

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2002 No. 269**

**The Sheriff Court Fees Amendment Order 2002**

**Amendment of Fees Order**

2.—(1) The Sheriff Court Fees Order 1997(1) shall be amended in accordance with the following paragraphs.

(2) For article 7 (exemption of certain persons from fees in simplified divorce applications) substitute—

**“Exemption of certain persons from fees**

7.—(1) A fee to which this article applies shall not be payable by a person—

- (a) who is in receipt of income support, working families' tax credit or disabled person's tax credit under Part VII of the Social Security Contributions and Benefits Act 1992(2);
- (b) who is in receipt of an income-based jobseeker's allowance (payable under the Jobseekers Act 1995(3));
- (c) who is in receipt of civil legal aid within the meaning of section 13(2) of the Legal Aid (Scotland) Act 1986(4) in respect of the matter in the Table of Fees in connection with which the fee is payable;
- (d) where the fee is payable in connection with a simplified divorce 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
- (e) where the person's solicitor is undertaking work in relation to the matter in the Table of Fees in connection with which the fee is payable on the basis of any regulations made under section 36 of the Legal Aid (Scotland) Act 1986 providing for legal aid in a matter of special urgency.

(2) This article applies to all fees regulated by this Order except—

- (a) the fees specified in Part I (Commissary proceedings) of the Table of Fees; and
- (b) in Part II (sheriff court proceedings) of the Table of Fees, the fee specified in paragraph 19 (petition for removal of disqualification).”.

---

(1) S.I. 1997/687 as amended by S.I. 1999/754.

(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. Section 128, which provides for working families' tax credit, was amended by the Tax Credits Act 1999 (c. 10), section 1(2) and Schedule 1, paragraphs 1(a) and (b) and 2(g) and by the Jobseekers Act 1995, section 41(4) and Schedule 2, paragraph 33. Section 129, which provides for disabled person's tax credit, was amended by the Tax Credits Act 1999, sections 1(2) and 14(1) and (5) and Schedule 1, paragraphs 1(a) and (b) and 2(h), the Social Security (Incapacity for Work) Act 1994 (c. 18), sections 10(2) and (3) and 11(1) and Schedule 1, paragraph 32, the Welfare Reform and Pensions Act 1999, section 88 and Schedule 13, Part IV, the Jobseekers Act 1995, section 41(4) and Schedule 2, paragraph 34 and by the Local Government Finance Act 1992 (c. 14), section 103 and Schedule 9, paragraph 2.

(3) 1995 c. 18.

(4) 1986 c. 47. Section 13(2) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40), section 74 and Schedule 8, paragraph 36(3).

---

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

---

(3) For the Table of Fees in Schedule 1(5) substitute the Table of Fees set out in the Schedule to this Order.