

2009 No. 87

HIGH COURT OF JUSTICIARY

The High Court of Justiciary Fees Amendment Order 2009

Made - - - - *5th March 2009*

Laid before the Scottish Parliament *6th March 2009*

Coming into force - - *6th April 2009*

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. This Order may be cited as the High Court of Justiciary Fees Amendment Order 2009 and comes into force on 6th April 2009.

Amendment of the High Court of Justiciary Fees Order 1984

2. In article 2A (Exemption of certain persons from fees) of the High Court of Justiciary Fees Order 1984(b)–

- (a) at the end of paragraph (f) omit “or”;
- (b) in paragraph (g), for “£16,017” substitute “£16,642”(c); and
- (c) at the end of paragraph (g), insert–
 - “; or
 - (h) the person or his or her partner is in receipt of income-related employment and support allowance under the Welfare Reform Act 2007(d).”.

FERGUS EWING

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
5th March 2009

(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 by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), articles 2(1), 4, Schedule 2 Part 1, 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, S.S.I. 2007/321 and S.S.I. 2008/237. Article 2A was inserted by S.S.I. 2007/321, article 2(2).

(c) The original threshold for exemption from court fees for those in receipt of working tax credit was an annual gross income of £16,017 which was inserted into the High Court of Justiciary Fees Order 1984 by S.S.I. 2007/321, article 2(2).

(d) 2007 c.5. Section 1 of that Act which introduced the new benefit, the income-related employment and support allowance, was brought into force on 27th October 2008 by the Welfare Reform Act 2007 (Commencement No. 6 and Consequential Provisions) Order 2008 (S.I. 2008/787), article 2(4)(a).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the High Court of Justiciary Fees Order 1984 (“the 1984 Order”) to take account of the coming into force of section 1 of the Welfare Reform Act 2007 which introduced a new benefit, income-related employment and support allowance. This Order amends article 2A of the 1984 Order, which provides for the exemption of certain persons from fees, to include the new benefit within the exemption.

This Order also amends the financial limit in article 2A(g) of the 1984 Order in relation to the annual gross income taken into account for the calculation of the working tax credit for the purposes of exemption from court fees, increasing it from £16,017 to £16,642.

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