
STATUTORY INSTRUMENTS

1996 No. 628 (S.63)

SHERIFF COURT, SCOTLAND

The Sheriff Court Fees Amendment Order 1996

Made - - - - *4th March 1996*
Laid before Parliament *11th March 1996*
Coming into force - - *1st April 1996*

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:

Citation and commencement

1. This Order may be cited as the Sheriff Court Fees Amendment Order 1996 and shall come into force on 1st April 1996.

Amendment of Fees Order

2.—(1) The Sheriff Court Fees Order 1985(2) shall be amended in accordance with the following provisions of this article.

(2) In article 2(1) (Interpretation), there shall be inserted after the definition of “extract decree” the following definitions:—

““minute” means a minute in terms of rule 14.2 of the Ordinary Cause Rules 1993(3);

“motion” means—

- (a) a written motion to which Chapter 15 of the Ordinary Cause Rules 1993 apply; and
- (b) a written motion made in an undefended family action in terms of Chapter 33 of the Ordinary Cause Rules 1993 in which no notice of intention to defend has been lodged;”.

(3) After article 2(2) (Interpretation), there shall be inserted, as follows:—

“(3) The fees payable in respect of the matters referred to in paragraphs 35, 36 and 41 of the Table of Fees shall be payable on one occasion only in respect of a cause.”.

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

(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. 1993/2957.
(3) S.I. 1993/1956.

- (a) in paragraph (1)—
- (i) for the words “ordinary roll”, there shall be substituted the words “ordinary cause roll”; and
 - (ii) for the word “action”, wherever it appears, there shall be substituted the word “cause”; and
- (b) in paragraph (2) for the words “or bankruptcy proceedings”, there shall be substituted the words “, bankruptcy proceedings or proceedings under section 4 of the Requirements of Writing (Scotland) Act 1995(4)”.
- (5) For the Table of Fees in the Schedule there shall be substituted the Table of Fees set out in the Schedule to this Order.

Revocation

3. Article 2(b) of the Sheriff Court Fees Amendment (No.2) Order 1993(5) is hereby revoked.

St Andrew’s House,
Edinburgh
29th February 1996

James Douglas-Hamilton
Minister of State, Scottish Office

We concur,

4th March 1996

Simon Burns
Liam Fox
Two of the Lords Commissioners of Her
Majesty’s Treasury

(4) 1995 c. 7.
(5) S.I. 1993/2957.

SCHEDULE

Article 2(5)

TABLE OF FEES

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(6)</i>
PART I—COMMISSARY PROCEEDINGS		
1. Petition for appointment of executor, restriction of caution, special warrant, (d) sealing up of repositories or the like, or (e) appointment of Commissary factor	(a) £ 10.00	£ 10.00
2. Sealing up repositories or the like, per hour	£ 15.00	£ 15.00
(a) (a) Receiving and examining inventory of estate, except where subparagraph (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(7) is required does not exceed—		
£5,000	No fee	No fee up to £3,000
£50,000	£ 70.00	£ 70.00
(ii) where the amount of the said estate exceeds £50,000	£100.00	£100.00
(b) (b) Receiving and examining additional or corrective inventory of estate or inventory of estate <i>ad non executata</i>	£ 70.00	£ 70.00

(6) Column 3 shows the fees which were payable under S.I. 1985/827 as amended by S.I. 1993/2957 before the coming into force of this Order.

(7) 1892 c. 6.

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

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(6)</i>
(c) (c) Receiving and examining inventory of estate where it is declared that confirmation is not required:		
<p>The fees payable shall be half those specified in sub-paragraph (a) or (b) of this paragraph. If confirmation is subsequently required the remaining half of the fees specified in sub-paragraph (a) or (b) shall be payable.</p>		
<p>4. Commissary copying and extracting</p>		
<p>(1) Issuing certificate of confirmation—</p>		
(a) (a) if ordered when lodging inventory—each certificate	£ 3.00	£ 3.00
(b) (b) if ordered subsequent to lodging inventory—		
(i) first certificate—including search fee	£ 9.00	£ 9.00
(ii) each subsequent certificate	£ 3.00	£ 3.00
<p>(2) Copy or duplicate confirmation—</p>		
(a) (a) if ordered when lodging inventory	£ 5.00	£ 5.00
(b) (b) if ordered subsequent to lodging inventory—		£ 11.00
(i) first duplicate—including search fee	£ 11.00	—
(ii) each subsequent duplicate if ordered at the same time as the first duplicate	£5.00	—

(6) Column 3 shows the fees which were payable under [S.I. 1985/827](#) as amended by [S.I. 1993/2957](#) before the coming into force of this Order.

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

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(6)</i>
(3) Certified extract confirmation and will (if any)—		
(a) (a) if ordered when lodging inventory	£ 11.00	£ 11.00
(b) (b) if ordered subsequent to lodging inventory—		£ 19.00
(i) first certified extract-including search fee	£ 17.00	—
(ii) each subsequent certified extract if ordered at the time of the first certified extract	£ 11.00	—
(4) Copy will—		
(a) (a) if ordered when lodging inventory	£ 3.50	£ 3.50
(b) (b) if ordered subsequent to lodging inventory—	£ 9.00	
(i) first copy-including search fee	£ 9.50	—
(ii) each subsequent copy, if ordered at the same time as the first copy	£ 3.50	—

**PART II—SHERIFF
COURT PROCEEDINGS**

*Ordinary causes and
summary or miscellaneous
applications*

5. Initial writ in any proceedings not being proceedings for which any other paragraph of this Table prescribes a fee £ 44.00 £ 42.00

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 compeerer £ 44.00 £ 42.00

Bankruptcy proceedings

(6) Column 3 shows the fees which were payable under S.I. 1985/827 as amended by S.I. 1993/2957 before the coming into force of this Order.

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

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(6)</i>
7. Petition for sequestration of estates	£ 56.00	£ 53.00
8. Act and warrant of trustee	£ 22.00	£ 21.00
9. Writing minute of meeting, per hour	£ 27.00	£ 26.00
10. Application (written or oral) for discharge of trustee	£ 17.00	£ 16.00
11. Petition for discharge of a bankrupt or application for approval of composition or deed of arrangement	£ 17.00	£ 16.00
12. Sheriff clerk acting as commissioner	£ 27.00	£ 26.00
12A. Miscellaneous applications including appeals under the Bankruptcy (Scotland) Act 1985(8)	£ 27.00	£ 26.00
<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	£110.00	£105.00
<i>Enforcement of UK judgments</i>		
14. Any proceedings under section 12 or 18 of the Civil Jurisdiction and Judgments Act 1982(9)	£ 12.00	£ 11.00
<i>Criminal Procedure</i>		
15. Complaint	£ 17.00	£ 16.00
<i>Road Traffic Offenders Act 1988(10)</i>		
15A. Petition for removal of disqualification	£ 44.00	£ 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. 1993/2957 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) 1988 c. 53.

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

<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	£ 34.00	£ 32.00
(c) (c) In relation to a small claim summons, citation of, or intimation to, any party by sheriff officer	£ 22.00	£ 21.00
(d) (d) On the marking of an appeal	£ 27.00	£ 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	£ 70.00
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	£ 70.00
<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	£ 55.00
20. In relation to a simplified divorce application, citation of, or intimation to, any person or persons by sheriff officer	£ 30.00	£ 30.00
21. Subsequent application upon change of circumstances by party to a simplified divorce application	£ 16.00	£ 16.00
<i>Miscellaneous</i>		
22. Note in a liquidation or judicial factory	£ 17.00	£ 16.00

(6) Column 3 shows the fees which were payable under [S.I. 1985/827](#) as amended by [S.I. 1993/2957](#) before the coming into force of this Order.

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

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(6)</i>
23. Caveat	£ 17.00	£ 16.00
24. Summary warrant for the recovery of rates	£ 34.00	£ 32.00
25. Summary warrant for the recovery of community charges	£ 34.00	£ 32.00
25A. Summary warrant for the recovery of council tax, council water charge and related penalties	£ 34.00	£ 32.00
26. Summary warrant for the recovery of taxes	£ 34.00	£ 32.00
27. Recording protest of a bill or promissory note	£ 12.00	£ 11.00
NOTE: Extract to be charged as in paragraph 32 of this Table.		
28. Lodging each set of plans or other Parliamentary deposit	£ 34.00	£ 32.00
29. Preservation of deeds, each deed	£ 5.00	£ 5.00
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	£ 8.00
31. Inspection by a trade protection society, licensed credit reference agency or trade publication of protests, Act Book and Court Rolls—		
(a) (a) Weekly for twelve months (payable in advance)	£166.00	£158.00
(b) (b) Twice weekly for twelve months (payable in advance)	£331.00	£315.00
(c) (c) Four times weekly for twelve	£662.00	£630.00

(6) Column 3 shows the fees which were payable under [S.I. 1985/827](#) as amended by [S.I. 1993/2957](#) before the coming into force of this Order.

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

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(6)</i>
months (payable in advance)		
PART III— COMMISSARY AND SHERIFF COURT PROCEEDINGS— MISCELLANEOUS>		
31A. Application under section 4 of the Requirements of Writing (Scotland) Act 1995	under £ 10.00	—
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	£ 6.00
(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	£ 0.30
Subsequent copies: each page	£ 0.30	£ 0.30
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	£ 6.00
(b) (b) For more than one half hour up to a maximum of two hours	£ 12.00	£ 12.00

(6) Column 3 shows the fees which were payable under [S.I. 1985/827](#) as amended by [S.I. 1993/2957](#) before the coming into force of this Order.

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

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(6)</i>
(c) (c) For each half hour or part thereof in excess of two hours	£ 6.00	£ 6.00
(d) (d) Plus correspondence fee where applicable	£ 6.00	£ 6.00

PART IV— TAXATION

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	£ 12.00
(2) auditor's fee for taxing accounts of expenses etc.—		
(a) (a) Under £300	£ 12.00	£ 12.00
(b) (b) For every additional £100 or part thereof	£ 4.00	£ 4.00

NOTE: Fee to be determined by auditor of court on amount of account as submitted.

PART V—

ORDINARY CAUSES (INCLUDING DIVORCE) AND SUMMARY OR MISCELLANEOUS APPLICATIONS (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(11)	£ 56.00	£ 53.00
36. Fee to be paid by the pursuer on the lodging of a certified closed record under the additional procedure of the said Rules	£ 56.00	£ 53.00
37. Fee to be paid by pursuer on the fixing of a proof, a debate	£ 24.00	£ 53.00

(6) Column 3 shows the fees which were payable under [S.I. 1985/827](#) as amended by [S.I. 1993/2957](#) before the coming into force of this Order.

(11) [S.I. 1993/1956](#).

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

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(6)</i>
or a hearing in a summary or miscellaneous application on the merits of the cause		
38. Fee to be paid by the pursuer for each day or part thereof of proof, debate or hearing in a summary or miscellaneous application on the merits of the cause	£ 56.00	£ 53.00
NOTE: The above fee does not apply if the proof, debate or hearing does not proceed on that day.		
39. Fee to be paid by any party lodging a written motion or minute; and any party lodging written opposition to any such motion or minute	£ 22.00	£ 21.00
40. Fee to be paid on marking an appeal to the Sheriff Principal in any proceedings	£ 56.00	£ 53.00
41. Fee to be paid by the pursuer on the endorsing of a minute in the form F27 in terms of rule 33.29(1)(b) of the said Rules	£ 32.00	£ 30.00

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Sheriff Court Fees Order 1985 by specifying new fee levels in substitution for those applicable since 1st January 1994. Many fee levels remain unchanged and the increases represent an average of 4%.

A fee is payable for the first time for applications in terms of section 4 of the Requirements of Writing (Scotland) Act 1995 and the fee for copying and extracting in respect of commissary proceedings is reduced when a subsequent duplicate confirmation, confirmation and will or will is ordered at the same time as the first copy. The 1985 Order is amended for the purpose of clarification and in particular places beyond doubt that the fee to be paid on the lodging of a certified copy record, on the lodging of a certified closed record and the endorsing of a minute seeking decree in certain

(6) Column 3 shows the fees which were payable under [S.I. 1985/827](#) as amended by [S.I. 1993/2957](#) before the coming into force of this Order.

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

undefended family actions is payable on one occasion only in respect of a cause. The 1985 Order is also amended in making consequential amendments.