2022 No. 181

SHERIFF COURT

The Sheriff Court Fees Order 2022

Made	-	-	-	-		24th May 2022
Laid befo	ore th	e Sc	ottisl	h Parliament		26th May 2022
Coming i	nto fe	orce	in ac	cordance wi	th article I	!

The Scottish Ministers make the following Order in exercise of the powers conferred by section 107(1) and (2) of the Courts Reform (Scotland) Act $2014(\mathbf{a})$ and all other powers enabling them to do so.

Citation, commencement and effect

1.—(1) This Order may be cited as the Sheriff Court Fees Order 2022 and, subject to paragraphs (2) and (3), comes into force on 1 July 2022.

(2) Article 3(1)(b) and schedule 2 come into force, and article 3(1)(a) and schedule 1 cease to have effect, on 1 April 2023.

(3) Article 3(1)(c) and schedule 3 come into force, and article 3(1)(b) and schedule 2 cease to have effect, on 1 April 2024.

Interpretation

2. In this Order—

"extract decree" includes any duly authenticated extract of an order made by the sheriff in respect of any licence, appointment, discharge or like matter,

"minute" means a minute in terms of rule 14.2 of the Ordinary Cause Rules,

"motion" means any written motion lodged with the sheriff clerk in any proceedings in the sheriff court,

"Ordinary Cause Rules" means the Ordinary Cause Rules 1993(b),

"partner" means a person to whom a person is married or with whom the person is in a civil partnership,

"pursuer" includes a defender or other party to any proceedings in the sheriff court where the pursuer is no longer a party to the proceedings,

"sheriff clerk" includes the Sheriff Clerk of Chancery, the Commissary Clerk of Edinburgh and sheriff clerk depute,

⁽**a**) 2014 asp 18.

⁽b) The Ordinary Cause Rules 1993 are in schedule 1 of the Sheriff Courts (Scotland) Act 1907 (c. 51). Schedule 1 was substituted by S.I. 1993/1956 and was last amended by S.S.I. 2019/123.

"summary cause" has the meaning assigned to it by section 35(1) of the Sheriff Courts (Scotland) Act 1971(a), and

"writ" means any document containing written pleadings relating to proceedings in the sheriff court and includes an inventory of estate, a precept of arrestment on a liquid document of debt, a notice of intention to defend and a notice of appearance lodged in an action of multiplepoinding under rule 35.8 of the Ordinary Cause Rules.

Fees payable in sheriff courts

3.—(1) Subject to paragraph (3) and articles 4 to 14—

- (a) the fees payable in a sheriff court in respect of the matters specified in column 1 of the Table of Fees in schedule 1 (table of fees payable from 1 July 2022) are the fees specified in relation to those matters in column 2 of that Table, and
- (b) in respect of the matters specified in column 1 of the Table of Fees in schedule 2 (table of fees payable from 1 April 2023) are the fees specified in relation to those matters in column 2 of that Table, and
- (c) in respect of the matters specified in column 1 of the Table of Fees in schedule 3 (table of fees payable from 1 April 2024) are the fees specified in relation to those matters in column 2 of that Table, and
- (2) The fees payable under this Order are to be paid to the sheriff clerk or the auditor of court.

(3) The fees provided for 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 sheriff clerk or the auditor of court in connection with a matter specified in relation to any fee prior to—

- (a) the payment of that fee, or
- (b) an arrangement being entered into for payment of that fee.

Certain fees payable only once

4. The fees payable in respect of the following matters are payable on one occasion only in respect of a cause—

- (a) the matters specified in paragraphs 5, 24, 25 and 28 of the Table of Fees in Part 1 of schedule 1, 2 or 3, and
- (b) the matters specified in paragraphs 4 and 5 of the Table of Fees in Part 2 of schedule 1, 2 or 3.

Matters included in certain fees

5. The following matters include, where appropriate, issue of an extract decree—

- (a) the matters specified in paragraphs 1, 5 to 8, 16 and 23 of the Table of Fees in Part 1 of schedule 1, 2 or 3, and
- (b) the matters specified in paragraphs 5 and 6 of the Table of Fees in Part 2 of schedule 1, 2 or 3.

Fees payable in the Sheriff Personal Injury Court

6.—(1) The fees specified in the Table of Fees in Part 2 of schedule 1, 2 or 3 apply only in relation to proceedings in the Sheriff Personal Injury Court(**b**).

⁽a) 1971 c. 58. Section 35(1) was amended by S.S.I. 2007/507 and the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3).

⁽b) See article 2 of the All-Scotland Sheriff Court (Sheriff Personal Injury Court) Order 2015 (S.S.I. 2015/213).

(2) Paragraph (3) applies where a matter is specified both in the Table of Fees in Part 1 of schedule 1, 2 or 3 (sheriff court) and in the Table of Fees in Part 2 of that schedule (sheriff personal injury court).

(3) The fee specified in the Table of Fees in Part 2 applies, and the corresponding fee in Part 1 is not payable in relation to proceedings in the Sheriff Personal Injury Court.

Cases in which an extra fee is payable

7.—(1) When a summary cause or simple procedure case(a) is remitted to the ordinary cause roll, the fees payable in paragraphs 5 and 23 of the Table of Fees in Part 1 of schedule 1, 2 or 3 become payable in respect of the cause by the persons who would have been required to pay them if the cause had been from its commencement an ordinary cause, less the amount of any fee previously paid by the person concerned in respect of the cause.

(2) When any commissary proceedings, bankruptcy proceedings or proceedings under section 4 of the Requirements of Writing (Scotland) Act 1995(b) are opposed, the fees specified in paragraphs 5 and 23 of the Table of Fees in Part 1 of schedule 1, 2 or 3 become payable in respect of the proceedings by the persons who would have been required to pay them if the proceedings had been from their commencement proceedings to which those paragraphs applied, less the amount of any fee previously paid by the person concerned in respect of the proceedings.

Exemption of certain persons from fees: legal aid

8. A fee specified by this Order is not payable by a person if—

- (a) the person is in receipt of civil legal aid within the meaning of section 13(2) of the Legal Aid (Scotland) Act 1986(c) in respect of the matter in the Table of Fees in Part 1 or Part 2 of schedule 1, 2 or 3 in connection with which the fee is payable,
- (b) the fee is payable in connection with a simplified divorce or dissolution of a civil partnership application and the person is in receipt of advice and assistance from a solicitor under the Legal Aid (Scotland) Act 1986 in respect of that application, or
- (c) the person's solicitor is undertaking work in relation to the matter in the Table of Fees in Part 1 or Part 2 of schedule 1, 2 or 3 in connection with which the fee is payable on the basis of any regulations made under section 36(1) of the Legal Aid (Scotland) Act 1986 providing for legal aid in a matter of special urgency.

Exemption of certain persons from fees: social security

9.—(1) A fee specified 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(**d**),
- (b) the person is in receipt of an income-based jobseeker's allowance under the Jobseekers Act 1995(e),
- (c) the person or the person's partner is in receipt of guarantee credit under the State Pension Credit Act 2002(**f**),

⁽a) "simple procedure case" is defined in section 72(9) of the Courts Reform (Scotland) Act 2014 (asp 18).

⁽b) 1995 c. 7. Sections 2-9 are moved into a new Part 2 by the Land Registration (Scotland) Act 2012 (asp 5).

⁽c) 1986 c. 47. Section 13(2) was amended by paragraph 36(3) of schedule 8 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40).

⁽d) 1992 c. 4. Section 124, which provides for income support, was amended by schedules 2 and 3 of the Jobseekers Act 1995 (c. 18); paragraph 28 of Part 4 of schedule 8 of the Welfare Reform and Pensions Act 1999 (c. 30); schedules 2 and 3 of the State Pension Credit Act 2002 (c. 16); schedule 24 of the Civil Partnership Act 2004 (c. 33); schedules 3 and 8 of the Welfare Reform Act 2007 (c. 5); section 3 of the Welfare Reform Act 2009 (c. 24); and paragraph 1 of schedule 14 of the Welfare Reform Act 2012 (c. 5).

⁽e) 1995 c. 18.

⁽**f**) 2002 c. 16.

- (d) the person or the person's partner ("the party") 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(a)) 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 £20,592 or less,

- (e) the person or the person's partner is in receipt of income-related employment and support allowance under the Welfare Reform Act 2007(b),
- (f) the person is in receipt of universal credit under Part 1 of the 2012 Act (c),
- (g) the person is in receipt of either—
 - (i) personal independence payment under Part 4 of the 2012 Act, or
 - (ii) adult disability payment within the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022(d)

provided that the person's gross annual income is £20,592 or less, or

- (h) the person or the person's partner has, within the period of 3 months prior to the date the specified fee would be payable but for this exemption, received financial or other assistance under the Welfare Funds (Scotland) Act 2015(e).
- (2) In this article—

"the 2012 Act" means the Welfare Reform Act 2012(f).

Cases where articles 8 and 9 do not apply

10. Articles 8 and 9 do not apply as regards—

- (a) the fees specified in paragraphs 1 to 4 (commissary proceedings) of the Table of Fees in Part 1 of schedule 1, 2 or 3, or
- (b) the fee specified in paragraph 18 (sheriff court proceedings: petition for removal of disgualification) of the Table of Fees in Part 1 of schedule 1, 2 or 3.

Exemption in connection with estate exempt from inheritance tax

11. Where the estate of a deceased person is exempt from inheritance tax by virtue of section 153A (death of emergency service personnel etc.), 154 (death on active service etc.) or 155A (death of constables and service personnel targeted because of their status) of the Inheritance Tax Act 1984(g), there will be no fee payable in respect of the inventory of that estate under paragraph 3(a), (b) or (c) (commissary proceedings) of the Table of Fees in Part 1 of schedule 1, 2 or 3.

⁽a) 2002 c. 21. Section 3(5A) was substituted for section 3(5) to (6) by paragraph 144(3) of schedule 24 of the Civil Partnership Act 2004 (c. 33).

⁽**b**) 2007 c. 5.

⁽c) 2012 c. 5.

⁽d) S.S.I. 2022/54.

⁽e) 2015 asp 5. (f) 2012 c. 5.

⁽g) 1984 c. 51. Sections 153A and 155A were inserted by, and section 154 was last amended by, section 75 of the Finance Act 2015 (c. 11).

Exemptions relating to particular proceedings

12.—(1) The fees provided for by this Order do not apply to—

- (a) any application under—
 - (i) section 129 of the Consumer Credit Act 1974(**a**) (time orders),
 - (ii) the Mental Health (Care and Treatment) (Scotland) Act 2003(b), or
 - (iii) any enactment relating to registration of births, marriages or civil partnerships, or
- (b) any application or appeal under the Children's Hearings (Scotland) Act 2011(c).

(2) Except in relation to the fee specified in paragraph 34 of the Table of Fees in Part 1 of schedule 1, 2 or 3, the fees otherwise payable by a debtor or creditor in terms of this Order do not apply to any proceedings under the Debtors (Scotland) Act 1987(d) or the Debt Arrangement and Attachment (Scotland) Act 2002(e).

Exemptions for applicants for certain interdicts and orders

13.—(1) The fees provided for by this Order are not payable by a person applying for a specified interdict or for an exclusion order.

(2) In this article—

- (a) "specified interdict" means an interdict or interim interdict that is—
 - (i) a matrimonial interdict within the meaning of section 14(2) of the Matrimonial Homes (Family Protection) (Scotland) Act 1981(f) (interdict competent where spouses live together),
 - (ii) a domestic interdict within the meaning of section 18A of that Act(g) (meaning of "domestic interdict"),
 - (iii) a relevant interdict under section 113(2) of the Civil Partnership Act 2004(h) (civil partners: competency of interdict), or
 - (iv) otherwise an interdict in respect of which there is an application for a power of arrest to be attached under section 1 of the Protection from Abuse (Scotland) Act 2001(i) (attachment of power of arrest to interdict), and
- (b) "exclusion order" means an exclusion order under—
 - (i) section 4 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981(j) (exclusion orders),
 - (ii) section 76 of the Children (Scotland) Act 1995(k) (exclusion orders etc.), or
 - (iii) section 104 of the Civil Partnership Act 2004 (exclusion orders).

(3) The exemption in paragraph (1) does not apply to a person applying for a principal remedy other than a specified interdict or exclusion order.

⁽a) 1974 c. 39. Section 129 was amended by the Debtors (Scotland) Act 1987 (c. 18) and the Consumer Credit Act 2006 (c. 14).

⁽**b**) 2003 asp 13.

⁽c) 2011 asp 1.

⁽d) 1987 c. 18. (e) 2002 asp 17.

⁽f) 1981 c. 59. Section 14 was amended by schedule 3 of the Family Law (Scotland) Act 2006 (asp 2) and by S.S.I. 2006/384.

⁽g) Section 18A was inserted by section 31(3) of the Family Law (Scotland) Act 2006 (asp 2).

⁽h) 2004 c. 33. Section 113 was amended by paragraph 8 of schedule 1 and schedule 3 of the Family Law (Scotland) Act 2006 and by S.S.I. 2006/384.

²⁰⁰¹ asp 14. Section 1 was amended by paragraph 1 of schedule 3 of the Family Law (Scotland) Act 2006.

Section 4 was amended by section 13(5) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73). By (i) virtue of section 18(3) of the Matrimonial Homes (Family Protection) (Scotland) Act 1981, section 4 applies in certain cases to cohabiting couples.

¹⁹⁹⁵ c. 36. There are amendments to section 76 not relevant to this Order. (**k**)

Exemption of certain motions from fees: jury trials in the Sheriff Personal Injury Court

14. The fees specified in paragraph 29 of the Table of Fees in Part 1 of schedule 1, 2 or 3 and in paragraph 1 of the Table of Fees in Part 2 of schedule 1, 2 or 3 are not payable in respect of motions under the following rules of the Ordinary Cause Rules—

- (a) rule 36B.2(2)(b) (motion for a proof),
- (b) rule 36B.2(6) (motion for approval of proposed issue),
- (c) rule 36B.2(7) (motion for approval of proposed counter-issue), and
- (d) rule 36B.10 (motion for application of verdict).

Revocations

15. The following instruments are revoked—

- (a) The Sheriff Court Fees Order 2018(a), and
- (b) The Sheriff Court Fees Amendment Order 2018(b).

ASH REGAN Authorised to sign by the Scottish Ministers

St Andrew's House, Edinburgh 24th May 2022

⁽a) S.S.I. 2018/81, amended by S.S.I. 2018/194.

⁽**b**) S.S.I. 2018/194.

SCHEDULE 1 TABLES OF FEES

PART 1

Sheriff court

Payable from 1 July 2022

Column 1	Column 2	Column 3
(Matters)	(Fee Payable)	(Fee Formerly Payable)(a)
	£	£
PART I — COMMISSARY PROCEEDINGS		
1. Petition for commissary proceedings	19	19
(NOTE: the fee includes issue of extract decree).		
2. Sealing up repositories or the like, per hour.	33	33
3.		
(a) Receiving and examining inventory of estate,		
except where sub-paragraph (b) or (c) 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 is		
required does not exceed—		
£50,000,	No fee	No fee
£250,000,	271	266
(ii) where the amount of the estate exceeds £250,000,	543	532

⁽a) Column 3 shows the fees which were payable by virtue of Part 1 of schedule 3 of S.S.I. 2015/264 (as substituted by S.S.I. 2016/332) immediately before the coming into force of this schedule.

 (b) receiving and examining additional or corrective inventory of estate or inventory of estate <i>ad non executa</i>— (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 is required does not exceed— £50,000, £250,000, (ii) where the amount of the estate exceeds £250,000, (c) Receiving and examining inventory of estate where it is declared that confirmation is not required. 	No fee 271 543 The fees payable are 50% of those specified in sub- paragraph (a) or (b) of this paragraph. If confirmation is subsequently required the remaining 50% of the fees specified in sub-paragraph (a) or (b) are payable	No fee 266 532 The fees payable are 50% of those specified in sub- paragraph (a) or (b) of this paragraph. If confirmation is subsequently required the remaining 50% of the fees specified in sub-paragraph (a) or (b) are payable
 4. Commissary copying and extracting. (1) Issuing certificate of confirmation— (a) if ordered when lodging inventory, each certificate, 	8	8
 (b) if ordered subsequent to lodging inventory— (i) first certificate, including search fee, (ii) each subsequent certificate. 	19 8	19 8
 (2) Copy or duplicate confirmation— (a) if ordered when lodging inventory, (b) if ordered subsequent to lodging inventory— 	13	13
(i) duplicate confirmation, including search fee,	28	27
(ii) each subsequent duplicate confirmation if ordered at the same time as the duplicate confirmation in head (i).	13	13
 (3) Certified extract confirmation and will (if any)— (a) if ordered when lodging inventory, (b) if ordered subsequent to lodging inventory— 	28	27
 (i) certified extract, including search fee, (ii) each subsequent certified extract if ordered at the same time as the certified extract in head (i). 	40 28	39 27
(4) Copy will—(a) if ordered when lodging inventory,	8	8

(b) if ordered subsequent to lodging inventory—		
(i) copy will, including search fee,	19	19
(ii) each subsequent copy will if ordered at the same time as the copy will in head (i).	8	8
PART II — SHERIFF COURT		
PROCEEDINGS		
Initial Writ		
5. Initial writ in any proceedings not being proceedings for which any other paragraph of this Table specifies a fee. (NOTE: fee covers issue of extract decree).	135	132
6. European Order for payment in terms of EU Regulation 1896/2006 – application for European Order for payment.	135	132
<i>Divorce and dissolution of civil partners</i> 7. Initial writ in an action of divorce or dissolution of a civil partnership (other than a simplified divorce or dissolution of a civil partnership application). (NOTE: fee covers issue of extract decree).	162	159
Application for simplified divorce and simplified dissolution of civil partnership		
8. Any application (inclusive of all procedures other than those specified at paragraphs 9 and 38). (NOTE: fee covers issue of extract decree).	131	128
9. Subsequent application upon change of circumstances by party.	34	33
Summary warrant 10. Application for summary warrant.	78	75
Bankruptcy and Insolvency11. Petition for sequestration of estates or petition forrecall of award of sequestration.	122	120
12. Miscellaneous applications, including appeals under the Bankruptcy (Scotland) Act 1985 or the Bankruptcy (Scotland) Act 2016.	63	62
13. Lodging of notice of appointment or intention to appoint an administrator out of court under the Insolvency Act 1986 or filing documents with the court to obtain a moratorium under section A3 of Part A1 of that Act.	132	No previous fee payable
Declarator and petitions for completion of title for the Sheriff of Chancery		
14. Application for declarator and petition for completion of title to the Sheriff of Chancery.	247	242
15. Issue of chancery extract.	115	113

Summary equalsimple proceedure		
Summary cause/simple procedure		
16. Summons for summary cause or claim form for simple procedure case (NOTE: includes European		
small claim procedure and fee covers issue of extract		
decree or issue of decision)—		
 (a) actions for payment of money of £200 or less (or 250 euros for European small claims), 	19	19
(b) other actions,	108	106
	100	100
(c) on the marking of an appeal or the sending of an appeal form to the sheriff court.	63	62
Criminal procedure	40	39
17. Summary complaint raising a private prosecution	40	59
Road Traffic Offenders Act 1988	97	95
18. Petition for removal of disqualification.	97	95
Miscellaneous		
19. Application under section 4 of the Requirements	19	19
of Writing (Scotland) Act 1995.		
20. Caveat.	46	45
21. Any proceedings under section 12 or 18 of the Civil Jurisdiction and Judgments Act 1982.	28	27
22. Note in a liquidation or judicial factory.	40	39
Defender's responses		
23. First writ, reponing note, application for recall of		
decree or attendance to state a defence or oppose an		
interim order (fee payable by each defender or		
compearer) (NOTE: fee covers issue of extract		
decree)—		
(a) in proceedings to which paragraph 5 of this Table applies,	134	132
(b) in an action of divorce or dissolution of a		
civil partnership (other than a simplified	162	159
divorce or dissolution of civil partnership).		
Civil court procedure		
Payable by pursuer		
24. Lodging of a certified copy record under the	100	100
Ordinary Cause Rules (NOTE: fee payable only once	122	120
in respect of a cause).		
25. Lodging of a certified closed record under the additional procedure of the Ordinary Cause Rules.	122	120
26. Fixing, allocating or assigning of a proof, a debate	50	<i></i>
or a hearing in a summary or miscellaneous	58	57
application on the merits of the cause.		
27. For each day or part thereof of proof, debate or hearing in a summary or miscellaneous application on		
the merits of the cause (NOTE: not payable if the	247	242
proof, debate or hearing does not proceed on that	2	2.2
day).		
uuj).		

28. Initial lodging of affidavits in a family action where proof by affidavit evidence has been allowed.	71	70
Payable by any party (including pursuer)		
29. Lodging of a written motion or minute and the		
lodging of any written opposition to any such motion		
or minute (NOTE: where a minute is accompanied by	52	51
a relevant written motion no fee is payable in respect		
of lodging the motion).		
30. Marking an appeal to the sheriff principal in any		
proceedings (other than as provided for in paragraph	122	120
16(c) of this Table).		
Sheriff court books		
31. Recording protest of a bill or promissory note	28	27
(NOTE: Extracts to be charged as in paragraph 36 of		_,
this Table).		
32. Preservation of deeds, each deed (NOTE: This		
includes recording and engrossing. If extracts are	13	13
required, a separate fee is to be charged as in		
paragraph 36 of this Table).		
Miscellaneous office procedures	77	75
33. Lodging each set of plans or other Parliamentary	77	75
deposit.		
34. Inspection of report of auction and the auditor of	19	19
court's report.		
35. Search and report service as instructed by a trade protection society, licensed credit reference agency or		
trade publication of protests of relevant court records		
as appropriately included in the Ordinary Cause	375	368
Rules, with the fees payable in advance weekly for 12		
months.		
36. Recording, engrossing, extracting, printing or		
copying of all documents, except as provided for at		
paragraph 4 of this Table (exclusive of search fee)—		
(a) by photocopying or otherwise producing a		
printed or typed copy—		
(i) up to 10 pages,	7	7
(ii) each page or part thereof in excess of 10 pages,	0.50	0.50
(b) for a copy of each document in electronic		
form.	7	7
(NOTE: Recording in Sheriff Court Register of Deeds	/	1
to be charged as in paragraph 31.)		
37. Any search of records or archives, except as		
provided for at paragraph 4 of this Table, per 30	13	13
minutes or part thereof.—	-	-
In addition, correspondence fee where applicable.	13	13
38. Citation of, or intimation to, any person or	13 plus sheriff	13 plus sheriff
persons by sheriff officer as instructed by the sheriff	officer's fee	officer's fee
clerk.		

PART III — AUDITOR OF COURT		
39. Taxing accounts of expenses incurred in judicial		
proceedings remitted to the auditor of court for		
taxation—		
(a) lodging account for taxation,	47	46
(b) taxing accounts of expenses etc.—		
(i) up to £400,	21	21
(ii) for every additional £100 or part thereof.	5	5
(NOTE: Fee to be determined by auditor of court on		
amount of account as submitted.)		
(c) cancellation of diet of taxation—		
(i) where written notice of cancellation	50% of fee that	50% of fee that
received from receiving party after 4.00	would have been	would have been
pm on the fourth working day before the	payable under	payable under sub-
	sub-paragraph (b)	paragraph (b) of this
day of diet of taxation,	of this paragraph	paragraph
(ii) where written notice of cancellation	75% of fee that	75% of fee that
received from receiving party after 4.00	would have been	would have been
pm on the second working day before	payable under	payable under sub-
the day of the diet of taxation.	sub-paragraph (b)	paragraph (b) of this
the day of the diet of taxation.	of this paragraph	paragraph

PART 2

Sheriff Personal Injury Court

Payable from 1 July 2022

Column 1	Column 2	Column 3
(Matters)	(Fee Payable)	(Fee Formerly Payable)(a)
	£	£
1. Lodging of a written motion or minute and the lodging of any written opposition to any such motion or minute. (NOTE: where a minute is accompanied by a relevant written motion no fee is payable in respect of lodging the motion.)	58	57
2. Fixing, allocating or assigning of a proof or trial, a debate or a hearing on the merits of the cause.	63	62
3. Hearing fee: per 30 minutes or part thereof.	85	83
4. Lodging a certified copy closed record. (NOTE: fee payable only once in respect of a cause).	115	113
5. Initial writ. (NOTE: fee covers issue of extract decree).	232	227
6. Lodging defences (fee payable by each defender or compearer). (NOTE: fee covers issue of extract decree).	232	227

⁽a) Column 3 shows the fees which were payable by virtue of Part 2 of schedule 3 of S.S.I. 2015/264 (as substituted by schedule 4 of S.S.I. 2016/332) immediately before the coming into force of this schedule.

7. Citation of a civil jury. (NOTE: includes outlays incurred in citing and countermanding, and is payable on the lodging of a proposed issue for jury trial.)	323	317
8. Certified copy of a document.	19	19

SCHEDULE 2 TABLES OF FEES

PART 1

Sheriff court

Column 1	Column 2	Column 3
(Matters)	(Fee Payable)	(Fee Formerly Payable)(a)
	£	£
PART I — COMMISSARY PROCEEDINGS		
1. Petition for commissary proceedings.	20	19
(NOTE: the fee includes issue of extract decree).	24	22
2. Sealing up repositories or the like, per hour.	34	33
3.		
(a) Receiving and examining inventory of estate,		
except where sub-paragraph (b) or (c) 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 is		
required does not exceed—	N. f.	N. f.
£50,000,	No fee	No fee
£250,000,	276	271
(ii) where the amount of the estate exceeds £250,000,	553	543

⁽a) Column 3 shows the fees which were payable by virtue of Part 1 of schedule 1 of this Order immediately before the coming into force of this schedule.

No fao	No fee
	271
500	512
	The fees payable are 50% of those specified in sub- paragraph (a) or (b) of this paragraph. If confirmation is subsequently
subsequently required the remaining 50% of the fees specified in sub-paragraph (a) or (b) are payable	required the remaining 50% of the fees specified in sub-paragraph (a) or (b) are payable
8	8
	19
8	8
13	13
28	28
	13
28	28
40	40
	28
	The fees payable are 50% of those specified in sub- paragraph (a) or (b) of this paragraph. If confirmation is subsequently required the remaining 50% of the fees specified in sub-paragraph (a) or (b) are payable 8 20 8 13 28 13 28 13 28 40

(4) Copy will—		
(a) if ordered when lodging inventory,	8	8
(b) if ordered subsequent to lodging inventory—		
(i) copy will, including search fee,	20	19
(ii) each subsequent copy will if ordered at the same time as the copy will in head (i).	8	8
PART II — SHERIFF COURT		
PROCEEDINGS		
Initial Writ		
5. Initial writ in any proceedings not being proceedings for which any other paragraph of this Table specifies a fee. (NOTE: fee covers issue of extract decree).	138	135
6. European Order for payment in terms of EU Regulation 1896/2006 – application for European Order for payment.	138	135
Divorce and dissolution of civil partners		
7. Initial writ in an action of divorce or dissolution of a civil partnership (other than a simplified divorce or dissolution of a civil partnership application). (NOTE: fee covers issue of extract decree).	165	162
Application for simplified divorce and simplified		
<i>dissolution of civil partnership</i> 8. Any application (inclusive of all procedures other than those specified at paragraphs 9 and 38). (NOTE: fee covers issue of extract decree).	134	131
9. Subsequent application upon change of circumstances by party.	34	34
Summary warrant		
10. Application for summary warrant.	80	78
Bankruptcy and Insolvency 11. Petition for sequestration of estates or petition for recall of award of sequestration.	124	122
12. Miscellaneous applications, including appeals under the Bankruptcy (Scotland) Act 1985 or the Bankruptcy (Scotland) Act 2016.	64	63
13. Lodging of notice of appointment or intention to appoint an administrator out of court under the Insolvency Act 1986 or filing documents with the court to obtain a moratorium under section A3 of Part A1 of that Act.	135	132
Declarator and petitions for completion of title for the Sheriff of Chancery		
14. Application for declarator and petition for completion of title to the Sheriff of Chancery.	252	247
15. Issue of chancery extract.	117	115

28. Initial lodging of affidavits in a family action where proof by affidavit evidence has been allowed.	72	71
Payable by any party (including pursuer)		
29. Lodging of a written motion or minute and the lodging of any written opposition to any such motion or minute (NOTE: where a minute is accompanied by a relevant written motion no fee is payable in respect of lodging the motion).	53	52
30. Marking an appeal to the sheriff principal in any proceedings (other than as provided for in paragraph 16(c) of this Table).	124	122
<i>Sheriff court books</i> 31. Recording protest of a bill or promissory note (NOTE: Extracts to be charged as in paragraph 36 of this Table).	28	28
32. Preservation of deeds, each deed (NOTE: This includes recording and engrossing. If extracts are required, a separate fee is to be charged as in paragraph 36 of this Table).	13	13
<i>Miscellaneous office procedures</i> 33. Lodging each set of plans or other Parliamentary deposit.	79	77
34. Inspection of report of auction and the auditor of court's report.	20	19
35. Search and report service as instructed by a trade protection society, licensed credit reference agency or trade publication of protests of relevant court records as appropriately included in the Ordinary Cause Rules, with the fees payable in advance weekly for 12 months.	382	375
36. Recording, engrossing, extracting, printing or copying of all documents, except as provided for at paragraph 4 of this Table (exclusive of search fee)—		
 (a) by photocopying or otherwise producing a printed or typed copy— 		
(i) up to 10 pages,	7	7
(ii) each page or part thereof in excess of 10 pages,	0.50	0.50
(b) for a copy of each document in electronic form.(NOTE: Recording in Sheriff Court Register of Deeds to be charged as in paragraph 31.)	7	7
37. Any search of records or archives, except as provided for at paragraph 4 of this Table, per 30 minutes or part thereof.— In addition, correspondence fee where applicable.	13	13
38. Citation of, or intimation to, any person or persons by sheriff officer as instructed by the sheriff clerk.	13 13 plus sheriff officer's fee	13 13 plus sheriff officer's fee

PART III — AUDITOR OF COURT		
39. Taxing accounts of expenses incurred in judicial proceedings remitted to the auditor of court for taxation—		
(a) lodging account for taxation,	48	47
(b) taxing accounts of expenses etc.—		
(i) up to £400,	22	21
(ii) for every additional $\pounds 100$ or part thereof.	5	5
(NOTE: Fee to be determined by auditor of court on amount of account as submitted.)		
(c) cancellation of diet of taxation—	50% of fee that	50% of fee that
(i) where written notice of cancellation received from receiving party after 4.00 pm on the fourth working day before the day of diet of taxation,	would have been payable under sub-paragraph (b) of this paragraph	would have been payable under sub- paragraph (b) of this paragraph
(ii) where written notice of cancellation received from receiving party after 4.00 pm on the second working day before the day of the diet of taxation.	75% of fee that would have been payable under sub-paragraph (b) of this paragraph	75% of fee that would have been payable under sub- paragraph (b) of this paragraph

PART 2

Sheriff Personal Injury Court

Column 1	Column 2	Column 3
(Matters)	(Fee Payable)	(Fee Formerly
		Payable)(a)
	£	£
1. Lodging of a written motion or minute and the lodging of any written opposition to any such motion or minute. (NOTE: where a minute is accompanied by a relevant written motion no fee is payable in respect of lodging the motion.)	59	58
2. Fixing, allocating or assigning of a proof or trial, a debate or a hearing on the merits of the cause.	64	63
3. Hearing fee: per 30 minutes or part thereof.	87	85
4. Lodging a certified copy closed record. (NOTE: fee payable only once in respect of a cause).	117	115
5. Initial writ. (NOTE: fee covers issue of extract decree).	237	232
6. Lodging defences (fee payable by each defender or compearer). (NOTE: fee covers issue of extract decree).	237	232

⁽a) Column 3 shows the fees which were payable by virtue of Part 2 of schedule 1 of this Order immediately before the coming into force of this schedule.

7. Citation of a civil jury.(NOTE: includes outlays incurred in citing and countermanding, and is payable on the lodging of a proposed issue for jury trial.)	329	323
8. Certified copy of a document.	20	19

SCHEDULE 3 TABLES OF FEES

PART 1

Sheriff court

Column 1	Column 2	Column 3
(Matters)	(Fee Payable)	(Fee Formerly Payable)(a)
	£	£
PART I — COMMISSARY PROCEEDINGS		
1. Petition for commissary proceedings	20	20
(NOTE: the fee includes issue of extract decree).		
2. Sealing up repositories or the like, per hour.	35	34
3.		
(a) Receiving and examining inventory of estate, except where sub-paragraph (b) or (c) 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 is		
required does not exceed—		
£50,000,	No fee	No fee
£250,000,	282	276
(ii) where the amount of the estate exceeds £250,000,	565	553

⁽a) Column 3 shows the fees which were payable by virtue of Part 1 of schedule 2 of this Order immediately before the coming into force of this schedule.

cces	 ecceiving and examining additional or orrective inventory of estate or inventory of state <i>ad non executa</i>— (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 		
(c) R	 the Colonial Probates Act 1892 is required does not exceed— £50,000, £250,000, ii) where the amount of the estate exceeds £250,000, ecceiving and examining inventory of estate 	No fee 282 532 The fees payable	No fee 276 522 The fees payable
re	where it is declared that confirmation is not	are 50% of those specified in sub- paragraph (a) or (b) of this paragraph. If confirmation is subsequently required the remaining 50% of the fees specified in sub-paragraph (a) or (b) are payable	are 50% of those specified in sub- paragraph (a) or (b) of this paragraph. If confirmation is subsequently required the remaining 50% of the fees specified in sub-paragraph (a) or (b) are payable
	ssary copying and extracting.		
(a) if	g certificate of confirmation— Fordered when lodging inventory, each ertificate,	8	8
(b) if	ordered subsequent to lodging inventory-		
((i) first certificate, including search fee,	20	20
· · · · · · · · · · · · · · · · · · ·	ii) each subsequent certificate.	8	8
	or duplicate confirmation—		
	ordered when lodging inventory,	13	13
	Fordered subsequent to lodging inventory—(i) duplicate confirmation, including search fee,	29	28
(i	ii) each subsequent duplicate confirmation if ordered at the same time as the duplicate confirmation in head (i).	13	13
(3) Certifie	ed extract confirmation and will (if any)—		
(a) if	ordered when lodging inventory,	29	28
(b) if	ordered subsequent to lodging inventory-		
((i) certified extract, including search fee,	41	40
(i	ii) each subsequent certified extract if ordered at the same time as the certified extract in head (i).	29	28
(4) Copy v	will—		
(a) if	ordered when lodging inventory,	8	8

		i
(b) if ordered subsequent to lodging inventory—		
(i) copy will, including search fee,	20	20
(ii) each subsequent copy will if ordered at		
the same time as the copy will in head	8	8
(i).		
PART II — SHERIFF COURT		
PROCEEDINGS		
Initial Writ	1.4.1	120
5. Initial writ in any proceedings not being proceedings for which any other paragraph of this	141	138
Table specifies a fee. (NOTE: fee covers issue of		
extract decree).		
6. European Order for payment in terms of EU	141	138
Regulation 1896/2006 – application for European		
Order for payment.		
<i>Divorce and dissolution of civil partners</i> 7. Initial writ in an action of divorce or dissolution of	168	165
a civil partnership (other than a simplified divorce or	108	105
dissolution of a civil partnership application). (NOTE:		
fee covers issue of extract decree).		
Application for simplified divorce and simplified		
dissolution of civil partnership	127	104
8. Any application (inclusive of all procedures other then these specified at personals 0 and 28) (NOTE:	137	134
than those specified at paragraphs 9 and 38). (NOTE: fee covers issue of extract decree).		
9. Subsequent application upon change of	35	34
circumstances by party.		
Summary warrant		
10. Application for summary warrant.	82	80
Bankruptcy and Insolvency		
11. Petition for sequestration of estates or petition for	126	124
recall of award of sequestration.	(5	()
12. Miscellaneous applications, including appeals under the Bankruptcy (Scotland) Act 1985 or the	65	64
Bankruptcy (Scotland) Act 2016.		
13. Lodging of notice of appointment or intention to	137	135
appoint an administrator out of court under the		
Insolvency Act 1986 or filing documents with the		
court to obtain a moratorium under section A3 of Part A1 of that Act.		
Declarator and petitions for completion of title for		
the Sheriff of Chancery		
14. Application for declarator and petition for	257	252
completion of title to the Sheriff of Chancery.		
15. Issue of chancery extract.	119	117

20	20
20	20
112	110
65	64
42	41
101	99
	20
20	20
10	47
	47
29	28
42	41
141	138
168	165
126	124
120	124
126	124
120	121
60	59
~ ~	
256	251
	-
	1
	42 101 20 48 29 42 141 168 126 126 60

28. Initial lodging of affidavits in a family action where proof by affidavit evidence has been allowed.	73	72
Payable by any party (including pursuer)		
29. Lodging of a written motion or minute and the	54	53
lodging of any written opposition to any such motion		
or minute (NOTE: where a minute is accompanied by		
a relevant written motion no fee is payable in respect		
of lodging the motion).		
30. Marking an appeal to the sheriff principal in any	126	124
proceedings (other than as provided for in paragraph		
16(c) of this Table).		
Sheriff court books	29	28
31. Recording protest of a bill or promissory note		
(NOTE: Extracts to be charged as in paragraph 36 of		
this Table).		
32. Preservation of deeds, each deed (NOTE: This	13	13
includes recording and engrossing. If extracts are		
required, a separate fee is to be charged as in		
paragraph 36 of this Table).		
Miscellaneous office procedures	81	79
33. Lodging each set of plans or other Parliamentary		
deposit.		
34. Inspection of report of auction and the auditor of	20	20
court's report.		
35. Search and report service as instructed by a trade	390	382
protection society, licensed credit reference agency or		
trade publication of protests of relevant court records		
as appropriately included in the Ordinary Cause		
Rules, with the fees payable in advance weekly for 12		
months.		
36. Recording, engrossing, extracting, printing or		
copying of all documents, except as provided for at		
paragraph 4 of this Table (exclusive of search fee)—		
(a) by photocopying or otherwise producing a		
printed or typed copy—		
(i) up to 10 pages,	7	7
(ii) each page or part thereof in excess of 10	0.50	0.50
pages,		
	7	7
(b) for a copy of each document in electronic form.	,	,
(NOTE: Recording in Sheriff Court Register of Deeds to be charged as in paragraph 31.)		
37. Any search of records or archives, except as	13	13
provided for at paragraph 4 of this Table, per 30	15	13
minutes or part thereof.—		
-		
In addition, correspondence fee where applicable.	13	13
38. Citation of, or intimation to, any person or	13 plus sheriff	13 plus sheriff
persons by sheriff officer as instructed by the sheriff	officer's fee	officer's fee
clerk.		

PART III — AUDITOR OF COURT		
39. Taxing accounts of expenses incurred in judicial proceedings remitted to the auditor of court for taxation—		
(a) lodging account for taxation,	49	48
(b) taxing accounts of expenses etc.—		
(i) up to £400,	23	22
(ii) for every additional £100 or part thereof.	5	5
(NOTE: Fee to be determined by auditor of court on amount of account as submitted.)		
(c) cancellation of diet of taxation—	50% of fee that	50% of fee that
(i) where written notice of cancellation received from receiving party after 4.00 pm on the fourth working day before the day of diet of taxation,	would have been payable under sub-paragraph (b) of this paragraph	would have been payable under sub- paragraph (b) of this paragraph
(ii) where written notice of cancellation received from receiving party after 4.00 pm on the second working day before the day of the diet of taxation.	75% of fee that would have been payable under sub-paragraph (b) of this paragraph	75% of fee that would have been payable under sub- paragraph (b) of this paragraph

PART 2

Sheriff Personal Injury Court

Column 1	Column 2	Column 3
(Matters)	(Fee Payable)	(Fee Formerly
		Payable)(a)
	£	£
1. Lodging of a written motion or minute and the lodging of any written opposition to any such motion or minute. (NOTE: where a minute is accompanied by a relevant written motion no fee is payable in respect of lodging the motion.)	60	59
2. Fixing, allocating or assigning of a proof or trial, a debate or a hearing on the merits of the cause.	65	64
3. Hearing fee: per 30 minutes or part thereof.	89	87
4. Lodging a certified copy closed record. (NOTE: fee payable only once in respect of a cause).	119	117
5. Initial writ. (NOTE: fee covers issue of extract	241	237
decree).		
6. Lodging defences (fee payable by each defender or compearer). (NOTE: fee covers issue of extract decree).	241	237

⁽a) Column 3 shows the fees which were payable by virtue of Part 2 of schedule 2 of this Order immediately before the coming into force of this schedule.

7. Citation of a civil jury. (NOTE: includes outlays incurred in citing and countermanding, and is payable on the lodging of a proposed issue for jury trial.)	336	329
8. Certified copy of a document.	20	20

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the fees payable in the sheriff court, to the sheriff clerk or the auditor of court (as appropriate).

Article 3 and schedules 1 to 3 specify fee levels payable in a sheriff court in respect of certain matters.

- The fee levels for the period from 1 July 2022 until 31 March 2023 are given effect by the Tables of Fees in schedule 1.
- The fee levels for the period from 1 April 2023 until 31 March 2024 are given effect by the Tables of Fees in schedule 2.
- The fee levels from 1 April 2024 onwards are given effect by the Tables of Fees in schedule 3.

Article 3(3) provides that fees are not to be 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.

Article 3(4) provides that the relevant office holders are 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 4 provides that certain fees are payable only once.

Article 5 provides for matters (extract decrees or registration or renewals of registration) included in certain fees.

Article 6 provides for fees payable in the Sheriff Personal Injury Court.

Article 7 provides for cases in which an extra fee is payable.

Articles 8 and 9 provide exemption for certain persons from fees.

Article 10 provides that the fee exemptions in articles 8 and 9 (concerned with legal aid and social security respectively) do not apply in certain cases.

Article 11 provides for exemption in connection with estates exempt from inheritance tax.

Articles 12 and 13 provides for exemption relating to particular proceedings.

Article 14 provides for certain motions in the Sheriff Personal Injury Court to be exempted from fees.

Article 15 revokes the Sheriff Court Fees Order 2018 (and an amending instrument).

A Business and Regulatory Impact Assessment has been prepared for this Order and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Justice Directorate, St Andrews House, Edinburgh EH1 3DG.

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