

POLICY NOTE

THE JUSTICE OF THE PEACE COURT FEES (SCOTLAND) ORDER 2012

SSI 2012/292

The above instrument is made in exercise of the powers conferred by section 2 of the Courts of Law Fees (Scotland) Act 1895 (c. 14). The instrument is subject to negative resolution procedure.

Policy

Court fees and fees for services offered by the Justice of the Peace Courts ensure that those who make use of the court meet or contribute towards the associated costs to the public purse, where they can afford to do so. The Scottish Government's policy is to move toward fees which reflect the full cost of the processes involved with a well-targeted system of fee exemptions to protect access to justice.

Consultation

There has been a public consultation on these proposals. More detailed information is given in the attached Business and Regulatory Impact Assessment.

Financial Effects

This Order replaces the District Court Fees Order 1984. These fees have not been updated since 1984 and we have taken the opportunity to review and update them and to introduce a fee for utility warrants.

Increases in fee income for these fees are minimal.

Business and Regulatory Impact Assessment

There are 5 instruments being made at the same time relative to fees. A composite business and regulatory impact assessment for the 4 fee orders relating to the Scottish courts (Sheriff Court, Justice of the Peace Court, Court of Session, High Court of Justiciary) and the 1 set of fee regulations relating to the Office of the Public Guardian has been prepared and will be published shortly at <http://www.scotland.gov.uk/Topics/Business-Industry/support/better-regulation/partial-assessments/full/2012>.

Equalities Impact Assessment

A composite equality impact assessment for the 4 fee orders relating to the Scottish courts (Sheriff Court, Justice of the Peace Court, Court of Session, High Court of Justiciary) and the 1 set of fee regulations relating to the Office of the Public Guardian has been prepared and will be published shortly at <http://www.scotland.gov.uk/Publications/2012>.

Scottish Government
October 2012