



# Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983

## 1983 CHAPTER 12

### PART I

#### JURISDICTION AND EVIDENCE IN DIVORCE ACTIONS

#### 1 Sheriffs to have jurisdiction in respect of actions for divorce.

In section 5 of the <sup>M1</sup>Sheriff Courts (Scotland) Act 1907 (which relates to the jurisdiction of sheriffs), after paragraph (2A) there shall be inserted—

“(2B) Actions for divorce”.

#### Marginal Citations

M1 1907 c. 51.

2 ..... F1

#### Textual Amendments

F1 S. 2 repealed by Civil Evidence (Scotland) Act 1988 (c. 32, SIF 34), s. 10(1)(3), Sch.

### PART II

3 ..... F2

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*Changes to legislation: There are currently no known outstanding effects for the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983. (See end of Document for details)*

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### Textual Amendments

**F2** S. 3 repealed by [Legal Aid \(Scotland\) Act 1986 \(c. 47, SIF 77:2\)](#), ss. 43, 45, Sch. 4 para. 3(1), [Sch. 5](#)

## PART III

### COURT FEES

#### 4 Power of Secretary of State to regulate court fees.

For section 2 of the <sup>M2</sup>Courts of Law Fees (Scotland) Act 1895 (which enables the High Court of Justiciary and the Court of Session to regulate court fees) there shall be substituted the following section—

#### “2 Power of Secretary of State to regulate court fees.

- (1) The Secretary of State may, with the concurrence of the Treasury, by order regulate the fees payable—
  - (a) to any officer of any office or department connected with the Scottish courts the expenses of which are paid wholly or partly out of the Consolidated Fund or out of moneys provided by Parliament; and
  - (b) to the district court.
- (2) An order under subsection (1) above—
  - (a) may provide as to the times when, places where and persons to whom fees payable by virtue of this section are payable;
  - (b) may, in relation to any such fees, provide—
    - (i) for exemption from the requirement to pay them;
    - (ii) for their remission;
    - (iii) for their modification; and
    - (iv) as to the circumstances in which and persons by whom such exemptions, remissions and modifications may be made; and
  - (c) may make different provision in relation to—
    - (i) different courts; and
    - (ii) different cases or classes of case.
- (3) In subsection (1) above, “the Scottish courts” means—
  - (a) the Court of Session;
  - (b) the High Court of Justiciary;
  - (c) the sheriff court;
  - (d) the court of commissioners for teinds (provision for which is made in section 8 of the Court of Session Act 1839);
  - (e) the court for hearing appeals under subsection (8)(b) of section 45 of the Representation of the People Act 1949 (appeals relating to the registration of electors);
  - (f) the election court constituted under section 110 of the said Act of 1949;

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- (g) the lands valuation appeal court (provision for which is made in section 7 of the Valuation of Lands (Scotland) Amendment Act 1879); and
  - (h) any other court specified as a Scottish court for the purposes of this section in an order made by the Secretary of State.
- (4) An order under subsection (1) or (3)(h) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”

**Marginal Citations**

M2 1895 c. 14.

**PART IV**

SUPPLEMENTAL

**5 Finance.**

There shall be paid out of moneys provided by Parliament any increase in moneys so payable under any other Act which is attributable to the provisions of this Act.

**6 Minor and consequential amendments and repeals.**

- (1) The enactments specified in Schedule 1 to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential upon the provisions of this Act.
- (2) The enactments specified in Schedule 2 to this Act are repealed to the extent specified in the third column of that Schedule.

**7 Citation, commencement and extent.**

- (1) This Act may be cited as the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983.
- (2) The following provisions of this Act, that is to say, section 2, this section, and paragraph 2 of Schedule 1 (together with so much of section 6(1) above as relates to that paragraph) shall come into force at the end of the period of two months beginning with the day on which it is passed.
- (3) The remaining provisions of this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint and different days may be appointed for different provisions or for different purposes of the same provision.
- (4) This Act shall extend to Scotland only.

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**Changes to legislation:** There are currently no known outstanding effects for the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983. (See end of Document for details)

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**Modifications etc. (not altering text)**

- C1** Power of appointment conferred by s. 7(3) fully exercised by [S.I. 1984/253](#):1.4.1984 appointed for specified provisions and 1.5.1984 appointed for all provisions so far as not then already in force

**Changes to legislation:**

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