
STATUTORY INSTRUMENTS

1993 No. 2957 (S.273)

SHERIFF COURT, SCOTLAND

The Sheriff Court Fees Amendment (No.2) Order 1993

Made - - - - - *29th November 1993*
Laid before Parliament *10th December 1993*
Coming into force - - - *1st January 1994*

The Secretary of State, in exercise of the powers conferred on him by section 2 of the Courts of Law Fees (Scotland) Act 1895(1) 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 1993 and shall come into force on 1st January 1994.
2. The Sheriff Court Fees Order 1985(2) shall be amended as follows:—
 - (a) after article 9 there shall be inserted the following article:—

“(9A) Paragraphs 16(d), 35, 36, 37, 38, 40 and 41 of the Table of Fees shall not apply to causes commenced before 1st January 1994.”; and
 - (b) for the Table of Fees in the Schedule to that Order(3) there shall be substituted the Table of Fees set out in the Schedule to this Order.
3. The Sheriff Court Fees Amendment Order 1992(4) and the Sheriff Court Fees Amendment Order 1993(5) are hereby revoked.

St Andrew's House,
Edinburgh
25th November 1993

Fraser of Carmyllie
Minister of State, Scottish Office

(1) 1895 c. 14; section 2 was substituted by section 4 of the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12).
(2) S.I.1985/827, amended by S.I. 1992/413 and S.I. 1993/428.
(3) As substituted by S.I. 1992/413 and amended by S.I. 1993/428.
(4) S.I. 1992/413.
(5) S.I. 1993/428.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

We concur,

29th November 1993

T. J. R. Wood
Timothy Kirkhope
Two of the Lords Commissioners of Her
Majesty's Treasury

SCHEDULE

Article 2

TABLE OF FEES

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(6)</i>
PART 1-COMMISSARY PROCEEDINGS	£ 10.00	£ 6.00
1. Petition for (a) appointment of executor, (b) restriction of caution, (c) special warrant, (d) sealing up of repositories or the like, or (e) appointment of Commissary factor		
2. Sealing up repositories or the like, per hour	£ 15.00	£ 13.00
(a) (a) Receiving and examining inventory of estate, except where sub-paragraph (b), (c) or (d) 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(7) is required does not exceed—		
£3,000	no fee	No fee;
£50,000	£ 70.00	from £3,000 to £13,000— £20.00; from

(6) Column 3 shows the fees which were payable under S.I. 1985/827 as amended by S.I. 1992/413 and 1993/428 before the coming into force of this Order.

(7) 1892 c. 6.

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<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(6)</i>
(ii) where the amount of the said estate exceeds £50,000	£100.00	£13,000 to £20,000 –£50.00; thereafter £20.00 for each additional £10,000
(b) (b) Receiving and examining additional or corrective inventory of estate or inventory of estate <i>ad non executata</i>	£ 70.00	£6.00 basic fee + £2.00 for each additional £1000 (excluding the first £1,000) or part thereof
(c) (c) Receiving and examining inventory of estate where it is declared that confirmation is not required: The fees payable shall be half those specified in subparagraph (a) or (b) of this paragraph. If confirmation is subsequently required half of the fees specified in subparagraph (a) or (b) shall be payable.		
4 Commissary copying and extracting		
(1) Issuing certificate of confirmation		
(a) (a) if ordered when lodging inventory—each certificate	£ 3.00	£ 2.50
(b) (b) if ordered subsequent to lodging inventory—		
(i) first certificate—including search fee	£ 9.00	£ 8.00
(ii) each subsequent certificate	£ 3.00	£ 2.50
(2) Copy or duplicate confirmation—		

(6) Column 3 shows the fees which were payable under S.I. 1985/827 as amended by S.I. 1992/413 and 1993/428 before the coming into force of this Order.

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<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(6)</i>
(a) (a) if ordered when lodging inventory	£ 5.00	£ 5.00
(b) (b) if ordered subsequent to lodging inventory-including search fee	£ 11.00	£ 10.50
(3) Certified extract confirmation and will (if any)—		
(a) (a) if ordered when lodging inventory	£ 11.00	£ 10.50
(b) (b) if ordered subsequent to lodging inventory-including search fee	£ 19.00	£ 16.00
(4) Copy will—		
(a) (a) if ordered when lodging inventory	£ 3.50	£ 3.00
(b) (b) if ordered subsequent to lodging inventory-including search fee	£ 9.00	£ 8.50

PART II—SHERIFF COURT PROCEEDINGS

Ordinary actions and various other proceedings

5. Initial writ in any proceedings not being proceedings for which any other paragraph of this Table prescribes a fee £ 42.00 £ 30.00

6. First writ, reponing note or attendance to state a defence, or oppose an interim order in proceedings to which paragraph 5 of this Table applies, each defender or comparer £ 42.00 £ 30.00

Bankruptcy proceedings

7. Petition for sequestration of estates £ 53.00 £ 44.00

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<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(6)</i>
8. Act and warrant of trustee	£ 21.00	£ 20.00
9. Writing minute of meeting, per hour	£ 26.00	£ 13.00
10. Application (written or oral) for discharge of trustee	£ 16.00	£ 20.00
11. Petition for discharge of a bankrupt or application for approval of composition or deed of arrangement	£ 16.00	£ 20.00
12. Sheriff clerk acting as commissioner	£ 26.00	£ 23.00
12A. Miscellaneous applications including appeals under the Bankruptcy (Scotland) Act 1985(8)	£ 26.00	£ 20.00
<i>Service of heirs</i>		
13. Petition for general or special service or completion of title, or note for a Crown or Prince's charter, writ or precept	£105.00	£ 42.00
<i>Enforcement of UK judgments</i>		
14. Any proceedings under section 12 or 18 of the Civil Jurisdiction and Judgments Act 1982(9)	£ 11.00	£ 8.00
<i>Criminal Procedure (Scotland) Act 1975(10)</i>		
15. Complaint	£ 16.00	£ 10.50
<i>Road Traffic Offenders Act 1988(11)</i>		
15A. Petition for removal of disqualification	£ 42.00	—
<i>Summary cause</i>		
16. Summons-Summary cause (including small claim)—		

(6) Column 3 shows the fees which were payable under S.I. 1985/827 as amended by S.I. 1992/413 and 1993/428 before the coming into force of this Order.

(8) 1985 c. 66 as amended by the Bankruptcy (Scotland) Act 1993 (c. 6).

(9) 1982 c. 27.

(10) 1975 c. 21.

(11) 1988 c. 53.

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<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(6)</i>
(a) (a) Actions for payment of money less than £50	£ 6.00	£ 6.00
(b) (b) Other actions	£ 32.00	£ 26.00
(c) (c) In relation to a small claim summons, citation of, or intimation to, any party by sheriff officer	£ 21.00	£ 19.50
(d) (d) On the marking of an appeal	£ 26.00	—
<i>Actions of divorce (other than simplified divorce application)</i>		
17. Initial writ in an action of divorce other than a simplified divorce application	£ 70.00	£ 40.00
18. First writ or attendance to state a defence or oppose an interim order, each defender or compeerer in an action of divorce other than a simplified divorce application	£ 70.00	£ 40.00
<i>Simplified divorce application</i>		
19. Simplified divorce application (inclusive of all procedures other than those specified at paragraphs 20 and 21 of this Table)	£ 55.00	£ 40.00
20. In relation to a simplified divorce application, citation of, or intimation to, any person or persons by sheriff officer	£ 30.00	£ 31.00
21. Subsequent application upon change circumstances by party to a simplified divorce application	£ 16.00	£ 12.50
<i>Miscellaneous</i>		
22. Note in a liquidation or judicial factory	£ 16.00	£ 12.00
23. Caveat	£ 16.00	£ 12.50

(6) Column 3 shows the fees which were payable under S.I. 1985/827 as amended by S.I. 1992/413 and 1993/428 before the coming into force of this Order.

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<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(6)</i>
24. Summary warrant for the recovery of rates	£ 32.00	£ 30.00
25. Summary warrant for the recovery of community charges	£ 32.00	£ 30.00
25A. Summary warrant for the recovery of council tax, council water charge and related penalties	£ 32.00	£ 30.00
26. Summary warrant for the recovery of taxes	£ 32.00	£ 30.00
27. Recording protest of a bill or promissory note	£ 11.00	£ 5.50
NOTE: Extract to be charged as in paragraph 32 of this Table.		
28. Lodging each set of plans or other Parliamentary deposit	£ 32.00	£ 30.00
29. Preservation of deeds, each deed	£ 5.00	£ 4.50
NOTE: Recording and extracting to be charged as in paragraph 32 of this Table		
30. Inspection of report of sale and the auditor of court's report	£ 8.00	£ 5.50
31. Inspection by a trade protection society, licensed credit reference agency or trade publication of protests, Act Book and Court Rolls—e:		
(a) (a) Weekly for twelve months (payable in advance)	£158.00	£135.00
(b) (b) Twice weekly for twelve months (payable in advance)	£315.00	£270.00
(c) (c) Four times weekly for twelve months (payable in advance)	£630.00	£540.00

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<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(6)</i>
PART III COMMISSARY AND SHERIFF COURT PROCEEDINGS— MISCELLANEOUS		
32. Recording, engrossing, extracting or copying all documents except as provided for at paragraph 4 of this Table—		
(a) (a) By manuscript or typescript per sheet or part thereof	£ 6.00	£ 4.50
(b) (b) By copying by electrical or mechanical means per page:		
First copy—		
each of first 10 pages	£ 1.00	£ 1.00
each page after first 10	£ 0.30	£ 0.25
Subsequent copies: each page	£ 0.30	£ 0.25
NOTE: Recording in Sheriff Court Register of Deeds to be charged as in (a) or (b)		
33. Searches: for each search of records or archives, except as provided for at paragraph 4 of this Table—		
(a) (a) For first half hour of time taken	£ 6.00	£ 5.50
(b) (b) For more than one half hour up to a maximum of two hours	£ 12.00	£ 11.50
(c) (c) For each half hour or part thereof in excess of two hours	£ 6.00	£ 4.50
(d) (d) plus correspondence fee where applicable	£ 6.00	£ 4.50
PART IV—TAXATION		

(6) Column 3 shows the fees which were payable under S.I. 1985/827 as amended by S.I. 1992/413 and 1993/428 before the coming into force of this Order.

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<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(6)</i>
34. For taxing accounts of expenses incurred in judicial proceedings remitted to the auditor of court for taxation—		
(1) auditor’s fee on lodging account for taxation	£ 12.00	—
(2) auditor’s fee for taxing accounts of expenses etc.—		
(a) (a) Under £300	£ 12.00	Under £50–£2.00;
(b) (b) For every addition £100 or part thereof	£ 4.00	thereafter £2.00 for each additional £50 or part thereof
NOTE: Fee to be determined by auditor of court on amount of account as submitted		
PART V-ORDINARY COURT (INCLUDING DIVORCE AND MISCELLANEOUS CIVIL COURT PROCEEDINGS (EXCLUDING SUMMARY CAUSE))		
35. Fee to be paid by the pursuer on the lodging of a certified copy record under the standard procedure of the Ordinary Cause Rules 1993(12)	£ 53.00	—
36. Fee to be paid by the pursuer on the lodging of a certified copy closed record under the additional procedure of the said Rules	£ 53.00	—
37. Fee to be paid by pursuer on the fixing of a proof, debate or hearing	£ 53.00	—
38. Fee to be paid by the pursuer for each additional day or part thereof of proof, debate or hearing of the merits of a cause	£ 53.00	—

(6) Column 3 shows the fees which were payable under S.I. 1985/827 as amended by S.I. 1992/413 and 1993/428 before the coming into force of this Order.

(12) S.I. 1993/1956.

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<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(6)</i>
<p>39. Fee to be paid by any party lodging a written motion, minute, or motion and minute; or opposing any such motion, minute or motion and minute</p> <p>NOTE: The above fee does not apply to minute for decree in absence.</p>	£ 21.00	—
<p>40. Fee to be paid on marking an appeal to the Sheriff Principal in any proceedings</p>	£ 53.00	—
<p>41. Fee to be paid by any party on the lodging of affidavit evidence in any cause</p>	£ 30.00	—

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends, with effect from 1st January 1994, the Sheriff Court Fees Order 1985. It takes account of new procedures, coming into force on that date, introduced into ordinary cause actions in the Sheriff Court. This Order inserts an additional article, 9A, into the 1985 Order and substitutes a new Table of Fees in the Schedule to that Order. Most of the existing fees payable in relation to proceedings in the sheriff court are increased. New structures for the charging of certain commissary fees (at paragraph 3) and taxation fees (at paragraph 34) are introduced. New fees are introduced (at paragraph 16(d) and Part V) for certain procedures relating to lodging of documents, motions, appeals and hearings on the merits of a cause. A new fee is introduced (at paragraph 15A) for petitions for the removal of a disqualification under the Road Traffic Offenders Act 1988.

The Order also revokes the Sheriff Court Fees Amendment Orders of 1992 and 1993.

(6) Column 3 shows the fees which were payable under S.I. 1985/827 as amended by S.I. 1992/413 and 1993/428 before the coming into force of this Order.