
STATUTORY INSTRUMENTS

1999 No. 754 (S. 58)

SHERIFF COURT, SCOTLAND

The Sheriff Court Fees Amendment Order 1999

Made - - - - *8th March 1999*
Laid before Parliament *11th March 1999*
Coming into force - - *1st April 1999*

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 1999 and shall come into force on 1st April 1999.

Amendment of Fees Order

2.—(1) The Sheriff Court Fees Order 1997(2) shall be amended in accordance with the following paragraphs.

(2) After article 9(1)(a)(iii) (proceedings to which fees under this Order do not apply), there shall be inserted the following:—

“(iv) section 129 of the Consumer Credit Act 1974(3); or”.

(3) For the Table of Fees in Schedule 1 there shall be substituted the Table of Fees set out in the Schedule to this Order.

St Andrew's House,
Edinburgh
4th March 1999

Henry B McLeish
Minister of State, Scottish Office

(1) 1895 c. 14; section 2 was substituted by the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12), section 4.
(2) S.I. 1997/687.
(3) 1974 (c. 39); section 129 was amended by the Debtors (Scotland) Act 1987 (c. 18), section 108 and Schedule 6, paragraph 17.

Status: This is the original version (as it was originally made).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,

8th March 1999

Clive Betts
Bob Ainsworth
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)(4)</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(5) is required does not exceed—		
£5,000	No fee	No fee
£50,000	£ 74.00	£ 72.00
(ii) where the amount of the said estate exceeds £50,000	£105.00	£103.00
(b) (b) Receiving and examining additional	£ 74.00	£ 72.00

(4) Column 3 shows the fees which were payable under [S.I. 1997/687](#) before the coming into force of this Order.(5) [1892 c. 6](#).

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<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(4)</i>
<p>or corrective inventory of estate or inventory of estate <i>ad non executata</i></p> <p>(c) (c) Receiving and examining inventory of estate where it is declared that confirmation is not required:</p>		
<p>NOTE: 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>	£ 3.00	£ 3.00
<p>(1) Issuing certificate of confirmation</p> <p>(a) if ordered when lodging inventory- each certificate</p>		
<p>(b) (b) if ordered subsequent to lodging inventory-</p> <p>(i) first certificate- including search fee</p>	£ 9.00	£ 9.00
<p>(ii) each subsequent certificate</p>	£ 3.00	£ 3.00
<p>(2) Copy or duplicate confirmation-</p>	£ 5.00	£ 5.00
<p>(a) if ordered when lodging inventory</p>		
<p>(b) (b) if ordered subsequent to lodging inventory-</p> <p>(i) first duplicate- including search fee</p>	£ 11.00	£ 11.00

(4) Column 3 shows the fees which were payable under [S.I. 1997/687](#) 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)(4)</i>
(ii) each subsequent duplicate if ordered at the same time as the first duplicate	£ 5.00	£ 5.00
(3) Certified extract confirmation and will (if any)–	£ 11.00	£ 11.00
(a) if ordered when lodging inventory		
(b) (b) if ordered subsequent to lodging inventory–	£ 17.00	£ 17.00
(i) first certified extract- including search fee		
(ii) each subsequent certified extract if ordered at the time of the first certified extract	£ 11.00	£ 11.00
(4) Copy will–	£ 3.50	£ 3.50
(a) if ordered when lodging inventory		
(b) (b) if ordered subsequent to lodging inventory–	£ 9.50	£ 9.50
(i) first copy- including search fee		
(ii) each subsequent copy, if ordered at the same time as the first copy	£ 3.50	£ 3.50
5. Application under section 4 of the Requirements of Writing (Scotland) Act 1995(6)	£ 10.00	£ 10.00
PART II-SHERIFF COURT PROCEEDINGS		
6. Initial writ in any proceedings not being proceedings for which any other paragraph of this Table prescribes a fee	£ 46.00	£ 45.00

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(6) [1995 c. 7.](#)

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<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(4)</i>
<i>Actions of divorce (other than simplified divorce application)</i>	£ 74.00	£ 72.00
7. Initial writ in an action of divorce other than a simplified divorce application		
<i>Simplified divorce application</i>	£ 57.00	£ 56.00
8. Simplified divorce application (inclusive of all procedures other than those specified at paragraphs 31 and 32 of this Table)		
<i>Summary warrants</i>	£ 36.00	£ 35.00
9. Application for summary warrant		
<i>Bankruptcy proceedings</i>	£ 58.00	£ 57.00
10. Petition for sequestration of estates		
11. Petition for discharge of a bankrupt or application for approval of composition or deed of arrangement	£ 17.00	£ 17.00
12. Miscellaneous applications including appeals under the Bankruptcy (Scotland) Act 1985(7)	£ 29.00	£ 28.00
<i>Service of heirs</i>	£116.00	£113.00
13. Petition for general or special service or completion of title, or note for a Crown or Prince's charter, writ or precept		
<i>Summary cause</i>	£ 6.00	£ 6.00
14. Summons-summary cause (including small claim)–		
(a) Actions for payment of money less than £50		
(b) (b) Other actions	£ 36.00	£ 35.00
(c) (c) In relation to a small claim summons, citation of,	£ 24.00	£ 23.00

(4) Column 3 shows the fees which were payable under S.I. 1997/687 before the coming into force of this Order.

(7) 1985 c. 66.

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<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(4)</i>
or intimation to, any party by sheriff officer		
(d) (d) On the marking of an appeal	£ 29.00	£ 28.00
<i>Miscellaneous</i>	£ 10.00	£ 10.00
15. Application under section 4 of the Requirements of Writing (Scotland) Act 1995		
16. Caveat	£ 17.00	£ 17.00
<i>Enforcement of UK judgments</i>	£ 12.00	£ 12.00
17. Any proceedings under section 12 or 18 of the Civil Jurisdiction and Judgments Act 1982(8)		
<i>Criminal Procedure</i>	£ 17.00	£ 17.00
18. Complaint		
<i>Road Traffic Offenders Act 1988(9)</i>	£ 46.00	£ 45.00
19. Petition for removal of disqualification		
<i>Defender's responses – non- divorce cases</i>	£ 46.00	£ 45.00
20. First writ, reponing note or attendance to state a defence, or oppose an interim order in proceedings to which paragraph 6 of this Table applies, each defender or compeerer		
<i>Defender's responses – divorces</i>	£ 74.00	£ 72.00
21. 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		

(4) Column 3 shows the fees which were payable under S.I. 1997/687 before the coming into force of this Order.

(8) 1982 c. 27; section 12 was amended by the Civil Jurisdiction and Judgments Act 1991 (c. 12), Schedule 2, paragraph 7 and section 18 was amended by the Insolvency Act 1985 (c. 65), Schedule 8, paragraph 36, the Insolvency Act 1986 (c. 45), Schedule 14, the Courts and Legal Services Act 1990 (c. 41), Schedule 16, paragraph 41, the Drug Trafficking Act 1994 (c. 37), Schedule 1, paragraph 6 and the Criminal Justice (Scotland) Act 1995 (c. 20), Schedule 6, paragraph 183.

(9) 1988 c. 53.

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<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(4)</i>
<i>Civil court procedure</i>	£ 58.00	£ 57.00
22. 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(10)		
23. Fee to be paid by the pursuer on the lodging of a certified closed record under the additional procedure of the said Rules	£ 58.00	£ 57.00
24. Fee to be paid by pursuer on the fixing of a proof, a debate or a hearing in a summary or miscellaneous application on the merits of the cause	£ 26.00	£ 25.00
25. 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	£ 58.00	£ 57.00
NOTE: The above fee does not apply if the proof, debate or hearing does not proceed on that day.		
26. 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	£ 24.00	£ 23.00
27. Fee to be paid on marking an appeal to the Sheriff Principal in any proceedings (other than as provided for in paragraph 14(d) of this Table)	£ 58.00	£ 57.00
28. Fee to be paid by the pursuer on the endorsing of a minute in Form F27 in terms of rule 33.29(1)(b) of the Ordinary Cause Rules 1993	£ 34.00	£ 33.00

(4) Column 3 shows the fees which were payable under S.I. 1997/687 before the coming into force of this Order.

(10) See the First Schedule to the Sheriff Courts (Scotland) Act 1907 (c. 51), as substituted by 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)(4)</i>
<i>Bankruptcy (Scotland) Act 1985</i>	£ 24.00	£ 23.00
29. Act and warrant of trustee		
30. Application (written or oral) for discharge of trustee	£ 17.00	£ 17.00
<i>Simplified divorce</i>	£ 32.00	£ 31.00
31. In relation to a simplified divorce application, citation of, or intimation to, any person or persons by sheriff officer		
32. Subsequent application upon change of circumstances by party to a simplified divorce application	£ 16.00	£ 16.00
<i>Miscellaneous</i>	£ 17.00	£ 17.00
33. Note in a liquidation or judicial factory		
<i>Sheriff court books</i>	£ 12.00	£ 12.00
34. Recording protest of a bill or promissory note		
NOTE: Extract to be charged as in paragraph 39 of this Table.		
35. Preservation of deeds, each deed	£ 5.00	£ 5.00
NOTE: Recording and extracting to be charged as in paragraph 39 of this Table.		
<i>Miscellaneous office procedures</i>	£ 36.00	£ 35.00
36. Lodging each set of plans or other Parliamentary deposit		
37. Inspection of report of sale and the auditor of court's report	£ 8.00	£ 8.00
38. Inspection by a trade protection society, licensed credit reference agency or trade	£174.00	£170.00

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<i>Column 1 (Matters)</i>	<i>Column 2 (Fee Payable)</i>	<i>Column 3 (Fee Formerly Payable)(4)</i>
publication of protests, Act Book and Court Rolls–		
(a) Weekly for twelve months (payable in advance)		
(b) (b) Twice weekly for twelve months (payable in advance)	£347.00	£339.00
(c) (c) Four times weekly for twelve months (payable in advance)	£696.00	£679.00
39. Recording, engrossing, extracting or copying all documents except as provided for at paragraph 4 of this Table–	£ 6.00	£ 6.00
(a) By manuscript or typescript per sheet or part thereof		
(b) (b) By copying by any other 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).		
40. Searches: for each search of records or archives, except as provided for at paragraph 4 of this Table–	£ 6.00	£ 6.00
(a) For first half hour of time taken		
(b) (b) For more than one half hour up to a maximum of two hours	£ 12.00	£ 12.00
(c) (c) For each half hour or part thereof in excess of two hours	£ 6.00	£ 6.00

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(d) (d) Plus £ 6.00 correspondence fee where applicable		£ 6.00
PART III-AUDITOR OF COURT		
41. For taxing accounts of £ 12.00 expenses incurred in judicial proceedings remitted to the auditor of court for taxation—		£ 12.00
(1) auditor’s fee on lodging account for taxation		
(2) auditor’s fee for taxing £ 12.00 accounts of expenses etc.–		£ 12.00
(a) Up to £300		
(b) (b) For every £ 4.00 additional £100 or part thereof		£ 4.00
NOTE: Fee to be determined by auditor of court on amount of account as submitted.		

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Sheriff Court Fees Order 1997 (“the 1997 Order”). The Order specifies for proceedings in the sheriff court new fee levels in substitution for those applicable since 1st April 1997. Many fee levels remain unchanged and the increases represent an average of 2.5%.

The Order also amends article 9 of the 1997 Order (proceedings to which fees under this Order do not apply). The effect of that amendment is to include in the list of those applications to which the fees regulated by the Order do not apply in paragraph (1)(a) of article 9, an application under section 129 of the Consumer Credit Act 1974 (time orders) (article 2(2)).

(4) Column 3 shows the fees which were payable under [S.I. 1997/687](#) before the coming into force of this Order.