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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 292**

**JUSTICE OF THE PEACE COURT**

**The Justice of the Peace Court Fees (Scotland) Order 2012**

*Made - - - - 30th October 2012*

*Laid before the Scottish*

*Parliament - - - - 31st October 2012*

*Coming into force in accordance with article 1*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 2 of the Courts of Law Fees (Scotland) Act 1895(1) and all other powers enabling them to do so.

**Citation, commencement and effect**

1.—(1) This Order may be cited as the Justice of the Peace Court Fees (Scotland) Order 2012 and, subject to paragraphs (2) and (3), comes into force on 10th December 2012.

(2) Article 2(1)(b) and Schedule 2 come into force, and article 2(1)(a) and Schedule 1 cease to have effect, on 1st April 2013.

(3) Article 2(1)(c) and Schedule 3 come into force, and article 2(1)(b) and Schedule 2 cease to have effect, on 1st April 2014.

**Fees payable to Justice of the Peace courts**

2.—(1) Subject to articles 3 and 4—

- (a) the fees payable to a JP court in respect of the matters specified in column 1 of the Table of Fees in Schedule 1 are the fees specified in relation to those matters in column 2 of that Table;
- (b) the fees payable to a JP court in respect of the matters specified in column 1 of the Table of Fees in Schedule 2 are the fees specified in relation to those matters in column 2 of that Table;

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(1) [1895 c.14](#) (the “1895 Act”); section 2 was substituted by the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act [1983 \(c.12\)](#), section 4, modified by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 ([S.I. 1999/1820](#)), articles 2(1) and 4 and Schedule 2, Part I, paragraph 9 and Part IV and the Judiciary and Courts (Scotland) Act [2008 \(asp 6\)](#), schedule 5, paragraph 1. The reference to “the district court” in section 2(1)(b) of the 1895 Act is to be read as if it were a reference to the “JP court” by virtue of paragraph 33(1) of schedule 1 to the Criminal Proceedings etc. (Reform) (Scotland) Act [2007 \(asp 6\)](#). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act [1998 \(c.46\)](#).

- (c) the fees payable to a JP court in respect of the matters specified in column 1 of the Table of Fees in Schedule 3 are the fees specified in relation to those matters in column 2 of that Table.
- (2) The fees payable under this Order are to be paid to the JP court.
- (3) The fees regulated by this Order are not payable by the Crown in the enforcement of the criminal law or in the exercise of powers or the performance of duties arising out of or relating to that enforcement.
- (4) No act is required of the JP court in connection with a matter specified in relation to any fee prior to the payment of that fee, or an arrangement being entered into for payment of that fee.

### **Exemption of certain persons from fees**

**3.—**(1) A fee regulated by this Order is not payable by a person if—

- (a) the person or the person's partner is in receipt of income support under the Social Security Contributions and Benefits Act 1992<sup>(2)</sup>;
- (b) the person is in receipt of an income-based jobseeker's allowance (payable under the Jobseekers Act 1995)<sup>(3)</sup>;
- (c) the person or the person's partner is in receipt of guarantee credit under the State Pension Credit Act 2002<sup>(4)</sup>;
- (d) the person or the person's partner is in receipt of working tax credit, provided that—
  - (i) child tax credit is being paid to the party, or otherwise following a claim for child tax credit made jointly by the members of a couple (as defined in section 3(5A) of the Tax Credits Act 2002<sup>(5)</sup>) which includes the party; or
  - (ii) there is a disability element or severe disability element (or both) to the tax credit received by the party;
 and that the gross annual income taken into account for the calculation of the working tax credit is £16,642 or less; or
- (e) the person or the person's partner is in receipt of income-related employment and support allowance under the Welfare Reform Act 2007<sup>(6)</sup>.

(2) In this article "partner" means a person to whom a person is married or with whom the person is registered as a civil partner in terms of sections 1(1), 85(1) or 137(1) of the Civil Partnership Act 2004<sup>(7)</sup>.

### **Revocation**

**4.** The District Court Fees Order 1984<sup>(8)</sup> is revoked.

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(2) [1992 c.4](#). Section 124, which provides for income support, was amended by the Jobseekers Act [1995 \(c.18\)](#), section 41 and Schedules 2 and 3 and by the Welfare Reform and Pensions Act [1999 \(c.30\)](#), section 70 and Schedule 8, Part IV, paragraph 28.

(3) [1995 c.18](#).

(4) [2002 c.16](#).

(5) [2002 c.21](#). Section 3(5A) was substituted for section 3(5) to (6) by the Civil Partnership Act [2004 \(c.33\)](#), Schedule 24, paragraph 144(3).

(6) [2007 c.5](#).

(7) [2004 c.33](#).

(8) [S.I. 1984/251](#).

St Andrew's House,  
Edinburgh  
30th October 2012

*KENNY MACASKILL*  
A member of the Scottish Government

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

## SCHEDULE 1

Article 2(1)(a)

## TABLE OF FEES

**Payable from 10th December 2012**

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>
1. Application for utility warrants	10
2. Copying of—	
(a) each document, up to 10 pages	5
(b) each further page or part thereof	0.5
(c) each document in electronic form	5
3. Any search of records or archives—	
(a) up to 30 minutes	16
(b) more than 30 minutes up to 2 hours	42
(c) each additional 30 minutes in excess of 2 hours	11
(d) in addition, correspondence fee where applicable	11

## SCHEDULE 2

Article 2(1)(b)

## TABLE OF FEES

**Payable from 1st April 2013**

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) &gt;£</i>	<i>Column 3 (Fee Formerly Payable)(9) £</i>
1. Application for utility warrants	10	10
2. Copying of—		
(a) each document, up to 10 pages	5	5
(b) each further page or part thereof	0.5	0.5
(c) each document in electronic form	5	5
3. Any search of records or archives—		
(a) up to 30 minutes	16	16
(b) more than 30 minutes up to 2 hours	44	42

(9) Column 3 shows the fees which were payable by virtue of Schedule 1 to this Order immediately before the coming into force of this Schedule.

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<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) &gt;£</i>	<i>Column 3 (Fee Formerly Payable)(9) £</i>
(c) each additional 30 minutes in excess of 2 hours	11	11
(d) in addition, correspondence fee where applicable	11	11

## SCHEDULE 3

Article 2(1)(c)

## TABLE OF FEES

**Payable from 1st April 2014**

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable)(10) £</i>
1. Application for utility warrants	10	10
2. Copying of—		
(a) each document, up to 10 pages	5	5
(b) each further page or part thereof	0.5	0.5
(c) each document in electronic form	5	5
3. Any search of records or archives—		
(a) up to 30 minutes	17	16
(b) more than 30 minutes up to 2 hours	45	44
(c) each additional 30 minutes in excess of 2 hours	11	11
(d) in addition, correspondence fee where applicable	11	11

(9) Column 3 shows the fees which were payable by virtue of Schedule 1 to this Order immediately before the coming into force of this Schedule.

(10) Column 3 shows the fees which were payable by virtue of Schedule 2 to this Order immediately before the coming into force of this Schedule.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision for the fees payable to Justice of the Peace courts in Scotland. JP courts were established by virtue of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, which Act also abolished districts courts.

Articles 1 and 2 and Schedules 1 to 3 specify fee levels payable to the JP court in respect of certain matters.

- The fee levels for the period from 1st December 2012 until 31st March 2013 are given effect by the Table of Fees in Schedule 1.
- The fee levels for the period from 1st April 2013 until 31st March 2014 are given effect by substituting the Table of Fees in Schedule 1 with the Table of Fees in Schedule 2.
- The fee levels from 1st April 2014 onwards are given effect by substituting the Table of Fees in Schedule 2 with the Table of Fees in Schedule 3.

Article 2(3) provides that fees are not to be payable by the Crown or any other government body that requests information in the enforcement of the criminal law or in the exercise of their powers or the performance of their duties arising out of or relating to that enforcement.

Article 2(4) provides that the JP court is not required to do any act in connection with the matter specified in relation to that fee without either prior payment of the fee or entering into an arrangement for payment of the fee.

Article 3 exempts certain persons from payment of fees.

Article 4 revokes the District Court Fees Order 1984.