

1980 No. 454 (S.44)
SHERIFF COURT, SCOTLAND
Act of Sederunt (Amendment of Fees for Sheriff Clerks) 1980

<i>Made</i> - - - -	28th March 1980
<i>Laid before Parliament</i>	8th April 1980
<i>Coming into Operation</i>	28th April 1980

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 2 of the Courts of Law Fees (Scotland) Act 1895(a) and of section 40 of the Sheriff Courts (Scotland) Act 1907(b) as amended by section 39 of the Administration of Justice (Scotland) Act 1933(c) and of all other powers enabling them in that behalf, and with the concurrence of the Treasury, do hereby enact and declare:—

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Amendment of Fees for Sheriff Clerks) 1980 and shall come into operation on 28th April 1980.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Amendments to Act of Sederunt (Fees for Sheriff Clerks) 1977

2. In the Act of Sederunt (Fees for Sheriff Clerks) 1977(d), for Parts I, II and III of the Schedule substitute Parts I, II, III and IV of the Schedule to this Act of Sederunt, and the fees specified in those Parts shall be payable in respect of the matters to which they relate from the date this Act of Sederunt comes into operation.

Edinburgh,

28th March 1980.

Emslie,
 Lord President,
 I.P.D.

(a) 1895 c. 14.

(b) 1907 c. 51.

(c) 1933 c. 41.

(d) S.I. 1977/402, as amended by S.I. 1979/347.

SCHEDULE

TABLE OF FEES

PART I—COMMISSARY PROCEEDINGS

1. Petition for (a) appointment of executor, (b) restriction of caution, (c) special warrant, (d) sealing up repositories or the like, (e) appointment of Commissary factor £1.50
2. Sealing up repositories or the like, per hour £3.00
3. Receiving and examining inventory of estate—
 - (a) When 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, is as specified in column 1 of the following table, the fee specified in column 2 opposite that amount is payable.
 - (b) Additional and corrective inventories and eiks shall be charged in accordance with the fees so specified on the amount of the additional estate belonging beneficially to the deceased, of which confirmation is required.
 - (c) Corrective inventories which make no addition to the amount of estate disclosed in the original inventory, and also inventories of estate *ad non executata* shall be charged— £0.40
 - (d) Where it is declared that confirmation is not required, fees at half the *ad valorem* rate shall be charged on receiving the inventory. If confirmation should subsequently be required, the remaining half of the fees shall then be charged.

TABLE

Column 1	Column 2	Column 1	Column 2
Estate not exceeding £	Fee £	Estate not exceeding £	Fee £
50	0.40	1,000	8.00
100	0.80	1,500	9.70
150	1.20	2,000	11.10
200	1.60	2,500	12.50
250	2.00	3,000	13.90
300	2.40	3,500	15.30
350	2.80	4,000	16.70
400	3.20	4,500	18.10
450	3.60	5,000	19.50
500	4.00	5,500	20.70
550	4.40	6,000	21.90
600	4.80	6,500	23.10
650	5.20	7,000	24.30
700	5.60	7,500	25.50
750	6.00	8,000	26.70
800	6.40	8,500	27.90
850	6.80	9,000	29.10
900	7.20	9,500	30.30
950	7.60	10,000	31.50

and for every additional £1,000 or any part thereof up to a value not exceeding £100,000 a further and additional fee of £1.25 and for every additional £10,000 or any part thereof above a value of £100,000 a further and additional fee of £9.10.

4. For each certificate of confirmation the fee shall be 50p.

PART II—SHERIFF COURT PROCEEDINGS

GENERAL

- | | |
|--|--------------------|
| 5. Preservation of deeds, each deed | £1.00 |
| <i>Note:</i> Recording and extracting to be charged under paragraph 25 of this Schedule | |
| 6. Inspection by a trade protection society or trade publication of protests, Act Book and Court Rolls | fee by arrangement |

BANKRUPTCY PROCEEDINGS

- | | |
|--|--------|
| 7. Petition for sequestration of estates | £12.00 |
| 8. Act and warrant of trustee | £5.00 |
| 9. Writing examination of bankrupt or minute of meeting, per hour | £5.00 |
| 10. Application (written or oral) for discharge of trustee | £5.00 |
| 11. Petition for discharge of bankrupt or application for approval of composition or deed of arrangement | £5.00 |

SERVICE OF HEIRS

- | | |
|---|--------|
| 12. Petition for general or special service or completion of title, or note for a Crown or Princes Charter, writ or precept | £18.00 |
|---|--------|

INFERIOR COURTS JUDGMENT EXTENSION ACT

- | | |
|--------------------|-------|
| 13. Any proceeding | £2.00 |
|--------------------|-------|

SUMMARY JURISDICTION ACTS

- | | |
|---------------|-------|
| 14. Complaint | £4.00 |
|---------------|-------|

SUMMARY CAUSE

- | | |
|--|--------|
| 15. Summons—Summary Cause | |
| 1. Actions for payment of money | |
| (a) not exceeding £20 | £1.50 |
| (b) exceeding £20 but not exceeding £50 | £5.50 |
| (c) exceeding £50 but not exceeding £250 | £8.00 |
| 2. Other actions | £10.00 |
| 3. Appeals by stated case | £10.00 |

ORDINARY ACTION

- | | |
|---|--------|
| 16. Initial writ | £12.00 |
| 17. First writ, reponing note, or attendance to state a defence, each defender or comparer, in an ordinary action | £12.00 |

MISCELLANEOUS

18. Initial writ in any proceedings other than proceedings to which paragraphs 15 and 16 apply	£12.00
19. First writ, or attendance to state a defence, each defender or compeerer (in a cause to which paragraph 18 of this Schedule applies)	£12.00
20. Caveat, to be in operation for 12 months, but not renewable	£5.00
21. Summary warrant for Recovery of Rates	£12.00
22. Recording protest of a bill or promissory note <i>NOTE: Extract to be charged as in paragraph 25 of this Schedule</i>	£2.00
23. Lodging each set of plans or other Parliamentary deposit	£12.00
24. Citation of each Civil Jury	£18.00

**PART III—COMMISSARY AND SHERIFF COURT PROCEEDINGS—
MISCELLANEOUS**

25. Recording, engrossing, extracting or copying—all documents	
(a) By manuscript or typescript per sheet of 250 words	£1.50
(b) By copying by electrical or mechanical means	£0.50 First copy £0.10 Subsequent copies
(c) Recording in Sheriff Court Register of Deeds to be charged as in (a) or (b)	
26. Searches—for each search of records or archives	
(a) For first half hour of time taken	£2.00
(b) For more than one half hour up to a maximum of two hours	£6.00
(c) For each half of an hour or part thereof in excess of two hours	£1.50
(d) Plus correspondence Fee where applicable	£1.50

PART IV—TAXATION

27. For taxing amounts of expenses incurred in judicial proceedings remitted to the Auditor for Taxation—	
(a) Under £50	£1.50
(b) For every additional £50 or part thereof	£1.50
<i>NOTE: Fee to be determined by Auditor of Court on amount of account as submitted.</i>	

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt makes provision for increasing certain of the fees payable to Sheriff Clerks, and Auditors of Court.