
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 318

The Sheriff Court Fees Amendment Order 2007

Citation and commencement

1. This Order may be cited as the Sheriff Court Fees Amendment Order 2007 and shall come into force on 16th July 2007.

Amendment of Fees Order

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

(2) In article 2(1), at the appropriate place, insert—

““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(2).”.

(3) For article 7 (exemption of certain persons from fees), substitute—

“Exemption of certain persons from fees

7. A fee regulated by this Order shall not be payable by a person if—

- (a) the person or his or her partner is in receipt of income support under the Social Security Contributions and Benefits Act 1992(3);
- (b) the person is in receipt of an income based jobseeker’s allowance (payable under the Jobseekers Act 1995(4));
- (c) the person is in receipt of civil legal aid within the meaning of section 13(2) of the Legal Aid (Scotland) Act 1986(5) in respect of the matter in the Table of Fees in connection with which the fee is payable;
- (d) 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;
- (e) 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;
- (f) the person or his or her partner is in receipt of guarantee credit under the State Pension Credit Act 2002(6); or

(1) S.I.1997/687 as amended by S.I. 1999/754 and S.S.I. 2002/269.

(2) 2004 c. 33.

(3) 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.

(4) 1995 c. 18.

(5) 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).

(6) 2002 c. 16.

Status: This is the original version (as it was originally made).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

- (g) the person or his or her partner is in receipt of working tax credit, provided that—
- (i) child tax 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)(7) 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 £16,017 or less.”

(4) For the Table of Fees in Schedule 1(8) substitute the Table of Fees set out in the Schedule to this Order.

St Andrew’s House,
Edinburgh
7th June 2007

FERGUS EWING
Authorised to sign on behalf of the Scottish
Ministers

(7) [2002 c. 21](#); section 3(5A) substituted for sections 3(5) to (6) by the Civil Partnership Act [2004 \(c. 33\)](#), Schedule 24, paragraph 144(3).

(8) Schedule 1 was substituted by S.I. [1999/754](#), article 2(3) and [S.S.I. 2002/269](#), article 2(3).