

2007 No. 321

HIGH COURT OF JUSTICIARY

The High Court of Justiciary Fees Amendment Order 2007

Made - - - - *7th June 2007*

Laid before the Scottish Parliament *8th June 2007*

Coming into force - - *16th July 2007*

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(a) and all other powers enabling them to do so.

Citation and commencement

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

Amendment of the 1984 Order

2.—(1) After article 1 of the High Court of Justiciary Fees Order 1984(b) (“the 1984 Order”), insert—

“Interpretation

1A. In this Order—

“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(c).”

(2) After article 2 of the 1984 Order, insert—

“Exemption of certain persons from fees

2A. 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(d);
- (b) the person is in receipt of an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995(e));

(a) 1895 c.14; section 2 was substituted by the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c.12), section 4. 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).
(b) S.I. 1984/252, amended by S.I. 1994/3266, S.I.1996/516 and S.I. 1999/753.
(c) 2004 c.33.
(d) 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.
(e) 1995 c.18.

- (c) the person is in receipt of civil legal aid within the meaning of section 13(2) of the Legal Aid (Scotland) Act 1986^(a) 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^(b); or
- (g) the person or his or her 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^(c) 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.”.

(3) For the Table of Fees in the Schedule to the 1984 Order, substitute the Table of Fees set out in the Schedule to this Order.

FERGUS EWING

Authorised to sign on behalf of the Scottish Ministers

St Andrew's House,
Edinburgh
7th June 2007

(a) 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).
 (b) 2002 c.16.
 (c) 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).

SCHEDULE

Article 2(3)

TABLE OF FEES

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable)</i>	<i>Column 3 (Fee formerly payable)(a)</i>
1. Petitions to the Nobile Officium and applications for criminal letters (inclusive fee covering all steps in procedure)	£65	£53
2. Extract convictions, per sheet or part thereof	£26	£21
3. Certified copy of any other document	£11	£9
4. Copying – all documents		
(a) by manuscript or typescript per sheet or part thereof	£8	£6
(b) by any other means per page:	£0.20	£0.30
5. Searches – for any search of records or archives:		
(a) for first half hour of time taken	£11	£9
(b) for more than one half hour up to a maximum of two hours	£29	£23
(c) for each half hour or part thereof in excess of two hours	£8	£6
(d) correspondence fee where applicable	£8	£6

(a) Column 3 shows the fees which were payable under S.I. 1984/252, as amended by S.Is 1994/3266, 1996/516 and 1999/753, before the coming into force of this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases from 16th July 2007 certain of the fees payable to the Principal Clerk of Justiciary or any officer acting for the Principal Clerk in relation to proceedings in the High Court of Justiciary. The fee increases are on average 17% which is approximately the cumulative rate of inflation over that period.

£3.00

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