

2012 No. 293

SHERIFF COURT

The Sheriff Court Fees Amendment Order 2012

Made - - - - *30th October 2012*

Laid before the Scottish Parliament *31st October 2012*

Coming into force in accordance with article 1

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, commencement and effect

1.—(1) This Order may be cited as the Sheriff Court Fees Amendment Order 2012 and, subject to paragraphs (2) and (3), comes into force on 10th December 2012.

(2) Article 2(11)(b) and Schedule 2 come into force, and article 2(11)(a) and Schedule 1 cease to have effect, on 1st April 2013.

(3) Article 2(11)(c) and Schedule 3 come into force, and article 2(10)(b) and Schedule 2 cease to have effect, on 1st April 2014.

Amendment of the Sheriff Court Fees Order 1997

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

(2) In article 2(3), for “26, 27 and 30” substitute “24, 25 and 28”.

(3) After article 3 insert—

“**3A.** No act is required of the sheriff clerk or the auditor of court in connection with a matter specified in relation to any fee prior to the payment of that fee or an arrangement being entered into for payment of that fee.”.

(4) In article 4(1) for “7, 18 and 25” substitute “8, 16 and 23”.

(5) For article 4(2) substitute—

“(2) The matter specified in paragraph 13 of the Table of Fees includes, where appropriate, the issue of extracts and the issue of an abbreviate.”.

(6) In article 5 for “25” in each place it occurs, substitute “23”.

(7) In article 7(2)(b) for “20” substitute “18”.

(a) 1895 c.14; section 2 was substituted by the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c.12), section 4, modified by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), articles 2(1) and 4 and Schedule 2, Part I, paragraph 9 and Part IV and by the Judiciary and Courts (Scotland) Act 2008 (asp 6), schedule 5, paragraph 1. 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. 1997/687; amended by S.I. 1999/754 and S.S.I. 2002/269, 2007/318, 2008/239 and 2009/89.

- (8) In article 9(2) for “36” substitute “34”.
- (9) In article 10 for “18(d), 26 to 29, 30 and 32” substitute “16(c), 24 to 28 and 30”.
- (10) In Schedule 1, the Table of Fees is substituted by—
- (a) the Table of Fees in Schedule 1 to this Order on 10th December 2012;
 - (b) the Table of Fees in Schedule 2 to this Order on 1st April 2013; and,
 - (c) the Table of Fees in Schedule 3 to this Order on 1st April 2014.

St Andrew’s House,
Edinburgh
30th October 2012

KENNY MACASKILL
A member of the Scottish Government

SCHEDULE 1
TABLE OF FEES

Article 2(10)(a)

Payable from 10th December 2012

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i> £	<i>Column 3 (Fee Formerly Payable)(a)</i> £
PART I — COMMISSARY PROCEEDINGS		
1. Petition for—		
(a) appointment of executor;	16	15
(b) restriction of caution;	16	15
(c) special warrant;	16	15
(d) sealing up of repositories or the like;	16	15
(e) appointment of Commissary factor.	16	15
(NOTE: the fee for all petitions in paragraph 1 includes issue of extract decree)		
2. Sealing up repositories or the like, per hour.	27	25
3.		
(a) Receiving and examining inventory of estate, except where sub paragraph (b) or (c) of this paragraph applies—		
(i) where 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(b) is required does not exceed—		
£5,000;	No fee	No fee
£50,000;	200	200
(ii) where the amount of the estate exceeds £50,000;	200	200
(b) receiving and examining additional or corrective inventory of estate or inventory of estate <i>ad non executata</i> ;	200	200

(a) Column 3 shows the fees which were payable under S.I. 1997/687 immediately before the coming into force of this Schedule.

(b) 1892 c.6.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable)(a) £</i>
(c) Receiving and examining inventory of estate where it is declared that confirmation is not required.	The fees payable are 50% of those specified in sub paragraph (a) or (b) of this paragraph. If confirmation is subsequently required the remaining 50% of the fees specified in sub paragraph (a) or (b) are payable	The fees payable are 50% of those specified in sub paragraph (a) or (b) of this paragraph. If confirmation is subsequently required the remaining 50% of the fees specified in sub paragraph (a) or (b) are payable
4. Commissary copying and extracting.		
(1) Certificate of confirmation—		
(a) if ordered when lodging inventory, each certificate;	5	5
(b) if ordered subsequent to lodging inventory—		
(i) first certificate, including search fee;	16	15
(ii) each subsequent certificate.	5	5
(2) Copy or duplicate confirmation—		
(a) if ordered when lodging inventory;	11	10
(b) if ordered subsequent to lodging inventory—		
(i) duplicate confirmation, including search fee;	21	20
(ii) each subsequent duplicate confirmation if ordered at the same time as the duplicate confirmation in head (i).	11	10
(3) Certified extract confirmation and will (if any)—		
(a) if ordered when lodging inventory;	21	20
(b) if ordered subsequent to lodging inventory—		
(i) certified extract, including search fee;	32	30
(ii) each subsequent certified extract if ordered at the same time as the certified extract in head (i).	21	20
(4) Copy will—		
(a) if ordered when lodging inventory;	5	5
(b) if ordered subsequent to lodging inventory—		
(i) copy will, including search fee;	16	15
(ii) each subsequent copy will if ordered at the same time as the copy will in head (i).	5	5

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable)(a) £</i>
PART II — SHERIFF COURT PROCEEDINGS		
<i>Initial Writ</i>		
5. Initial writ in any proceedings not being proceedings for which any other paragraph of this Table prescribes a fee. (NOTE: fee covers issue of extract decree).	85	80
6. European Order for payment in terms of EU Regulation 1896/2006 – application for European Order for payment.	85	80
<i>Divorce and dissolution of civil partners</i>		
7. Initial writ in an action of divorce or dissolution of a civil partnership (other than a simplified divorce or dissolution of a civil partnership application). (NOTE: fee covers issue of extract decree).	133	125
<i>Application for simplified divorce and simplified dissolution of civil partnership</i>		
8. Any application (inclusive of all procedures other than those specified at paragraphs 9 and 38). (NOTE: fee covers issue of extract decree).	101	95
9. Subsequent application upon change of circumstances by party.	27	25
<i>Summary warrant</i>		
10. Application for summary warrant.	64	60
<i>Bankruptcy</i>		
11. Petition for sequestration of estates or petition for recall of award of sequestration.	101	95
12. Miscellaneous applications, including appeals under the Bankruptcy (Scotland) Act 1985(a).	53	50
13. Application for the approval of composition.	32	30
<i>Declarator and petitions for completion of title for the Sheriff of Chancery</i>		
14. Application for declarator and petition for completion of title to the Sheriff of Chancery.	201	190
15. Issue of chancery extract.	95	90
16. Summons - summary cause (including small claim and European small claim procedure) (NOTE: fee covers issue of extract decree)—		
(a) actions for payment of money for less than £200 (or 250 euros for European small claims);	16	15
(b) other actions;	69	65
(c) on the marking of an appeal;	53	50
<i>Criminal procedure</i>		
17. Complaint.	32	30

(a) 1985 c.66.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(a)</i>
	£	£
Road Traffic Offenders Act 1988(a) 18. Petition for removal of disqualification.	80	75
Miscellaneous 19. Application under section 4 of the Requirements of Writing (Scotland) Act 1995(b).	16	15
20. Caveat.	32	30
21. Any proceedings under section 12 or 18 of the Civil Jurisdiction and Judgments Act 1982(c).	21	20
22. Note in a liquidation or judicial factory.	32	30
Defender's responses 23. First writ, reponing note, application for recall of decree or attendance to state a defence or oppose an interim order (fee payable by each defender or complearer) (NOTE: fee covers issue of extract decree)— (a) in proceedings to which paragraph 5 of this Table applies; (b) in an action of divorce or dissolution of a civil partnership (other than a simplified divorce or dissolution of civil partnership).	85 133	80 125
Civil court procedure Payable by pursuer 24. Lodging of a certified copy record under the Ordinary Cause Rules 1993(d) (NOTE: fee payable only once in respect of a cause).	101	95
25. Lodging of a certified closed record under the additional procedure of the Ordinary Cause Rules.	101	95
26. Fixing, allocating or assigning of a proof, a debate or a hearing in a summary or miscellaneous application on the merits of the cause.	48	45
27. For each day or part thereof of proof, debate or hearing in a summary or miscellaneous application on the merits of the cause (NOTE: not payable if the proof, debate or hearing does not proceed on that day).	201	95
28. Endorsing of a minute in Form F27 in terms of rule 33.29(1)(b) of the Ordinary Cause Rules (NOTE: fee payable only once in respect of a cause).	58	55
Payable by any party (including pursuer) 29. Lodging of a written motion or minute and the lodging of any written opposition to any such motion	42	40

(a) 1988 c.53.

(b) 1995 c.7.

(c) 1982 c.27. Section 12 was amended by the Civil Jurisdictions and Judgements Act 1991 (c.12), Schedule 2, paragraph 7 and section 18 was amended by the Insolvency Act 1985 (c.65), Schedule 8, paragraph 36, the Insolvency Act 1986 (c.45), Schedule 14, the Courts and Legal Services Act 1990 (c.41), Schedule 16, paragraph 41, the Criminal Justice Act 1993 (c.36), section 24, the Drug Trafficking Act 1994 (c.37), Schedule 1, paragraph 6, the Criminal Justice (Scotland) Act 1995 (c.20), Schedule 6, paragraph 183 and the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40), Schedule 4, paragraph 42.

(d) See Schedule 1 of the Sheriff Courts (Scotland) Act 1907 (c.51).

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable)(a) £</i>
or minute.		
30. Marking an appeal to the Sheriff Principal in any proceedings (other than as provided for in paragraph 16(c) of this Table).	101	95
<i>Sheriff court books</i>		
31. Recording protest of a bill or promissory note (NOTE: Extract to be charged as in paragraph 36 of this Table).	21	20
32. 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 36 of this Table).	11	10
<i>Miscellaneous office procedures</i>		
33. Lodging each set of plans or other Parliamentary deposit.	64	60
34. Inspection of report of auction and the auditor of court's report.	16	15
35. Search and report service as instructed by a trade protection society, licensed credit reference agency or trade publication of protests of relevant court records as appropriately included in the Ordinary Cause Rules, with the fees below payable in advance—		
(a) weekly for 12 months;	307	290
(b) twice weekly for 12 months;	610	575
(c) 4 times weekly for 12 months.	1,230	1,160
36. Recording, engrossing, extracting, printing or copying of all documents, except as provided for at paragraph 4 of this Table (if a search is required an additional fee will be charged as per paragraph 37 of this Table)—		
(a) by photocopying or otherwise producing a printed or typed copy—		
(i) up to 10 pages;	5	5
(ii) each page or part thereof in excess of 10 pages;	0.50	0.50
(b) for a copy of a document in electronic form.	5	5
(NOTE: Recording in Sheriff Court Register of Deeds to be charged as in paragraph 36(a).)		
37. Any search of records or archives, except as provided for at paragraph 4 of this Table—		
(a) up to 30 minutes;	16	15
(b) more than 30 minutes up to 2 hours;	42	40
(c) each additional 30 minutes in excess of 2 hours;	11	10
(d) in addition, correspondence fee where applicable.	11	10

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i> £	<i>Column 3 (Fee Formerly Payable)(a)</i> £
38. Citation of, or intimation to, any person or persons by sheriff officers as instructed by the sheriff clerk.	11 plus sheriff officer's fee	11 plus sheriff officer's fee
<p>PART III — AUDITOR OF COURT</p> <p>39. Taxing accounts of expenses incurred in judicial proceedings remitted to the auditor of court for taxation—</p> <p>(a) lodging account for taxation.</p> <p>(b) taxing accounts of expenses etc.—</p> <p>(i) up to £400;</p> <p>(ii) for every additional £100 or part thereof.</p> <p>(NOTE: Fee to be determined by auditor of court on amount of account as submitted.)</p> <p>(c) cancellation of diet of taxation—</p> <p>(i) where written notice of cancellation received by receiving party within 3 working days of diet;</p> <p>(ii) where written notice of cancellation received by receiving party on the working day before or the day of the diet.</p>	<p>38</p> <p>20</p> <p>5</p> <p>50% of fee that would have been payable under sub-paragraph (b) of this paragraph</p> <p>75% of fee that would have been payable under sub-paragraph (b) of this paragraph</p>	<p>36</p> <p>19</p> <p>5</p> <p>50% of fee that would have been payable under sub-paragraph (b) of this paragraph</p> <p>75% of fee that would have been payable under sub-paragraph (b) of this paragraph</p>

SCHEDULE 2
TABLE OF FEES

Article 2(10)(b)

Payable from 1st April 2013

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i> £	<i>Column 3 (Fee Formerly Payable)(a)</i> £
PART I — COMMISSARY PROCEEDINGS		
1. Petition for—		
(a) appointment of executor;	16	16
(b) restriction of caution;	16	16
(c) special warrant;	16	16
(d) sealing up of repositories or the like;	16	16
(e) appointment of Commissary factor.	16	16
(NOTE: the fee for all petitions in paragraph 1 includes issue of extract decree).		
2. Sealing up repositories or the like, per hour.	27	27
3.		
(a) Receiving and examining inventory of estate, except where sub paragraph (b) or (c) of this paragraph applies—		
(i) where 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 does not exceed—		
£5,000;	No fee	No fee
£50,000;	206	200
(ii) where the amount of the estate exceeds £50,000;	206	200
(b) receiving and examining additional or corrective inventory of estate or inventory of estate <i>ad non executa</i> ;	206	200
(c) receiving and examining inventory of estate where it is declared that confirmation is not required.	The fees payable are 50% of those specified in sub paragraph (a) or (b) of this paragraph. If confirmation is subsequently required the remaining 50% of	The fees payable are 50% of those specified in sub paragraph (a) or (b) of this paragraph. If confirmation is subsequently required the remaining 50% of the fees specified in

(a) Column 3 shows the fees which were payable by virtue of Schedule 1 to this Order immediately before the coming into force of this Schedule.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i> £	<i>Column 3 (Fee Formerly Payable)(a)</i> £
	the fees specified in sub paragraph (a) or (b) are payable	sub paragraph (a) or (b) are payable
4. Commissary copying and extracting. (1) Certificate of confirmation— (a) if ordered when lodging inventory, each certificate; (b) if ordered subsequent to lodging inventory— (i) first certificate, including search fee; (ii) each subsequent certificate.	5 16 5	5 16 5
(2) Copy or duplicate confirmation— (a) if ordered when lodging inventory; (b) if ordered subsequent to lodging inventory— (i) duplicate confirmation, including search fee; (ii) each subsequent duplicate confirmation if ordered at the same time as the duplicate confirmation in head (i).	11 22 11	11 21 11
(3) Certified extract confirmation and will (if any)— (a) if ordered when lodging inventory; (b) if ordered subsequent to lodging inventory— (i) certified extract, including search fee; (ii) each subsequent certified extract if ordered at same time as the certified extract in head (i).	22 33 22	21 32 21
(4) Copy will— (a) if ordered when lodging inventory; (b) if ordered subsequent to lodging inventory— (i) copy will, including search fee; (ii) each subsequent copy will if ordered at the same time as the copy will in head (i).	5 16 5	5 16 5
PART II — SHERIFF COURT PROCEEDINGS <i>Initial Writ</i>		
5. Initial writ in any proceedings not being proceedings for which any other paragraph of this Table prescribes a fee (NOTE: fee covers issue of extract decree).	87	85
6. European Order for payment in terms of EU Regulation 1896/2006 – application for European Order for payment.	87	85

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable)(a) £</i>
<i>Divorce and dissolution of civil partners</i> 7. Initial writ in an action of divorce or dissolution of a civil partnership (other than a simplified divorce or dissolution of a civil partnership application) (NOTE: fee covers issue of extract decree).	136	133
<i>Application for simplified divorce and simplified dissolution of civil partnership</i> 8. Any application (inclusive of all procedures other than those specified at paragraphs 9 and 38) (NOTE: fees covers issue of extract decree).	104	101
9. Subsequent application upon change of circumstances by party.	27	27
<i>Summary warrant</i> 10. Application for summary warrant.	66	64
<i>Bankruptcy</i> 11. Petition for sequestration of estates or petition for recall of award of sequestration.	104	101
12. Miscellaneous applications, including appeals under the Bankruptcy (Scotland) Act 1985.	55	53
13. Application for approval of composition.	33	32
<i>Declarator and petitions for completion of title for the Sheriff of Chancery</i> 14. Application for declarator and petitions for completion of title to the Sheriff of Chancery.	207	201
15. Issue of chancery extract.	98	95
16. Summons - summary cause (including small claim and European small claim procedure) (NOTE: fee covers issue of extract decree)— (a) actions for payment of money for less than £200 (or 250 euros for European small claims); (b) other actions; (c) on the marking of an appeal.	16 71 55	16 69 53
<i>Criminal procedure</i> 17. Complaint.	33	32
<i>Road Traffic Offenders Act 1988</i> 18. Petition for removal of disqualification.	82	80
<i>Miscellaneous</i> 19. Application under section 4 of the Requirements of Writing (Scotland) Act 1995.	16	16
20. Caveat.	33	32
21. Any proceedings under section 12 or 18 of the Civil Jurisdiction and Judgments Act 1982.	22	21
22. Note in a liquidation or judicial factory.	33	32
<i>Defender's responses</i> 23. First writ, reponing note, application for recall of decree or attendance to state a defence or oppose an interim order (fee payable by each defender or compeerer) (NOTE: fee covers issue of extract		

Column 1 (Matters)	Column 2 (Fee Payable)	Column 3 (Fee Formerly Payable)(a)
	£	£
decree)—		
(a) in proceedings to which paragraph 5 of this Table applies;	87	85
(b) in an action of divorce or dissolution of a civil partnership (other than a simplified divorce or dissolution of civil partnership).	136	133
Civil court procedure		
Payable by pursuer		
24. Lodging of a certified copy record under the Ordinary Cause Rules 1993 (NOTE: fee payable only once in respect of a cause).	104	101
25. Lodging of a certified closed record under the additional procedure of the Ordinary Cause Rules.	104	101
26. Fixing, allocating or assigning of a proof, a debate or a hearing in a summary or miscellaneous application on the merits of the cause.	49	48
27. For each day or part thereof of proof, debate or hearing in a summary or miscellaneous application on the merits of the cause (NOTE: not payable if the proof, debate or hearing does not proceed on that day).	207	201
28. Endorsing of a minute in Form F27 in terms of rule 33.29(1)(b) of the Ordinary Cause Rules (NOTE: fee payable only once in respect of a cause).	60	58
Payable by any party (including pursuer)		
29. Lodging of a written motion or minute and the lodging of any written opposition to any such motion or minute.	44	42
30. Marking an appeal to the Sheriff Principal in any proceedings (other than as provided for in paragraph 16(c) of this Table).	104	101
Sheriff court books		
31. Recording protest of a bill or promissory note (NOTE: Extract to be charged as in paragraph 36 of this Table).	22	21
32. 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 36 of this Table).	11	11
Miscellaneous office procedures		
33. Lodging each set of plans or other Parliamentary deposit.	66	64
34. Inspection of report of auction and the auditor of court's report.	16	16
35. Search and report service as instructed by a trade protection society, licensed credit reference agency or trade publication of protests of relevant court records as appropriately included in the Ordinary Cause Rules with the fees below payable in advance—		
(a) weekly for 12 months;	317	307

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(a)</i>
	£	£
(b) twice weekly for 12 months;	628	610
(c) 4 times weekly for 12 months.	1,266	1,230
36. Recording, engrossing, extracting, printing or copying of all documents, except as provided for at paragraph 4 of this Table (if a search is required an additional fee will be charged as per paragraph 37 of this Table)— (a) by photocopying or otherwise producing a printed or typed copy— (i) up to 10 pages; (ii) each page or part thereof in excess of 10 pages; (b) for a copy of a document in electronic form. (NOTE: Recording in Sheriff Court Register of Deeds to be charged as in paragraph 36(a).)	 5 0.50 5	 5 0.50 5
37. Any search of records or archives, except as provided for at paragraph 4 of this Table— (a) up to 30 minutes; (b) more than 30 minutes up to 2 hours; (c) each additional 30 minutes in excess of 2 hours; (d) in addition, correspondence fee where applicable.	 16 44 11 11	 16 42 11 11
38. Citation of, or intimation to, any person or persons by sheriff officer as instructed by sheriff clerk.	11 plus sheriff officer's fee	11 plus sheriff officer's fee
PART III — AUDITOR OF COURT 39. Taxing accounts of expenses incurred in judicial proceedings remitted to the auditor of court for taxation— (a) lodging account for taxation; (b) taxing accounts of expenses etc.— (i) up to £400; (ii) for every additional £100 or part thereof. (NOTE: Fee to be determined by auditor of court on amount of account as submitted.) (c) cancellation of diet of taxation— (i) where written notice of cancellation received by receiving party within 3 working days of diet;	 39 20 5 50% of fee that would have been payable under subparagraph (b) of this paragraph	 38 20 5 50% of fee that would have been payable under subparagraph (b) of this paragraph

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i> £	<i>Column 3 (Fee Formerly Payable)(a)</i> £
(ii) where written notice of cancellation received by receiving party on the working day before or the day of the diet.	75% of fee that would have been payable under subparagraph (b) of this paragraph	75% of fee that would have been payable under subparagraph (b) of this paragraph

SCHEDULE 3
TABLE OF FEES

Article 2(10)(c)

Payable from 1st April 2014

<i>Column 1</i> <i>(Matters)</i>	<i>Column 2</i> <i>(Fee Payable)</i> £	<i>Column 3</i> <i>(Fee Formerly Payable)</i> £
PART I — COMMISSARY PROCEEDINGS		
1. Petition for—		
(a) appointment of executor;	17	16
(b) restriction of caution;	17	16
(c) special warrant;	17	16
(d) sealing up of repositories or the like;	17	16
(e) appointment of Commissary factor.	17	16
(NOTE: the fee for all petitions in paragraph 1 includes issue of extract decree).		
2. Sealing up repositories or the like, per hour.	28	27
3.		
(a) Receiving and examining inventory of estate, except where sub paragraph (b) or (c) of this paragraph applies—		
(i) where 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 does not exceed—		
£5,000;	No fee	No fee
£50,000;	212	206
(ii) where the amount of the estate exceeds £50,000;	212	206
(b) receiving and examining additional or corrective inventory of estate or inventory of estate <i>ad non executata</i> ;	212	206
(c) receiving and examining inventory of estate where it is declared that confirmation is not required.	The fees payable are 50% of those specified in sub paragraph (a) or (b) of this paragraph. If confirmation is subsequently required the remaining 50% of the fees specified in sub paragraph (a) or (b) are payable	The fees payable are 50% of those specified in sub paragraph (a) or (b) of this paragraph. If confirmation is subsequently required the remaining 50% of the fees specified in sub paragraph (a) or (b) are payable

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable) £</i>
4. Commissary copying and extracting.		
(1) Certificate of confirmation—		
(a) if ordered when lodging inventory, each certificate;	6	5
(b) if ordered subsequent to lodging inventory—		
(i) first certificate, including search fee;	17	16
(ii) each subsequent certificate.	6	5
(2) Copy or duplicate confirmation—		
(a) if ordered when lodging inventory;	11	11
(b) if ordered subsequent to lodging inventory—		
(i) duplicate confirmation, including search fee;	22	22
(ii) each subsequent duplicate confirmation if ordered at the same time as the duplicate confirmation in head (i).	11	11
(3) Certified extract confirmation and will (if any)—		
(a) if ordered when lodging inventory;	22	22
(b) if ordered subsequent to lodging inventory—		
(i) certified extract, including search fee;	34	33
(ii) each subsequent certified extract if ordered at the same time as the certified extract in head (i).	22	22
(4) Copy will—		
(a) if ordered when lodging inventory;	6	5
(b) if ordered subsequent to lodging inventory—		
(i) copy will, including search fee;	17	16
(ii) each subsequent copy will, if ordered at the same time as the copy will in head (i).	6	5
PART II — SHERIFF COURT PROCEEDINGS		
<i>Initial Writ</i>		
5. Initial writ in any proceedings not being proceedings for which any other paragraph of this Table prescribes a fee (NOTE: fee covers issue of extract decree).	90	87
6. European Order for payment in terms of EU Regulation 1896/2006 – application for European Order for payment.	90	87
<i>Divorce and dissolution of civil partners</i>		
7. Initial writ in an action of divorce or dissolution of a civil partnership (other than a simplified divorce or dissolution of a civil partnership application) (NOTE: fee covers issue of extract decree).	141	136

Column 1 (Matters)	Column 2 (Fee Payable) £	Column 3 (Fee Formerly Payable) £
<i>Application for simplified divorce and simplified dissolution of civil partnership</i> 8. Any application (inclusive of all procedures other than those specified at paragraphs 9 and 38) (NOTE: fee covers issue of extract decree).	107	104
9. Subsequent application upon change of circumstances by party.	28	27
<i>Summary warrant</i> 10. Application for summary warrant.	67	66
<i>Bankruptcy</i> 11. Petition for sequestration of estates or petition for recall of award of sequestration.	107	104
12. Miscellaneous applications, including appeals under the Bankruptcy (Scotland) Act 1985.	56	55
13. Application for the approval of composition.	34	33
<i>Declarator and petitions for completion of title for the Sheriff of Chancery</i> 14. Application for declarator and petitions for completion of title to the Sheriff of Chancery.	214	207
15. Issue of chancery extract.	101	98
16. Summons - summary cause (including small claim and European small claim procedure) (NOTE: fee covers issue of extract decree)— (a) actions for payment of money for less than £200 (or 250 euros for European small claims); (b) other actions; (c) on the marking of an appeal.	17 73 56	16 71 55
<i>Criminal procedure</i> 17. Complaint.	34	33
<i>Road Traffic Offenders Act 1988</i> 18. Petition for removal of disqualification.	84	82
<i>Miscellaneous</i> 19. Application under section 4 of the Requirements of Writing (Scotland) Act 1995.	17	16
20. Caveat.	34	33
21. Any proceedings under section 12 or 18 of the Civil Jurisdiction and Judgments Act 1982.	22	22
22. Note in a liquidation or judicial factory.	34	33
<i>Defender's responses</i> 23. First writ, reponing note, application for recall of decree or attendance to state a defence or oppose an interim order (fee payable by each defender or compeerer) (NOTE: fee covers issue of extract decree)— (a) in proceedings to which paragraph 5 of this Table applies;	90	87

Column 1 (Matters)	Column 2 (Fee Payable) £	Column 3 (Fee Formerly Payable) £
(b) in an action of divorce or dissolution of a civil partnership (other than a simplified divorce or dissolution of civil partnership).	141	136
Civil court procedure Payable by pursuer		
24. Lodging of a certified copy record under the Ordinary Cause Rules 1993 (NOTE: fee payable only once in respect of a cause).	107	104
25. Lodging of a certified closed record under the additional procedure of the Ordinary Cause Rules.	107	104
26. Fixing, allocating or assigning of a proof, a debate or a hearing in a summary or miscellaneous application on the merits of the cause.	51	49
27. For each day or part thereof of proof, debate or hearing in a summary or miscellaneous application on the merits of the cause (NOTE: not payable if the proof, debate or hearing does not proceed on that day).	214	207
28. Endorsing of a minute in Form F27 in terms of rule 33.29(1)(b) of the Ordinary Cause Rules (NOTE: payable only once in respect of a cause).	62	60
Payable by any party (including pursuer)		
29. Lodging of a written motion or minute and the lodging of any written opposition to any such motion or minute.	45	44
30. Marking an appeal to the Sheriff Principal in any proceedings (other than as provided for in paragraph 16(c) of this Table).	107	104
Sheriff court books		
31. Recording protest of a bill or promissory note (NOTE: Extract to be charged as in paragraph 36 of this Table).	22	22
32. 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 36 of this Table).	11	11
Miscellaneous office procedures		
33. Lodging each set of plans or other Parliamentary deposit.	67	66
34. Inspection of report of auction and the auditor of court's report.	17	16
35. Search and report service as instructed by a trade protection society, licensed credit reference agency or trade publication of protests of relevant court records as allowed as appropriately included in the Ordinary Cause Rules with the fees below payable in advance—		
(a) weekly for 12 months;	326	317
(b) twice weekly for 12 months;	647	628

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable) £</i>
(c) 4 times weekly for 12 months.	1,304	1,266
36. Recording, engrossing, extracting, printing or copying of all documents, except as provided for at paragraph 4 of this Table (if a search is required an additional fee will be charged as per paragraph 37 of this Table)— (a) by photocopying or otherwise producing a printed or typed copy— (i) up to 10 pages; (ii) each page or part thereof in excess of 10 pages; (b) for a copy of a document in electronic form. (NOTE: Recording in Sheriff Court Register of Deeds to be charged as in paragraph 36(a).)	5 0.50 5	5 0.50 5
37. Any search of records or archives, except as provided for at paragraph 4 of this Table— (a) up to 30 minutes; (b) more than 30 minutes up to 2 hours; (c) each additional 30 minutes in excess of 2 hours; (d) in addition, correspondence fee where applicable.	17 45 11 11	16 44 11 11
38. Citation of, or intimation to, any person or persons by sheriff officer as instructed by the sheriff clerk.	11 plus sheriff officer's fee	11 plus sheriff officer's fee
PART III — AUDITOR OF COURT 39. Taxing accounts of expenses incurred in judicial proceedings remitted to the auditor of court for taxation— (a) lodging account for taxation. (b) taxing accounts of expenses etc.— (i) up to £400; (ii) for every additional £100 or part thereof; (NOTE: Fee to be determined by auditor of court on amount of account as submitted.) (c) cancellation of diet of taxation— (i) where written notice of cancellation received by receiving party within 3 working days of diet; (ii) where written notice of cancellation received by receiving party on the working day before or the day of the diet.	40 20 5 50% of fee that would have been payable under subparagraph (b) of this paragraph 75% of fee that would have been payable under subparagraph (b) of this paragraph	39 20 5 50% of fee that would have been payable under subparagraph (b) of this paragraph 75% of fee that would have been payable under subparagraph (b) of this paragraph

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Sheriff Court Fees Order 1997 (“the 1997 Order”).

Article 2(3) inserts a new Article 3A in the 1997 Order which has the effect of providing that the sheriff clerk or the auditor of court (as appropriate) are not obliged to carry out any act which relates to payment of a fee without either, prior payment of the fee, or entering into an arrangement for payment for the fee.

Article 2(10), together with Schedules 1 to 3, specify new fee levels payable to the sheriff clerk or the auditor of court (as appropriate) in respect of certain matters in relation to proceedings in the sheriff court.

- The fee levels for the period from 3rd December 2012 until 31st March 2013 are given effect by substituting the Table of Fees in the 1997 Order with the Table of Fees in Schedule 1 to this Order.
- The fee levels for the period from 1st April 2013 until 31st March 2014 are given effect by substituting the Table of Fees in Schedule 1 with the Table of Fees in Schedule 2.
- The fee levels from 1st April 2014 onwards are given effect by substituting the Table of Fees in Schedule 2 with the Table of Fees in Schedule 3.

Article 2 also makes amendments to articles 2, 4, 5, 7, 9 and 10 of the 1997 order in consequence of the amendment of fees referred to in Schedule 1 to the 1997 Order.

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