

1988 No. 1893 (S.181)

SHERIFF COURT, SCOTLAND

The Sheriff Court Fees Amendment (No.2) Order 1988

Made - - - - - *31st October 1988*

Laid before Parliament *9th November 1988*

Coming into force *30th November 1988*

The Secretary of State, in exercise of the powers conferred on him by section 2 of the Courts of Law Fees (Scotland) Act 1895(a), and of all other powers enabling him in that behalf, and with the concurrence of the Treasury, hereby makes the following Order:

1. This Order may be cited as the Sheriff Court Fees Amendment (No.2) Order 1988 and shall come into force on 30th November 1988.

2. Article 2 of the Sheriff Court Fees Order 1985(b) shall be amended by adding—
““small claim” has the meaning assigned to it by the Small Claims (Scotland) Order 1988.”.

3. Article 9 of the Sheriff Court Fees Order 1985 shall be amended by adding at the end the following paragraph:—

“(2) Except in relation to the fees specified in item 27A in Table A Fees, the fees otherwise payable by a debtor or a creditor in terms of this Order shall not apply to any proceedings under the Debtors (Scotland) Act 1987(c).”.

4. In Part II of the Table of Fees in the Schedule to the Sheriff Court Fees Order 1985 at item 16—

(a) insert after the word “Cause” the words “(including small claim)”;

(b) in Column 1 (Matters) below “2. Other actions” in item 16 insert—

“3. In relation to a small claim summons, citation of, or intimation to, any party by sheriff officer.”;

(c) in Column 2 (Fee payable) insert “£5.50”;

(d) in Column 3 (Fee formerly payable) insert “—”.

5. In Part II of the Table of Fees in the Schedule to the Sheriff Court Fees Order 1985 below item 27—

(a) in Column 1 (Matters) insert “27A Inspection of report of sale and the auditor of court’s report”;

(b) in Column 2 (Fee payable) insert “£3.50”; and

(c) in Column 3 (Fee formerly payable) insert “—”.

(a) 1895 c.14; section 2 was substituted by section 4 of the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c.12).

(b) S.I. 1985/827; relevant amending instrument is S.I. 1986/451.

(c) 1987 c.18.

St. Andrew's House, Edinburgh
26th October 1988

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

We concur,

31st October 1988

David Lightbown
David Maclean
Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order imposes two new fees relating to new legislation. Item 16.3 of the Table of Fees is for citations or intimations by sheriff officer in cases heard under the Small Claims procedure. Item 27A is for the inspection of reports of sales and auditor of court's reports under the Debtors (Scotland) Act 1987. Fees prescribed under item 27A are the only court fees payable in relation to proceedings under the Debtors (Scotland) Act 1987.

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