

## **EXECUTIVE NOTE**

### **THE COURT OF SESSION ETC. FEES AMENDMENT ORDER 2009 SSI/2009/88**

The above instrument is being made in exercise of the powers conferred by section 2 of the Courts of Law Fees (Scotland) Act 1895 (c.14). This instrument makes amendments to the Court of Session etc. Fees Order 1997 (“the 1997 Order”) and the Court of Session etc. Fees Amendment Order 2008 (“the 2008 Order”). The instrument is subject to negative resolution procedure. This Order comes into effect on 1st April 2009 except for the amendment relating to the increase in working tax credit which comes into effect on 6th April 2009.

#### **Policy**

A new benefit was introduced by the Welfare Reform Act 2007. This new benefit is the income-related employment and support allowance and the provision of that Act which dealt with this new benefit was brought into force on 27th October 2008. Persons in receipt of that benefit are exempt from court fees. We have taken steps to ensure that those in receipt of this benefit would have the benefit of the fee exemption from that date prior to making the amendment by this instrument.

In addition, the income level threshold used for the working tax credit calculation has been increased from £16,017 to £16,642 from 6th April 2009. Tax credit thresholds are adjusted each year in line with inflation.

Corrections have been made to cross references between the articles in the 1997 Order and the Table of Fees in the schedule to that Order, which will be substituted by the Table of Fees in schedule 2 to the 2008 Order on 1st April 2009 and by the Table of Fees in schedule 3 to the 2008 Order on 1st April 2010. There have been some adjustments to the text in the Table of Fees to clarifying the charging of fees, and fees which are no longer applicable have been removed.

The fees for summar roll in the General Department of the Central Office of the Court and the summar roll and motion roll hearings in the Petition Department of the Central Office of the Court have been corrected – the summar roll hearing fee is £95 from 1st April 2009 and £100 from 1st April 2010 but had been previously shown as £45; the motion roll hearing fee is £45 from 1st April 2009 but had been previously shown as £55.

#### **Consultation**

There has been no need, in view of the nature of these changes, for any external or intra-government consultation.

**Financial effects**

These will be minimal.

**Regulatory Impact Assessment**

Not required.

**Equalities Impact Assessment**

Not required.

Scottish Court Service  
2 March 2009