

**2015 No. 262**

**HIGH COURT OF JUSTICIARY**

**The High Court of Justiciary Fees Order 2015**

*Made* - - - - *15th June 2015*

*Laid before the Scottish Parliament* *17th June 2015*

*Coming into force in accordance with article 1*

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, commencement and effect**

1.—(1) This Order may be cited as the High Court of Justiciary Fees Order 2015 and, subject to paragraphs (2) and (3), comes into force on 22nd September 2015.

(2) Article 2(1)(b) and Schedule 2 come into force, and article 2(1)(a) and Schedule 1 cease to have effect, on 1st April 2016.

(3) Article 2(1)(c) and Schedule 3 come into force, and article 2(1)(b) and Schedule 2 cease to have effect, on 1st April 2017.

**Fees payable in the High Court of Justiciary**

2.—(1) Subject to paragraph (3) and article 3—

- (a) the fees payable in the High Court of Justiciary in respect of the matters specified in column 1 of the Table of Fees in Schedule 1 (table of fees payable from 22nd September 2015) are the fees specified in relation to those matters in column 2 of that Table;
- (b) the fees payable in the High Court of Justiciary in respect of the matters specified in column 1 of the Table of Fees in Schedule 2 (table of fees payable from 1st April 2016) are the fees specified in relation to those matters in column 2 of that Table; and
- (c) the fees payable in the High Court of Justiciary in respect of the matters specified in column 1 of the Table of Fees in Schedule 3 (table of fees payable from 1st April 2017) are the fees specified in relation to those matters in column 2 of that Table.

(2) The fees payable under this Order are to be paid to the Principal Clerk of Justiciary or any other officer acting for the Principal Clerk.

(3) The fees provided for by this Order are not payable by the Crown in the enforcement of the criminal law or in the exercise of powers or the performance of duties arising out of or relating to that enforcement.

(4) No act is required of the Principal Clerk of Justiciary or any other officer acting for the Principal Clerk in connection with a matter specified in relation to any fee prior to—

- (a) the payment of that fee; or
- (b) an arrangement being entered into for payment of that fee.

### **Exemption of certain persons from fees**

**3.—**(1) A fee provided for by this Order is not payable by a person if—

- (a) the person or the person's partner is in receipt of income support under the Social Security Contributions and Benefits Act 1992(a);
- (b) the person is in receipt of an income-based jobseeker's allowance under the Jobseekers Act 1995(b);
- (c) the person is in receipt of universal credit under Part 1 of the Welfare Reform Act 2012(c);
- (d) the person is in receipt of civil legal aid within the meaning of section 13(2) of the Legal Aid (Scotland) Act 1986(d) in respect of the matter in the Table of Fees in Schedule 1, 2 or 3 in connection with which the fee is payable;
- (e) the fee is payable in connection with a simplified divorce or dissolution of a civil partnership application and the person is in receipt of advice and assistance from a solicitor under the Legal Aid (Scotland) Act 1986 in respect of that application;
- (f) the person's solicitor is undertaking work in relation to the matter in the Table of Fees in Schedule 1, 2 or 3 in connection with which the fee is payable on the basis of any regulations made under section 36 of the Legal Aid (Scotland) Act 1986 providing for legal aid in a matter of special urgency;
- (g) the person or the person's partner is in receipt of guarantee credit under the State Pension Credit Act 2002(e);
- (h) the person or the person's partner is in receipt of working tax credit, provided that—
  - (i) child tax credit is being paid to the party, or otherwise following a claim for child tax credit made jointly by the members of a couple (as defined in section 3(5A) of the Tax Credits Act 2002(f)) which includes the party; or
  - (ii) there is a disability element or severe disability element (or both) to the tax credit received by the party;and that the gross annual income taken into account for the calculation of the working tax credit is £16,642 or less; or
- (i) the person or the person's partner is in receipt of income-related employment and support allowance under the Welfare Reform Act 2007(g).

(2) This article does not apply to the fees payable for matter 5 in the Table of Fees in Schedule 1, 2 or 3 (petition for removal of disqualification from driving).

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(a) 1992 c.4. Section 124, which provides for income support, was amended by the Jobseekers Act 1995 (c.18), section 41 and Schedules 2 and 3; the Welfare Reform and Pensions Act 1999 (c.30), section 70 and Schedule 8, Part IV, paragraph 28; the State Pension Credit Act 2002 (c.16), Schedules 2 and 3; the Civil Partnership Act 2004 (c.33), Schedule 24; the Welfare Reform Act 2007 (c.5), Schedules 3 and 8; the Welfare Reform Act 2009 (c.24), section 3; and the Welfare Reform Act 2012 (c.5), Schedule 14.

(b) 1995 c.18.

(c) 2012 c.5.

(d) 1986 c.47. Section 13(2) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40), section 74 and Schedule 8, paragraph 36(3).

(e) 2002 c.16.

(f) 2002 c.21. Section 3(5A) was substituted for section 3(5) to (6) by the Civil Partnership Act 2004, Schedule 24, paragraph 144(3).

(g) 2007 c.5.

(3) In this article “partner” means a person to whom a person is married or with whom the person is registered as a civil partner in terms of sections 1(1), 85(1) or 137(1) of the Civil Partnership Act 2004<sup>(a)</sup>.

### **Revocations**

4. The instruments listed in column 1 of the table in Schedule 4 are revoked to the extent described in column 3 of that table.

St Andrew’s House,  
Edinburgh  
15th June 2015

*MICHAEL MATHESON*  
A member of the Scottish Government

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(a) 2004 c.33.

**SCHEDULE 1**  
**TABLE OF FEES**

Article 2(1)(a)

**Payable from 22nd September 2015**

<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).	105	101
2. Certified copy of any document other than an extract conviction.	18	17
3. Copying of—		
(a) each document, up to 10 pages;	6	5
(b) each further page or part thereof;	0.50	0.50
(c) each document in electronic form.	6	5
4. Any search of records or archives, per 30 minutes or part thereof.	11	-
In addition, correspondence fee where applicable.	11	11
5. Petition for removal of disqualification from driving.	87	-

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(a) Column 3 shows the fees which were payable by virtue of the Schedule to S.I. 1984/252 (as substituted by S.S.I. 2012/291) immediately before the coming into force of this Schedule. A different fee structure was applicable for matter 4. Matter 5 is introduced by this Order. There is no longer a fee for extract convictions.

**SCHEDULE 2**  
**TABLE OF FEES**

Article 2(1)(b)

**Payable from 1st April 2016**

<i>Column 1</i> <i>(Matters)</i>	<i>Column 2</i> <i>(Fee payable)</i> £	<i>Column 3</i> <i>(Fee formerly payable)(a)</i> £
1. Petitions to the nobile officium and applications for criminal letters (inclusive fee covering all steps in procedure).	107	105
2. Certified copy of any document other than an extract conviction.	18	18
3. Copying of—		
(a) each document, up to 10 pages;	6	6
(b) each further page or part thereof;	0.50	0.50
(c) each document in electronic form.	6	6
4. Any search of records or archives, per 30 minutes or part thereof.	12	11
In addition, correspondence fee where applicable.	12	11
5. Petition for removal of disqualification from driving.	89	87

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(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.

**SCHEDULE 3**  
**TABLE OF FEES**

Article 2(1)(c)

**Payable from 1st April 2017**

<i>Column 1</i> <i>(Matters)</i>	<i>Column 2</i> <i>(Fee payable)</i> £	<i>Column 3</i> <i>(Fee formerly payable)(a)</i> £
1. Petitions to the nobile officium and applications for criminal letters (inclusive fee covering all steps in procedure).	109	107
2. Certified copy of any document other than an extract conviction.	18	18
3. Copying of—		
(a) each document, up to 10 pages;	6	6
(b) each further page or part thereof;	0.50	0.50
(c) 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.	91	89

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(a) Column 3 shows the fees which were payable by virtue of Schedule 2 to this Order immediately before the coming into force of this Schedule.

## SCHEDULE 4

Article 4

### Revocations

<i>Column 1 (Instrument)</i>	<i>Column 2 (Citation)</i>	<i>Column 3 (Extent of revocation)</i>
The High Court of Justiciary Fees Order 1984	S.I. 1984/252	The whole instrument
The High Court of Justiciary Fees Amendment Order 1985	S.I. 1985/825	The whole instrument
The High Court of Justiciary Fees Amendment Order 1986	S.I. 1986/449	The whole instrument
The High Court of Justiciary Fees Amendment Order 1987	S.I. 1987/772	The whole instrument
The High Court of Justiciary Fees Amendment Order 1988	S.I. 1988/798	The whole instrument
The High Court of Justiciary Fees Amendment Order 1989	S.I. 1989/258	The whole instrument
The High Court of Justiciary Fees Amendment Order 1990	S.I. 1990/470	The whole instrument
The High Court of Justiciary Fees Amendment Order 1991	S.I. 1991/331	The whole instrument
The High Court of Justiciary Fees Amendment Order 1992	S.I. 1992/412	The whole instrument
The High Court of Justiciary Fees Amendment Order 1993	S.I. 1993/426	The whole instrument
The High Court of Justiciary Fees Amendment Order 1994	S.I. 1994/3266	The whole instrument
The High Court of Justiciary Fees Amendment Order 1996	S.I. 1996/516	The whole instrument
The High Court of Justiciary Fees Amendment Order 1999	S.I. 1999/753	The whole instrument
The High Court of Justiciary Fees Amendment Order 2007	S.S.I. 2007/321	The whole instrument
The High Court of Justiciary Fees Amendment Order 2008	S.S.I. 2008/237	The whole instrument
The High Court of Justiciary Fees Amendment Order 2009	S.S.I. 2009/87	The whole instrument
The High Court of Justiciary Fees Amendment Order 2012	S.S.I. 2012/291	The whole instrument
The Welfare Reform (Consequential Amendments) (Scotland) (No. 2) Regulations 2013	S.S.I. 2013/137	Regulation 8

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision for the fees payable in the High Court of Justiciary, to the Principal Clerk of Justiciary or any other officer acting for the Principal Clerk.

Article 1 and Schedules 1 to 3 specify fee levels payable in the High Court of Justiciary in respect of certain matters.

- The fee levels for the period from 22nd September 2015 until 31st March 2016 are given effect by the Table of Fees in Schedule 1.
- The fee levels for the period from 1st April 2016 until 31st March 2017 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 2017 onwards are given effect by substituting the Table of Fees in Schedule 2 with the Table of Fees in Schedule 3.

Article 2(3) provides that fees are not to be payable by the Crown in the enforcement of the criminal law or in the exercise of powers or the performance of duties arising out of or relating to that enforcement.

Article 2(4) provides that the Principal Clerk of Justiciary or any other officer acting for the Principal Clerk is not required to do any act in connection with the matter specified in relation to that fee without either prior payment of the fee or entering into an arrangement for payment of the fee.

Article 3 exempts certain persons from payment of fees.

Article 4 introduces Schedule 4 which revokes the High Court of Justiciary Fees Order 1984 together with amending Orders and provisions.

A Business and Regulatory Impact Assessment has been prepared for this Order and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Justice Directorate, St Andrews House, Edinburgh EH1 3DG.

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£6.00

S201506169 06/2015 19585

<http://www.legislation.gov.uk/id/ssi/2015/262>

ISBN 978-0-11-102842-1



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