
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 89

The Sheriff Court Fees Amendment Order 2009

Citation and commencement

1.—(1) This Order may be cited as the Sheriff Court Fees Amendment Order 2009 and, subject to paragraph (2), comes into force on 1st April 2009.

(2) Article 2(7)(b) comes into force on 6th April 2009.

Amendment of the Sheriff Court Fees Order 1997

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

(2) In article 2(3), for “22, 23 and 28” substitute “26, 27 and 30”.

(3) In article 4(1), for “1, 6 to 8, 14, 20 and 21” substitute “1, 5 to 7, 18 and 25”.

(4) Article 4(2) is amended as follows—

(a) for “11 and 30” substitute “12 and 15”; and

(b) for “11” when it occurs the second time substitute “12”.

(5) In article 4(3), for “6” substitute “5”.

(6) In articles 5(1) and 5(2), for “6 and 20” substitute “5 and 25”.

(7) Article 7 (exemption of certain persons from fees)(2) is amended as follows—

(a) at the end of paragraph (f), omit “or”;

(b) in paragraph (g), for “£16,017” substitute “£16,642”(3); and

(c) after paragraph (g), insert—

“; or

(h) the person or his or her partner is in receipt of income-related employment and support allowance under the Welfare Reform Act 2007(4).”.

(8) In article 8, for “the fee payable in respect of an inventory of that estate under paragraph 3(a), (b) or (c) of the Table of Fees will, where that fee would amount to more than £2.00, be restricted to £2.00” substitute “there will be no fee payable in respect of the inventory of that estate under paragraph 3(a), (b) or (c) of the Table of Fees.”.

(9) In article 9(2), for “37” substitute “36”.

(10) In article 10, for “14(d), 22 to 25, 27 and 28” substitute “18(d), 26 to 29, 30 and 32”.

(1) S.I.1997/687 as amended by S.I. 1999/754, S.S.I. 2002/269, S.S.I. 2003/97, S.S.I. 2007/318 and S.S.I. 2008/239.

(2) Article 7 was substituted by S.S.I.2007/318, article 2(3), and replaced by S.S.I. 2008/239, article 2(2).

(3) The original threshold for exemption from court fees for those in receipt of working tax credit was an annual gross income of £16,017 which was inserted into the Sheriff Court Fees Order 1997 by S.S.I. 2007/318, article 2(3).

(4) 2007 c. 5. Section 1 of that Act which introduced the new benefit, the income-related employment and support allowance, was brought into force on 27th October 2008 by the Welfare Reform Act 2007 (Commencement No. 6 and Consequential Provisions) Order 2008 (S.I. 2008/787), article 2(4)(a).

Amendment of the Sheriff Court Fees Amendment Order 2008

3.—(1) The Table of Fees(5) in Schedule 2 to the Sheriff Court Fees Amendment Order 2008(6) (“the 2008 Order”) is amended in accordance with the following paragraphs.

(2) After paragraph 5 insert the following matter (column 1) with the corresponding fee payable (column 2) and the fee formerly payable (column 3):—

European order for payment
in terms of EU Regulation
1896/2006(8)

5A. Application	for 80	75
European order for payment		

(3) At paragraph 18, in column 1, insert—

- (a) after “including small claim” the words “and European small claim procedure(9)”; and
- (b) at the end of sub-paragraph (a) after “£200” the words “(or 250 euros for European Small Claims)”.

(4) At paragraph 25(a), in column 2, for “75” substitute “80”.

(5) At paragraph 34, in column 1, for “Preservation of deeds, each deed (Note: Recording and extracting to be charged as in paragraph 38 of this Table)” substitute “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 38 of this Table)”.

(6) At paragraph 36, in column 1, for “sale” substitute “auction”.

(7) At paragraph 38(a), in column 1, for “by photocopying” substitute “by photocopying or otherwise producing a printed or typed copy”.

4.—(1) The Table of Fees in Schedule 3(7) to the 2008 Order is amended in accordance with the following paragraphs.

(2) After paragraph 5 insert the following matter (column 1) with the corresponding fee payable (column 2) and the fee formerly payable (column 3):—

European order for payment
in terms of EU Regulation
1896/2006

5A. Application	for 80	75
European order for payment		

(3) At paragraph 18, in column 1, insert—

-
- (5) The original Table of Fees in Schedule 1 to the Sheriff Court Fees Order 1997 (S.I. 1997/687) was substituted by S.I. 1999/754, S.S.I. 2002/269, S.S.I. 2007/318 and S.S.I. 2008/239.
 - (6) S.S.I. 2008/239. No amendment is required to schedule 1 to that Order as it ceases to have effect on 1st April 2009. Schedule 2 to that Order comes into force on 1st April 2009.
 - (8) Regulation (EC) No. 1896/2006 of the European Parliament and of the Council of 12th December 2006 created a European order for payment procedure which came into force on 12th December 2008 (OJ L399, 30/12/06). The European Communities (European Order for Payment) (Scotland) Regulations 2009 (S.S.I. 2009/99 which comes into force on 6th April 2009) restricts the effect of this regulation to the sheriff court only in Scotland.
 - (9) Regulation (EC) No. 861/2007 of the European Parliament and of the Council of 11th July 2007 established a European Small Claims Procedure which came into force on 1st January 2009 (OJ L199, 31/07/07). The reference to “European Small Claims” in article 3(3)(b) of this instrument is also a reference to claims under this procedure.
 - (7) Schedule 3 to the 2008 Order comes into force, and schedule 2 to that Order ceases to have effect, on 1st April 2010.

- (a) after “including small claim” the words “and European small claim procedure(10)”; and
 - (b) at the end of sub-paragraph (a) after “£200” the words “(or 250 euros for European Small Claims(11))”.
- (4) At paragraph 25(a)–
- (i) in column 2, for “75” substitute “80”; and
 - (ii) in column 3, for “75” substitute “80”.
- (5) At paragraph 33, in column 1, for “37” substitute “38”.
- (6) At paragraph 34, in column 1, for “Preservation of deeds, each deed (Note: Recording and extracting to be charged as in paragraph 38 of this Table)” substitute “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 38 of this Table)”.
- (7) At paragraph 36, in column 1, for “sale” substitute “auction”.
- (8) At paragraph 38(a), in column 1, for “by photocopying” substitute “by photocopying or otherwise producing a printed or typed copy”.

St Andrew’s House,
Edinburgh
5th March 2009

FERGUS EWING
Authorised to sign by the Scottish Ministers

(10) Regulation (EC) No. 861/2007, OJ L199, 31/07/07.
(11) Regulation (EC) No. 1896/2006, OJ L399, 30/12/06.