
STATUTORY INSTRUMENTS

1992 No. 413 (S. 46)

SHERIFF COURT, SCOTLAND

The Sheriff Court Fees Amendment Order 1992

Made - - - - 26th February 1992
Laid before Parliament 10th March 1992
Coming into force - - 1st April 1992

The Secretary of State, in exercise of the powers conferred on him by section 2 of the Courts of Law Fees (Scotland) Act 1895(1), and of all other powers enabling him in that behalf, and with the concurrence of the Treasury, hereby makes the following Order:

1. This Order may be cited as the Sheriff Court Fees Amendment Order 1992 and shall come into force on 1st April 1992.
2. For the Table of Fees in the Schedule to the Sheriff Court Fees Order 1985(2) there shall be substituted the Table of Fees set out in the Schedule to this Order.
3. The Sheriff Court Fees Amendment Order 1991(3) is hereby revoked.

St. Andrew's House,
Edinburgh
25th February 1992

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

(1) 1895 c. 14; section 2 was substituted by section 4 of the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12).
(2) S.I.1985/827, amended by S.I. 1991/333.
(3) S.I. 1991/333.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

We concur,

26th February 1992

Irvine Patnick
Thomas Sackville
Two of the Lords Commissioners of Her
Majesty's Treasury

SCHEDULE

Article 2

TABLE OF FEES

Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable) ⁽⁴⁾
PART I — COMMISSARY PROCEEDINGS	£6.00	£5.50
1. Petition for (a) appointment of executor, (b) restriction of caution, (c) special warrant, (d) sealing up repositories or the like, or (e) appointment of Commissary factor		
2. Sealing up repositories or the like, per hour	£13.00	£11.50
(a) (a) Receiving and examining inventory of estate, except where sub-paragraph (b), (c) or (d) of this paragraph applies—		
(i) where the amount of the estate vested in or belonging beneficially to the deceased, of which confirmation is required, or for which resealing under the Colonial Probates Act 1892 ⁽⁵⁾ is required, does not exceed—		
£3,000	No fee	No fee
£13,000	£20.00	£20.00
£20,000	£50.00	£50.00

(4) Column 3 shows the fees which were payable under S.I. 1985/827 as amended by S.I. 1991/333 before the coming into force of the Sheriff Court Fees Amendment Order 1992 (S.I. 1992/413) on 1st April 1992.

(5) 1892 c. 6.

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)(4)
(ii) where the amount of the said estate exceeds £20,000—		
Basic fee	£50.00	£50.00
Additional fee for each £10,000 or part thereof by which the estate exceeds £20,000	£20.00	£20.00
(b) (b) Receiving and examining additional or corrective inventory of estate—		
Basic fee	£6.00	£5.50
Additional fee for each £1,000 (excluding the first £1,000) or part thereof of the overall increase made by the additional or corrective inventory in the amount of the whole estate vested in or belonging to the deceased, of which confirmation has been sought or obtained, or for which resealing as aforesaid, has been sought or obtained	£2.00	£2.00
(c) (c) Receiving and examining inventory of estate ad non executa	£6.00	£5.50
(d) (d) Receiving and examining inventory of estate where it is declared that confirmation is not required:		

The fees payable shall be half those specified in subparagraph (a) of this paragraph. If confirmation is subsequently required, the remaining half of the fees specified in sub-paragraph (a) shall be payable.

(4) Column 3 shows the fees which were payable under S.I. 1985/827 as amended by S.I. 1991/333 before the coming into force of the Sheriff Court Fees Amendment Order 1992 (S.I. 1992/413) on 1st April 1992.

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)(4)
4. Commissary copying and extracting	£2.50	£2.00
(1) Issuing certificate of confirmation		
(a) if ordered when lodging inventory — each certificate		
(b) (b) if ordered subsequent to lodging inventory—	£8.00	£2.00 plus £5.00 search fee
(i) first certificate — including search fee		
(ii) each subsequent certificate	£2.50	£2.50
(2) Copy or duplicate confirmation—	£5.00	£1.00 per page
(a) if ordered when lodging inventory		
(b) (b) if ordered subsequent to lodging inventory — including search fee	£10.50	£1.00 per page plus £5.00 search fee
(3) Certified extract confirmation and will (if any)—	£10.50	£1.00 per page plus £4.00 certification fee
(a) if ordered when lodging inventory		
(b) (b) if ordered subsequent to lodging inventory — including search fee	£16.00	£1.00 per page, plus £4.00 certification fee and £5.00 search fee
(4) Copy will—	£3.00	£1.00 per page
(a) if ordered when lodging inventory		
(b) (b) if ordered subsequent to lodging inventory — including search fee	£8.50	£1.00 per page plus £5.00 search fee

(4) Column 3 shows the fees which were payable under S.I. 1985/827 as amended by S.I. 1991/333 before the coming into force of the Sheriff Court Fees Amendment Order 1992 (S.I. 1992/413) on 1st April 1992.

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)(4)
PART II — SHERIFF COURT PROCEEDINGS		
Ordinary actions and various other proceedings		
5. Initial writ in any proceedings not being proceedings for which any other paragraph of this Table prescribes a fee	£30.00	£26.00
6. First writ, reponing note or attendance to state a defence, or oppose an interim order in proceedings to which paragraph 5 of this Table applies, each defender or compareer	£30.00	£26.00
Bankruptcy proceedings	£44.00	£26.00
7. Petition for sequestration of estates		
8. Act and warrant of trustee	£20.00	£11.50
9. Writing minute of meeting, per hour	£13.00	£11.50
10. Application (written or oral) for discharge of trustee	£20.00	£11.50
11. Petition for discharge of bankrupt or application for approval of composition or deed of arrangement	£20.00	£11.50
12. Sheriff clerk acting as commissioner	£23.00	£21.00
12A. Miscellaneous applications including appeals under the Bankruptcy (Scotland) Act 1985(6)	£20.00	£18.50
Service of heirs	£42.00	£38.00
13. Petition for general or special service or completion of title, or note for a Crown or Prince's charter, writ or precept		

(4) Column 3 shows the fees which were payable under S.I. 1985/827 as amended by S.I. 1991/333 before the coming into force of the Sheriff Court Fees Amendment Order 1992 (S.I. 1992/413) on 1st April 1992.

(6) 1985 c. 66.

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)(4)
Enforcement of UK judgments	£8.00	£7.50
14. Any proceedings under section 12 or 18 of the Civil Jurisdiction and Judgments Act 1982(7)		
Criminal Procedure (Scotland) Act 1975(8)	£10.50	£9.50
15. Complaint		
Summary cause	£6.00	£6.00
16. Summons — Summary Cause (including small claim):		
(a) Actions for payment of money less than £50		
(b) (b) Other actions	£26.00	£24.00
(c) (c) In relation to a small claim summons, citation of, or intimation to any party by sheriff officer	£19.50	£15.00
Action of divorce (other than simplified divorce application)	£40.00	£40.00
17. Initial writ in an action of divorce other than a simplified divorce application		
18. First writ or attendance to state a defence or oppose an interim order, each defender or compeerer in an action of divorce other than a simplified divorce application	£40.00	£40.00
Simplified divorce application	£40.00	£40.00
19. Simplified divorce application (inclusive of all procedures other than those		

(4) Column 3 shows the fees which were payable under S.I. 1985/827 as amended by S.I. 1991/333 before the coming into force of the Sheriff Court Fees Amendment Order 1992 (S.I. 1992/413) on 1st April 1992.

(7) 1982 c. 27.

(8) 1975 c. 21.

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)(4)
specified in paragraphs 20 and 21 of this Table)		
20. In relation to a simplified divorce application, citation of, or intimation to, any person or persons by sheriff officer	£31.00	£15.00
21. Subsequent application upon change of circumstances by party to simplified divorce application	£12.50	£11.50
Miscellaneous	£12.50	£11.50
22. Note in a liquidation or judicial factory		
23. Caveat	£12.50	£11.50
24. Summary warrant for recovery of rates	£30.00	£26.00
25. Summary warrant for recovery of community charges	£30.00	£26.00
26. Summary warrant for recovery of taxes	£30.00	£26.00
27. Recording protest of a bill or promissory note	£5.50	£5.00
NOTE: Extract to be charged as in paragraph 32 of this Table.		
28. Lodging each set of plans or other Parliamentary deposit	£30.00	£26.00
29. Preservation of deeds, each deed	£4.50	£4.00
NOTE: Recording and extracting to be charged under paragraph 32 of this Table.		
30. Inspection of report of sale and the auditor of court's report	£5.50	£5.00
31. Inspection by a trade protection society, licensed credit reference agency or trade publication of protests, Act	£135.00	£123.00
Book and Court Rolls—		

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)(4)
(a) Weekly for twelve months (payable in advance)		
(b) (b) Twice weekly for twelve months (payable in advance)	£270.00	£246.00
(c) (c) Four times weekly for twelve months (payable in advance)	£540.00	£490.00
PART III COMMISSARY AND SHERIFF COURT PROCEEDINGS — MISCELLANEOUS		
32. Recording, engrossing, extracting or copying all documents except as provided for at paragraph 4 of this Table—		
(a) By manuscript or typescript per sheet or part thereof		
(b) (b) By copying by electrical or mechanical means per page:		
First copy—		
each of first 10 pages	£1.00	£1.00
each page after first 10	£0.25	£0.25
Subsequent copies: each page	£0.25	£0.25
NOTE: Recording in Sheriff Court Register of Deeds to be charged as in (a) or (b)		
33. Searches: for each search of records or archives, except as provided for at paragraph 4 of this Table—	£5.50	£5.00
(a) For first half hour of time taken		
(b) (b) For more than one half hour up to	£11.50	£10.50

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable) ⁽⁴⁾
a maximum of two hours		
(c) (c) For each half hour or part thereof in excess of two hours	£4.50	£4.00
(d) (d) Plus correspondence fee where applicable	£4.50	£4.00
PART IV — TAXATION	£2.00	£2.00
<p>34. For taxing accounts of expenses incurred in judicial proceedings remitted to the auditor of court for taxation:</p> <p>(a) Under £50</p> <p>(b) (b) For every additional £50 or part thereof</p>		
<p>NOTE: Fee to be determined by auditor of court on amount of account as submitted.</p>		

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends from 1st April 1992 the Sheriff Court Fees Order 1985 by substituting a new Table of Fees in the Schedule to that Order. Most of the fees payable to the sheriff clerk in relation to proceedings in the sheriff court are increased and a new structure for the charging of certain commissary fees is introduced (paragraph 4 of the Schedule).

⁽⁴⁾ Column 3 shows the fees which were payable under S.I. 1985/827 as amended by S.I. 1991/333 before the coming into force of the Sheriff Court Fees Amendment Order 1992 (S.I. 1992/413) on 1st April 1992.