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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 88**

**The Court of Session etc. Fees Amendment Order 2009**

**Amendment of the Court of Session etc. Fees Order 1997**

2.—(1) The Court of Session etc. Fees Order 1997(1) is amended in accordance with the following paragraphs.

(2) Article 5 (exemption of certain persons from fees)(2) is amended as follows—

- (a) at the end of paragraph (f), omit “or”;
- (b) in paragraph (g), for “£16,017” substitute “£16,642”(3); and
- (c) after 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(4).”.

(3) In Article 5A(2) (exemption of certain motions from fees)(5) for “B23 and C22” substitute “B26 and C24”.

(4) Article 5B (calculation of fees payable)(6) is amended as follows—

- (a) in paragraph (1) for “B23 and C22” substitute “B26 and C24”; and
- (b) in paragraph (2)—
  - (i) for “B23 and C22” substitute “B26 and C24”; and
  - (ii) omit “, C13 and C14”.

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(1) S.I. 1997/688 as amended by S.I. 1999/755, S.S.I. 2002/270, S.S.I. 2007/319 and S.S.I. 2008/236.

(2) Article 5 was substituted by S.S.I. 2007/319, article 2(3).

(3) 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 Court of Session etc. Fees Order 1997 by S.S.I. 2007/319, article 2(3).

(4) 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).

(5) Article 5A was inserted by S.I. 1999/755, article 2(3).

(6) Article 5B was inserted by S.I. 1999/755, article 2(3).