

2016 No. 332

COURT OF SESSION

HIGH COURT OF JUSTICIARY

SHERIFF APPEAL COURT

SHERIFF COURT

JUSTICE OF THE PEACE COURT

**The Court Fees (Miscellaneous Amendments) (Scotland) Order
2016**

<i>Made</i>	- - - -	<i>27th October 2016</i>
<i>Laid before the Scottish Parliament</i>		<i>28th October 2016</i>
<i>Coming into force</i>	- -	<i>28th November 2016</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 107(1) and (2) of the Courts Reform (Scotland) Act 2014^(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Court Fees (Miscellaneous Amendments) (Scotland) Order 2016 and comes into force on 28th November 2016.

Amendment of the Court of Session etc. Fees Order 2015

2.—(1) The Court of Session etc. Fees Order 2015^(b) is amended as follows.

(2) In article 1(3) (commencement), for “1st April 2017” substitute “28th November 2016”.

(3) In article 2(1) (interpretation), in the definition of “partner”, for “registered as a civil partner in terms of sections 1(1), 85(1) or 137(1) of the Civil Partnership Act 2004” substitute “in a civil partnership”.

(4) In article 3(2)(c) (fees payable in the Court of Session etc.) for “1st April 2017” substitute “28th November 2016”.

^(a) 2014 asp 18. The definition of “relevant officer” in section 107(3) was amended by S.S.I. 2016/xxx.
^(b) S.S.I. 2015/261.

(5) For the Table of Fees in schedule 3 (fees payable from 1st April 2017) substitute the Table of Fees in schedule 1 of this Order.

Amendment of the High Court of Justiciary Fees Order 2015

3.—(1) The High Court of Justiciary Fees Order 2015(a) is amended as follows.

(2) In article 1(3) (commencement), for “1st April 2017” substitute “28th November 2016”.

(3) In article 2(1)(c) (fees payable in the High Court of Justiciary), for “1st April 2017” substitute “28th November 2016”.

(4) In article 3(3) (exemption of certain persons from fees), for “registered as a civil partner in terms of sections 1(1), 85(1) or 137(1) of the Civil Partnership Act 2004” substitute “in a civil partnership”.

(5) For the Table of Fees in schedule 3 (fees payable from 1st April 2017) substitute the Table of Fees in schedule 2 of this Order.

Amendment of the Sheriff Appeal Court Fees Order 2015

4.—(1) The Sheriff Appeal Court Fees Order 2015(b) is amended as follows.

(2) In article 1(3) (commencement) for “1st April 2017” substitute “28th November 2016”.

(3) In article 2 (fees payable in the Sheriff Appeal Court)—

(a) in paragraph (1)(c), for “1st April 2017” substitute “28th November 2016”; and

(b) in paragraph (2), for “or any officer acting for the Clerk” substitute “, any officer acting for the Clerk or the auditor of the Sheriff Appeal Court”.

(4) For the Table of Fees in schedule 3 (fees payable from 1st April 2017) substitute the Table of Fees in schedule 3 of this Order.

Amendment of the Sheriff Court Fees Order 2015

5.—(1) The Sheriff Court Fees Order 2015(c) is amended as follows.

(2) In article 1(3) (commencement) for “1st April 2017” substitute “28th November 2016”.

(3) In article 2 (interpretation), in the definition of “partner”, for “registered as a civil partner in terms of sections 1(1), 85(1) or 137(1) of the Civil Partnership Act 2004” substitute “in a civil partnership”.

(4) In article 3(1)(c) (fees payable in sheriff courts)—

(a) in head (i), for “1st April 2017” substitute “28th November 2016”; and

(b) in head (ii), for “1st April 2017” substitute “28th November 2016”.

(5) In article 7 (cases in which an extra fee is payable)—

(a) in paragraph (1), after “summary cause” insert “or simple procedure case”; and

(b) in paragraph (2), after “bankruptcy” insert “proceedings”.

(6) For the Tables of Fees in schedule 3 (fees payable from 1st April 2017) substitute in the appropriate places the Tables of Fees in schedule 4 of this Order.

Amendment of the Justice of the Peace Court Fees (Scotland) Order 2015

6.—(1) The Justice of the Peace Court Fees (Scotland) Order 2015(d) is amended as follows.

(2) In article 1(3) (commencement) for “1st April 2017” substitute “28th November 2016”.

(a) S.S.I. 2015/262.

(b) S.S.I. 2015/379.

(c) S.S.I. 2015/264.

(d) S.S.I. 2015/263.

(3) In article 2(1)(c) (fees payable in justice of the peace courts), for “1st April 2017” substitute “28th November 2016”.

(4) In article 3(3) (exemption of certain persons from fees), for “registered as a civil partner in terms of sections 1(1), 85(1) or 137(1) of the Civil Partnership Act 2004” substitute “in a civil partnership”.

(5) For the Table of Fees in schedule 3 (fees payable from 1st April 2017) substitute the Table of Fees in schedule 5 of this Order.

ANNABELLE EWING

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
27th October 2016

SCHEDULE 1

Article 2(5)

Court of Session fees payable from 28th November 2016

TABLE OF FEES

Payable from 28th November 2016

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable)(a) £</i>
PART I – FEES IN THE CENTRAL OFFICE OF THE COURT		
A. SIGNETING		
Signeting of any writ or summons if attendance is necessary outwith normal office hours.	125	125
B. GENERAL DEPARTMENT		
1. Appeal, application for leave or permission to appeal, summons, or other writ or step by which any cause or proceeding, other than a family action, is originated in either the Inner or Outer House (to include signeting in normal office hours).	300	214
2. Defences, answers or other writ (including a joint minute) or step in process or enrolment or opposition to a motion in a pending process by which a party other than an originating party first makes an appearance in a cause or proceeding, other than a family action.	300	214
3. Writ by which a family action is originated (other than a simplified divorce or dissolution of a civil partnership application) – inclusive fee (to include signeting within normal office hours and, if applicable, issue to the pursuer of an extract in terms of item G5(a) of this Table, and to the defender, if appropriate, a duplicate thereof).	166	166
4. Simplified divorce or dissolution of a civil partnership application (inclusive of all procedure other than that specified in item B5 of this Table).	125	125
5. In relation to a simplified divorce or dissolution of a civil partnership application, citation of any persons under rule 16.1(1)(a)(i), (ii) or (iii), as applied by rule 49.76, of the Rules of Court, or intimation to any person or persons under rule 16.1(1)(a)(i), (ii) or (iii), as applied by rule 49.76 of those Rules, where such intimation is required.	£12 plus messenger at arms fee to serve document	£12 plus messenger at arms fee to serve document
6. Defences, answers or other writ (including a joint minute) or step in process or enrolment of or opposition to a motion in a pending process by which a party other than an originating party first makes appearance in a family action.	166	166

(a) Column 3 shows the fees which were payable by virtue of schedule 2 of S.S.I. 2015/261 immediately before the coming into force of this schedule.

7. Initial lodging of affidavits in a family action where proof by affidavit evidence has been allowed.	71	71
8. Special case— for each party; maximum fee payable (per case).	107 435	107 435
9. Application by minute or motion for variation of an order in a family action.	36	36
10. Answers or opposition to an application under item B9 of this Table.	36	36
11. Letter of request to a foreign court.	54	54
12. Citation of each jury, to include outlays incurred in citing and countermanding - payable on receipt of instruments for issue of precept.	298	298
13. Reclaiming motion - payable by party enrolling motion.	214	214
14. Closed record – payable by each party on the lodging of the closed record or, where no closed record is lodged, when mode of enquiry is determined.	200	107
15. Allowing proof, etc. - payable by each party on diet of proof, jury trial, procedure roll or summar roll hearing being allowed.	59	59
16. Court hearing (in normal hours) before a single judge – payable by each party for every 30 minutes or part thereof. <i>Note:</i> This fee does not apply to the first 30 minutes of the hearing of a motion.	200	96
17. Court hearing (in normal hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof. <i>Note:</i> This fee does not apply to the first 30 minutes of the hearing on the single bills.	500	239
18. Court hearing (out of hours) before a single judge – payable by each party for every 30 minutes or part thereof.	240	115
19. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof.	600	287
20. Cancellation of court hearing before 3 or more judges, by a party or parties, within 28 days of court hearing date – fee payable is shared equally between the parties.	50% of fee that would have been payable under this Table had the court hearing taken place as planned	50% of fee that would have been payable under this Table had the court hearing taken place as planned
21. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion.	100	54
C. PETITION DEPARTMENT		
1. Petition of whatever nature presented to the Inner or Outer House other than a petition under item C3 or C4 of this Table, whether in respect of the first or any subsequent step of process, and any application for registration or recognition of a judgment under the Civil Jurisdiction and Judgments Act 1982.	300	214

2. Additional fee payable when a petition in terms of item C1 of this Table is presented outwith normal office hours.	125	125
3. Petition to be admitted as a notary public— for each applicant	161	161
4. Petition to be admitted as a solicitor— for each applicant	161	161
5. Answers, objection or other writ (including a joint minute) or step in process or enrolment or opposition to a motion in a pending process by which a party other than an originating party first makes appearance in a proceeding to which item C1 of this Table applies.	300	214
6. Caveat.	48	48
7. No fee.	-	-
8. Registering official copies of orders of courts in England and Wales or Northern Ireland.	18	18
9. Reclaiming motion – payable by party enrolling motion.	214	214
10. Closed record – payable by each party on the lodging of the closed record or, when no closed record is lodged, when mode of enquiry is determined.	200	107
11. Allowing proof, etc. – payable by each party on diet of proof, procedure roll, summar roll or judicial review hearing being allowed.	59	59
12. Court hearing (in normal hours) before a single judge – payable by each party for every 30 minutes or part thereof. <i>Note:</i> This fee does not apply to the first 30 minutes of the hearing of a motion.	200	96
13. Court hearing (in normal hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof. <i>Note:</i> This fee does not apply to the first 30 minutes of the hearing on the single bills.	500	239
14. Court hearing (out of hours) before a single judge – payable by each party for every 30 minutes or part thereof.	240	115
15. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof.	600	287
16. Cancellation of court hearing before 3 or more judges, by a party or parties, within 28 days of court hearing date – fee payable is shared equally between parties.	50% of fee that would have been payable under this Table had the court hearing taken place as planned	50% of fee that would have been payable under this Table had the court hearing taken place as planned
17. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion.	100	54
18. Lodging of notice of appointment or intention to appoint an administrator out of court under the Insolvency Act 1986.	300	214

D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS		
Appeal – inclusive fee.	300	214
E. ELECTION COURT		
1. Parliamentary election petition.	300	214
2. Statement of matters.	18	18
3. Any other petition, application, answers or objections submitted to the court.	54	54
4. Certificate of judgment.	54	54
F. LANDS VALUATION APPEAL COURT		
1. Appeal - inclusive fee.	300	214
2. Answers - inclusive fee.	214	214
G. EXTRACTS DEPARTMENT		
1. Extract decree following upon a summons, petition or appeal, or after protestation of a note, whether in absence or otherwise.	59	59
2. Extract of admission as a solicitor.	54	54
3. Extract of protestation.	54	54
4. Certificate under the Civil Jurisdiction and Judgments Act 1982.	54	54
5. Documentation evidencing divorce, nullity or dissolution of marriage or civil partnership including— (a) extract from Consistorial Register of Decrees of decree pronounced on or after 23rd September 1975 if not issued in terms of item B3 or B4 of this Table; (b) certificate of divorce in decree pronounced prior to 23rd September 1975; (c) certified copy interlocutor in decree pronounced prior to 23rd September 1975.	30	30
6. Extract from the Register of Acts and Decrees – per sheet or part thereof.	30	30
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise.	30	30
8. Acknowledgement of receipt of a notice under section 19(6) or 21(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970.	54	54
PART II – FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT		
H. OFFICE OF THE ACCOUNTANT OF COURT		
<i>I. In Factories</i>		
1. Registering case and receiving and delivering up bond of caution.	22	22
2. Examining factor's inventory – 0.333% of the value of the estate as disclosed (a) minimum fee payable;	30	30

(b) maximum fee payable.	721	721
3. Auditing each account, based on estate value—		
(a) £0 - £30,000;	112	112
(b) £30,001 - £50,000;	225	225
(c) £50,001 - £250,000;	562	562
(d) £250,001 - £500,000;	845	845
(e) £500,001 and above.	1,126	1,126
4. Reporting with regard to discharge, special powers, other special matters, surplus estate or scheme of division.	56	56
5. For certificate under seal.	17	17
<i>II. In Consignations</i>		
6. Lodging consignment.	32	32
7. Producing or delivering up consignment, based on consignment value—		
(a) consignment value £0 - £50 and less than 7 years since lodged;	No charge	No charge
(b) consignment value over £50 and less than 7 years since lodged;	32	32
(c) consignment value £0 - £70 and over 7 years since lodged;	No charge	No charge
(d) consignment value over £70 and over 7 years since lodged.	53	53
PART III – FEES IN THE OFFICE OF THE AUDITOR OF THE COURT OF SESSION		
I. OFFICE OF THE AUDITOR OF THE COURT OF SESSION		
1. Taxing accounts of expenses incurred in judicial proceedings (including proceedings in the High Court of Justiciary) remitted to the Auditor of the Court of Session for taxation—		
(a) on lodging account for taxation;	43	43
(b) taxing accounts for expenses etc.—		
(i) up to £400;	20	20
(ii) for every additional £100 or part thereof.	5	5
<i>Note: fee to be determined by the Auditor of the Court of Session on amount of account as submitted.</i>		
2. Fee for assessing account remitted to the Auditor to determine whether an additional fee should be paid.	287	287
3. Fee for cancellation of diet of taxation—		
(a) where written notice of cancellation received from receiving party after 4.00 pm on the fourth working day before the day of the diet of taxation;	50% of fee that would be payable under item I1(b) of this Table	50% of fee that would be payable under item I1(b) of this Table
(b) where written notice of cancellation received from receiving party after 4.00 pm on the second working day before the day of the diet of taxation.	75% of fee that would be payable under item I1(b) of	75% of fee that would be payable under item I1(b) of this Table

this Table		
PART IV – FEES COMMON TO ALL OFFICES		
J. MISCELLANEOUS		
1. Certified copy of proceedings for appeal to the Supreme Court.	214	214
2. Certifying of any other document (plus copying charges if necessary).	18	18
3. Recording, engrossing, extracting, printing or copying of all documents (exclusive of search fee)—		
(a) by photocopying or otherwise producing a printed or typed copy—		
(i) up to 10 pages;	6	6
(ii) each page or part thereof in excess of 10 pages;	0.50	0.50
(b) for a copy of each document in electronic form.	6	6
4. Any search of records or archives, per 30 minutes or part thereof.	12	12
In addition, correspondence fee where applicable.	12	12
5. Captions—		
(a) marking caption when ordered;	12	12
(b) warrant for caption when issued.	12	12
6. Change of party name where more than 10 cases are registered – per case.	2	2

SCHEDULE 2

Article 3(5)

High Court of Justiciary fees payable from 28th November 2016

TABLE OF FEES

Payable from 28th November 2016

<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).	107	107
2. Certified copy of any document other than an extract conviction.	18	18
3. Recording, engrossing, printing or copying of all documents (exclusive of search fee)—		
(a) by photocopying or otherwise producing a printed or typed copy—		
(i) each document, up to 10 pages;	6	6
(ii) each further page or part thereof in excess of 10 pages;	0.50	0.50
(b) for a copy of each document in electronic form.	6	6
4. Any search of records or archives, per 30 minutes or part thereof.	12	12
In addition, correspondence fee where applicable.	12	12
5. Petition for removal of disqualification from driving.	89	89

(a) Column 3 shows the fees which were payable by virtue of schedule 2 of S.S.I. 2015/262 immediately before the coming into force of this schedule.

SCHEDULE 3

Article 4(4)

Sheriff Appeal Court fees payable from 28th November 2016

TABLE OF FEES

Payable from 28th November 2016

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable)(a) £</i>
1. Lodging of a written motion or minute and the lodging of any written opposition to any such motion or minute. (NOTE: Where a minute is accompanied by a relevant written motion no fee is payable in respect of lodging the motion.)	48	48
2. Fixing of a hearing— (a) under rule 7.14(3)(a) of the Sheriff Appeal Court Rules (standard appeal procedure); (b) under rule 27.2 (accelerated appeal procedure); (c) under rule 28.13(3)(a) (application for a new jury trial); (d) under rule 29.2(2) (appeal from summary cause); (e) under rule 16.4(1) of the Simple Procedure Rules(b) (appeal from simple procedure case). (NOTE: Fee is only payable by the appellant or applicant in an appeal, and only by the respondent in a cross-appeal.)	54 54 54 54 54	54
3. Lodging— (a) an appeal in a cause other than a summary cause or simple procedure case; (b) a cross-appeal under rule 7.3 of the Sheriff Appeal Court Rules (cross-appeals); (c) an application under section 69 or 71 of the Courts Reform (Scotland) Act 2014.	113 113 113	113
4. Hearing fee per day or part thereof (bench of 1) for hearings— (a) under rule 7.14(3)(a) of the Sheriff Appeal Court Rules; (b) under rule 27.2; (c) under rule 28.13(3)(a); (d) under rule 29.2(2);	227 227 227 227	227

(a) Column 3 shows the fees which were payable by virtue of schedule 2 of S.S.I. 2015/379 immediately before the coming into force of this schedule.

(b) The Simple Procedure Rules are in schedule 1 of S.S.I. 2016/200, as amended by S.S.I. 2016/315.

<p>(e) under rule 16.4(1) of the Simple Procedure Rules.</p> <p>(NOTES: This fee does not apply to the first 30 minutes of the hearing. Fee is only payable by the appellant or applicant in an appeal, and only by the respondent in a cross-appeal. Where an appeal and a cross-appeal are heard together, each party must pay fee.)</p>	227	
<p>5. Hearing fee per day or part thereof (bench of 3 or more) for hearings—</p> <p>(a) under rule 7.14(3)(a) of the Sheriff Appeal Court Rules;</p> <p>(b) under rule 27.2;</p> <p>(c) under rule 28.13(3)(a);</p> <p>(d) under rule 29.2(2);</p> <p>(e) under rule 16.4(1) of the Simple Procedure Rules.</p> <p>(NOTES: This fee does not apply to the first 30 minutes of the hearing. Fee is only payable by the appellant or applicant in an appeal, and only by the respondent in a cross-appeal. Where an appeal and a cross-appeal are heard together, each party must pay fee.)</p>	<p>568</p> <p>568</p> <p>568</p> <p>568</p> <p>568</p>	568
<p>6. Recording, engrossing, printing or copying of all documents (exclusive of search fee)—</p> <p>(a) by photocopying or otherwise producing a printed or typed copy—</p> <p>(i) each document, up to 10 pages;</p> <p>(ii) each further page or part thereof in excess of 10 pages;</p> <p>(b) for a copy of each document in electronic form.</p>	<p>6</p> <p>0.5</p> <p>6</p>	<p>6</p> <p>0.5</p> <p>6</p>
<p>7. Any search of records or archives, per 30 minutes or part thereof.</p> <p>In addition, correspondence fee where applicable.</p>	<p>12</p> <p>12</p>	<p>12</p> <p>12</p>
<p>8. 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 from receiving party after 4.00 pm on the fourth working day before the day of diet of taxation;</p>	<p>43</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>43</p> <p>20</p> <p>5</p> <p>50% of fee that would have been payable under sub-paragraph (b) of this paragraph</p>

(ii) where written notice of cancellation received from receiving party after 4.00 pm on the second working day before the day of the diet of taxation.	75% of fee that would have been payable under sub-paragraph (b) of this paragraph	75% of fee that would have been payable under sub-paragraph (b) of this paragraph
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SCHEDULE 4

Article 5(6)

Sheriff court fees payable from 28th November 2016

PART 1

Sheriff court

TABLES OF FEES

Payable from 28th November 2016

<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;	18	18
(b) restriction of caution;	18	18
(c) special warrant;	18	18
(d) sealing up of repositories or the like;	18	18
(e) appointment of Commissary factor.	18	18
(NOTE: the fee for all petitions in paragraph 1 includes issue of extract decree)		
2. Sealing up repositories or the like, per hour.	30	30
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—		
£50,000;	No fee	-(b)
£250,000;	250	-
(ii) where the amount of the estate exceeds £250,000;	500	-

(a) Column 3 shows the fees which were payable by virtue of Part 1 of schedule 2 of S.S.I. 2015/264 immediately before the coming into force of this schedule.

(b) A different fee structure for item 3 has previously been applicable.

<p>(b) receiving and examining additional or corrective inventory of estate or inventory of estate <i>ad non executa</i>—</p> <p>(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— £50,000; £250,000;</p> <p>(ii) where the amount of the estate exceeds £250,000;</p> <p>(c) Receiving and examining inventory of estate where it is declared that confirmation is not required.</p>	<p>No fee 250 500</p> <p>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</p>	<p>- - -</p> <p>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</p>
<p>4. Commissary copying and extracting.</p> <p>(1) Issuing certificate of confirmation—</p> <p>(a) if ordered when lodging inventory, each certificate;</p> <p>(b) if ordered subsequent to lodging inventory—</p> <p>(i) first certificate, including search fee;</p> <p>(ii) each subsequent certificate.</p>	<p>7 18 7</p>	<p>7 18 7</p>
<p>(2) Copy or duplicate confirmation—</p> <p>(a) if ordered when lodging inventory;</p> <p>(b) if ordered subsequent to lodging inventory—</p> <p>(i) duplicate confirmation, including search fee;</p> <p>(ii) each subsequent duplicate confirmation if ordered at the same time as the duplicate confirmation in head (i).</p>	<p>12 24 12</p>	<p>12 24 12</p>
<p>(3) Certified extract confirmation and will (if any)—</p> <p>(a) if ordered when lodging inventory;</p> <p>(b) if ordered subsequent to lodging inventory—</p> <p>(i) certified extract, including search fee;</p> <p>(ii) each subsequent certified extract if ordered at the same time as the certified extract in head (i).</p>	<p>24 36 24</p>	<p>24 36 24</p>

(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).	7 18 7	7 18 7
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).	120	96
6. European Order for payment in terms of EU Regulation 1896/2006 – application for European Order for payment.	120	96
<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).	150	150
<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).	120	113
9. Subsequent application upon change of circumstances by party.	30	30
<i>Summary warrant</i> 10. Application for summary warrant.	71	71
<i>Bankruptcy</i> 11. Petition for sequestration of estates or petition for recall of award of sequestration.	113	113
12. Miscellaneous applications, including appeals under the Bankruptcy (Scotland) Act 1985 or the Bankruptcy (Scotland) Act 2016(a).	59	59
13. Application for the approval of composition.	36	36
<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.	227	227
15. Issue of chancery extract.	107	107

(a) 2016 asp 21.

Summary cause/simple procedure		
16. Summons for summary cause or claim form for simple procedure case (NOTE: includes European small claim procedure and fee covers issue of extract decree or issue of decision)—		
(a) actions for payment of money of £200 or less (or 250 euros for European small claims);	18	18
(b) other actions;	100	78
(c) on the marking of an appeal or the sending of an appeal form to the sheriff court.	59	59
Criminal procedure		
17. Complaint.	36	36
Road Traffic Offenders Act 1988		
18. Petition for removal of disqualification.	89	89
Miscellaneous		
19. Application under section 4 of the Requirements of Writing (Scotland) Act 1995.	18	18
20. Caveat.	36	36
21. Any proceedings under section 12 or 18 of the Civil Jurisdiction and Judgments Act 1982.	24	24
22. Note in a liquidation or judicial factory.	36	36
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 compeerer) (NOTE: fee covers issue of extract decree)—		
(a) in proceedings to which paragraph 5 of this Table applies;	120	96
(b) in an action of divorce or dissolution of a civil partnership (other than a simplified divorce or dissolution of civil partnership).	150	150
Civil court procedure		
Payable by pursuer		
24. Lodging of a certified copy record under the Ordinary Cause Rules (NOTE: fee payable only once in respect of a cause).	113	113
25. Lodging of a certified closed record under the additional procedure of the Ordinary Cause Rules.	113	113
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.	54	54
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).	227	227

28. Initial lodging of affidavits in a family action where proof by affidavit evidence has been allowed.	66	66
<i>Payable by any party (including pursuer)</i>		
29. Lodging of a written motion or minute and the lodging of any written opposition to any such motion or minute (NOTE: where a minute is accompanied by a relevant written motion no fee is payable in respect of lodging the motion).	48	48
30. Marking an appeal to the sheriff principal in any proceedings (other than as provided for in paragraph 16(c) of this Table).	113	113
<i>Sheriff court books</i>		
31. Recording protest of a bill or promissory note (NOTE: Extracts to be charged as in paragraph 36 of this Table).	24	24
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).	12	12
<i>Miscellaneous office procedures</i>		
33. Lodging each set of plans or other Parliamentary deposit.	71	71
34. Inspection of report of auction and the auditor of court's report.	18	18
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— weekly for 12 months.	346	346
36. Recording, engrossing, extracting, printing or copying of all documents, except as provided for at paragraph 4 of this Table (exclusive of search fee)— (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 each document in electronic form. (NOTE: Recording in Sheriff Court Register of Deeds to be charged as in paragraph 31.)	6 0.50 6	6 0.50 6
37. Any search of records or archives, except as provided for at paragraph 4 of this Table, per 30 minutes or part thereof.— In addition, correspondence fee where applicable.	12 12	12 12
38. Citation of, or intimation to, any person or persons by sheriff officer as instructed by the sheriff clerk.	12 plus sheriff officer's fee	12 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.	43	43
(b) taxing accounts of expenses etc.—		
(i) up to £400;	20	20
(ii) for every additional £100 or part thereof.	5	5
(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 from receiving party after 4.00 pm on the fourth working day before the day of diet of taxation;	50% of fee that would have been payable under sub-paragraph (b) of this paragraph	50% of fee that would have been payable under sub-paragraph (b) of this paragraph
(ii) where written notice of cancellation received from receiving party after 4.00 pm on the second working day before the day of the diet of taxation.	75% of fee that would have been payable under sub-paragraph (b) of this paragraph	75% of fee that would have been payable under sub-paragraph (b) of this paragraph

PART 2

Sheriff Personal Injury Court

Payable from 28th November 2016

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(a)</i>
	£	£
1. Lodging of a written motion or minute and the lodging of any written opposition to any such motion or minute. (NOTE: where a minute is accompanied by a relevant written motion no fee is payable in respect of lodging the motion.)	54	54
2. Fixing, allocating or assigning of a proof or trial, a debate or a hearing on the merits of the cause	59	59
3. Hearing fee: per 30 minutes or part thereof.	77	77
4. Lodging a certified copy closed record. (NOTE: fee payable only once in respect of a cause).	107	107
5. Initial writ. (NOTE: fee covers issue of extract decree).	214	214
6. Lodging defences (fee payable by each defender or comparer). (NOTE: fee covers issue of extract decree).	214	214

(a) Column 3 shows the fees which were payable by virtue of Part 2 of schedule 2 of S.S.I. 2015/264 immediately before the coming into force of this schedule.

7. Citation of a civil jury. (NOTE: includes outlays incurred in citing and countermanding, and is payable on the lodging of a proposed issue for jury trial.)	298	298
8. Certified copy of a document	18	18

SCHEDULE 5

Article 6(5)

Justice of the Peace Court fees payable from 28th November 2016

TABLE OF FEES

Payable from 28th November 2016

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable) £</i>	<i>Column 3 (Fee Formerly Payable)(a) £</i>
1. Application for utility warrants.	11	11
2. Recording, engrossing, printing or copying of all documents (exclusive of search fee)—		
(a) by photocopying or otherwise producing a printed or typed copy—		
(i) each document, up to 10 pages;	6	6
(ii) each further page or part thereof in excess of 10 pages;	0.5	0.5
(b) for a copy of a document in electronic form.	6	6
3. Any search of records or archives, per 30 minutes or part thereof.	12	12
In addition, correspondence fee where applicable.	12	12
4. Petition for removal of disqualification from driving.	89	89

(a) Column 3 shows the fees which were payable by virtue of schedule 2 of S.S.I. 2015/263 immediately before the coming into force of this schedule.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the following Orders (“the Court Fees Orders”)—

- the Court of Session etc. Fees Order 2015 (see article 2 and schedule 1);
- the High Court of Justiciary Fees Order 2015 (see article 3 and schedule 2);
- the Sheriff Appeal Court Fees Order 2015 (see article 4 and schedule 3);
- the Sheriff Court Fees Order 2015 (see article 5 and schedule 4); and
- the Justice of the Peace Court Fees (Scotland) Order 2015 (see article 6 and schedule 5).

In each of the Court Fees Orders, the existing Tables of Fees in schedule 3 are replaced by substituted Tables of Fees from the schedules of this Order. Some fees are to be increased beyond the figures in existing schedule 3 whereas in other cases the fees are to remain as they have been from 1st April 2016. The following textual amendments are made to the Court Fees Orders—

- consequential amendments in connection with the introduction of simple procedure on 28th November 2016;
- in the Sheriff Appeal Court Fees Order 2015 the position of the auditor of the Sheriff Appeal Court is provided for and fees narratives for items 1 to 5 have been updated to reference rules of court;
- in each of the Court Fees Orders other than the Sheriff Appeal Court Fees Order 2015 the definition of civil partnership is amended to reflect the drafting approach in the Sheriff Appeal Court Fees Order 2015; and
- the fees entries for copying have been aligned with the approach in the Sheriff Court Fees Order 2015.

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Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen’s Printer for Scotland.

£6.00

S201610281 11/2016 19585

<http://www.legislation.gov.uk/id/ssi/2016/332>

ISBN 978-0-11-103346-3



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