–</p> <p>(a) where written notice of cancellation received by receiving party within three working days of diet</p> <p>(b) where written notice of cancellation received by receiving party on the working day before or the day of the diet</p>	<p>50% of fee that would have been payable under sub-paragraph (2) of this paragraph</p> <p>75% of fee that would have been payable under sub-paragraph (2) of this paragraph</p>	<p>50% of fee that would have been payable under sub-paragraph (2) of this paragraph</p> <p>75% of fee that would have been payable under sub-paragraph (2) of this paragraph</p>



SCHEDULE 3

Article 2(3)(c), as read with article 1

TABLE OF FEES

**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>
<b>PART I - COMMISSARY PROCEEDINGS</b>		
1. Petition for— (a) appointment of executor, (b) restriction of caution, (c) special warrant, (d) sealing up of repositories or the like, or (e) appointment of Commissary factor	15	15
2. Sealing up repositories or the like, per hour	25	25
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(b) is required does not exceed— £5,000 £50,000 (ii) where the amount of the said estate exceeds £50,000 (b) Receiving and examining additional or corrective inventory of estate or inventory of estate <i>ad non executa</i>	No fee 200 200 200	No fee 195 195 195

(a) Column 3 shows the fees which were payable in Schedule 2 to this Order 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.

(b) 1892 c.6.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable) £</i>
(c) Receiving and examining inventory of estate where it is declared that confirmation is not required:	The fees payable shall be 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) shall be payable	The fees payable shall be 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) shall be payable
<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>(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) first duplicate including search fee</p> <p>(ii) each subsequent duplicate if ordered at the same time as the first duplicate</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>(i) first certified extract including search fee</p> <p>(ii) each subsequent certified extract if ordered at the time of the first certified extract</p> <p>(4) Copy will–</p> <p>(a) if ordered when lodging inventory</p> <p>(b) if ordered subsequent to lodging inventory–</p> <p>(i) first copy including search fee</p> <p>(ii) each subsequent copy, if ordered at the same time as the first copy</p>	<p>5</p> <p>15</p> <p>5</p> <p>10</p> <p>20</p> <p>10</p> <p>20</p> <p>30</p> <p>20</p> <p>5</p> <p>15</p> <p>5</p>	<p>5</p> <p>15</p> <p>5</p> <p>10</p> <p>20</p> <p>10</p> <p>20</p> <p>30</p> <p>20</p> <p>5</p> <p>15</p> <p>5</p>

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable) £</i>
<b>PART II - SHERIFF COURT PROCEEDINGS</b>		
<b><i>Initial Writ</i></b>		
5. Initial writ in any proceedings not being proceedings for which any other paragraph of this Table prescribes a fee	80	80
<b><i>Divorce and dissolution of civil partners</i></b>		
6. 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)	125	120
<b><i>Application for Simplified Divorce and simplified dissolution of civil partnership</i></b>		
7. Any application (inclusive of all procedures other than those specified at paragraphs 8 and 9)	95	90
8. Citation of, or intimation to, any person or persons by sheriff officer	10 plus sheriff officer's fee	10 plus sheriff officer's fee
9. Subsequent application upon change of circumstances by party	25	25
<b><i>Summary warrant</i></b>		
10. Application for summary warrant	60	60
<b><i>Bankruptcy</i></b>		
11. Petition for sequestration of estates	95	95
12. Petition for discharge of a bankrupt or application for approval of composition or deed of arrangement	30	30
13. Miscellaneous applications including appeals under the Bankruptcy (Scotland) Act 1985(a)	50	45
14. Act and warrant of trustee	40	40
15. Application (written or oral) for discharge of trustee	30	30
<b><i>Declarator and Petitions for completion of title for the Sheriff of Chancery</i></b>		
16. Applications for Declarator and Petitions for completion of title to the Sheriff of Chancery	190	185

(a) 1985 c.66, as amended by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3).

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable) £</i>
17. Issue of chancery extract	90	90
<b><i>Summary cause</i></b> 18. Summons - summary cause (including small claim)– (a) actions for payment of money less than £200 (b) other actions (c) in relation to a small claim summons, citation of, or intimation to, any party by sheriff officer (d) on the marking of an appeal	15 65 10 plus sheriff officer's fee 50	15 65 10 plus sheriff officer's fee 45
<b><i>Criminal procedure</i></b> 19. Complaint	30	30
<b><i>Road Traffic Offenders Act 1988(a)</i></b> 20. Petition for removal of disqualification	75	75
<b><i>Miscellaneous</i></b> 21. Application under section 4 of the Requirements of Writing (Scotland) Act 1995 (b)	15	15
22. Caveat	30	30
23. Any proceedings under section 12 or 18 of the Civil Jurisdiction and Judgments Act 1982(c)	20	20
24. Note in a liquidation or judicial factory	30	30
<b><i>Defender's responses</i></b> 25. First writ, reponing note or attendance to state a defence, or oppose an interim order (fee payable by each defender or compeerer) (a) in proceedings to which paragraph 5 of this Table applies	75	75

(a) 1988 c.53.

(b) 1995 c.7.

(c) 1982 c.27; section 12 was amended by the Civil Jurisdiction and Judgments Act 1991 (c.12), Schedule 2, paragraph 7 and section 18 was amended by the Insolvency Act 1985 (c.65), Schedule 8, paragraph 36, the Insolvency Act 1986 (c.45), Schedule 14, the Courts and Legal Services Act 1990 (c.41), Schedule 16, paragraph 41, the Criminal Justice Act 1993 (c.36), section 24, the Drug Trafficking Act 1994 (c.37), Schedule 1, paragraph 6, the Criminal Justice (Scotland) Act 1995 (c.20), Schedule 6, paragraph 183 and the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40), Schedule 4, paragraph 42.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable) £</i>
(b) in an action of divorce or dissolution of a civil partnership (other than a simplified divorce or dissolution of civil partnership)	125	120
<b><i>Civil court procedure</i></b>		
<i>Payable by pursuer</i>		
26. Lodging of a certified copy record under the standard procedure of the Ordinary Cause Rules 1993(a)	95	95
27. Lodging of a certified closed record under the additional procedure of the said Rules	95	95
28. Fixing of a proof, a debate or a hearing in a summary or miscellaneous application on the merits of the cause	45	40
29. For each day or part thereof of proof, debate or hearing in a summary or miscellaneous application on the merits of the cause (not payable if the proof, debate or hearing does not proceed on that day)	95	95
30. Endorsing of a minute in Form F27 in terms of rule 33.29(1)(b) of the said Rules	55	55
<i>Payable by any party(including pursuer)</i>		
31. Lodging of a written motion or minute; and the lodging of any written opposition to any such motion or minute	40	40
32. Marking an appeal to the Sheriff Principal in any proceedings (other than as provided for in paragraph 18(d) of this Table)	95	95
<b><i>Sheriff court books</i></b>		
33. Recording protest of a bill or promissory note (NOTE: Extract to be charged as in paragraph 37 of this Table.)	20	20
34. Preservation of deeds, each deed (NOTE: Recording and extracting to be charged as in paragraph 38 of this Table)	10	10
<b><i>Miscellaneous office procedures</i></b>		
35. Lodging each set of plans or other Parliamentary deposit	60	60

(a) See Schedule 1 to the Sheriff Courts (Scotland) Act 1907 (c.51).

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable) £</i>
36. Inspection of report of sale and the auditor of court's report	15	15
37. 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 allowed by appropriate said Rules as amended, with the fees below payable in advance— (a) weekly for twelve months (b) twice weekly for twelve months (c) four times weekly for twelve months	 290 575 1,160	 280 560 1,125
38. Recording, engrossing, extracting or copying of all documents except as provided for at paragraph 4 of this Table (if a search is required an additional fee will be charged as per paragraph 39 of this Table) (a) by photocopying— (i) Up to 10 pages (ii) Each page or part thereof (in excess of 10 pages) (b) for a copy of a document on a computer disc or in other electronic form NOTE: Recording in Sheriff Court Register of Deeds to be charged as in paragraph 38(a)	  5 0.50  5	  5 0.50  5
39. Searches: for each search of records or archives, except as provided for at paragraph 4 of this Table— (a) up to 30 minutes (b) for more than 30 minutes up to 2 hours (c) for each additional 30 minutes (in excess of 2 hours) (d) In addition, correspondence fee where applicable	 15 40 10 10	 15 35 10 10
<b>PART III - AUDITOR OF COURT</b> 40. For taxing accounts of expenses incurred in judicial proceedings remitted to the auditor of court for taxation— (1) auditor's fee on lodging account for taxation (2) auditor's fee for taxing accounts of expenses etc.— (a) up to £400 (b) for every additional £100 or part thereof NOTE: Fee to be determined by auditor of court on amount of account as submitted.	 36  19 5	 35  19 5

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable) £</i>
<p>(3) fee for cancellation of diet of taxation–</p> <p>(a) where written notice of cancellation received by receiving party within three working days of diet</p> <p>(b) where written notice of cancellation received by receiving party on the working day before or the day of the diet</p>	<p>50% of fee that would have been payable under sub-paragraph (2) of this paragraph</p> <p>75% of fee that would have been payable under sub-paragraph (2) of this paragraph</p>	<p>50% of fee that would have been payable under sub-paragraph (2) of this paragraph</p> <p>75% of fee that would have been payable under sub-paragraph (2) of this paragraph</p>

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Sheriff Court Fees Order 1997.

The Order amends article 7 of that Order (exemption of certain persons from fees) so as to ensure that the exemptions do not apply to (1) Commissary proceedings or (2) to a petition for removal of disqualification under the Road Traffic Offenders Act 1988 in the sheriff court. This is reinstated from the Sheriff Court Fees Amendment Order 2002 (S.S.I. 2002/269).

The Order also specifies new fee levels for proceedings in the sheriff court. Fee levels were last amended on 16th July 2007 by the Sheriff Court Fees Amendment Order 2007 (S.S.I. 2007/318). The fees in the Table of Fees in Schedule 1 to this Order are payable from 1st August 2008 and reflect an average increase of 31%. There is no increase in Auditor of Court fees in 2008.

The fees in the Table of Fees in Schedule 2 to this Order are payable from 1st April 2009 and reflect an average increase of 3%. The fees in the Table of Fees in Schedule 3 to this Order are payable from 1st April 2010 and reflect an average increase of 3%.

**£4.00**

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