STATUTORY INSTRUMENTS

1981 No. 514 (S.51)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Amendment of Fees for Sheriff Clerks) 1981

Made - - -	*25th March* 1981
Laid before Parliament	*6th April* 1981
Coming into Operation	*27th April* 1981

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 2 of the Courts of Law Fees (Scotland) Act 1895(**a**) and of section 40 of the Sheriff Courts (Scotland) Act 1907(**b**) as amended by section 39 of the Administration of Justice (Scotland) Act 1933(**c**) and of all other powers enabling them in that behalf, and with the concurrence of the Treasury, do hereby enact and declare:—

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Amendment of Fees for Sheriff Clerks) 1981 and shall come into operation on 27th April, 1981.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Amendments to Act of Sederunt (Fees for Sheriff Clerks) 1977

2. In the Act of Sederunt (Fees for Sheriff Clerks) 1977(**d**), as amended by the Act of Sederunt (Amendment of Fees for Sheriff Clerks) 1980(**e**)–

(*a*) in paragraph 3, in the Table:–

(i) in column 1, for the words "8 to 12" there shall be substituted "7 to 11";

(ii) in column 1, omit the words "paragraph 25";

(iii) in column 2, omit the words "outlays incurred in citing and countermanding"; and

(*b*) for Parts I, II and III of the Schedule substitute Parts I, II, III and IV of the Schedule to this Act of Sederunt, and the fees specified in those Parts shall be payable in respect of the matters to which they relate from the date this Act of Sederunt comes into operation."

Emslie,
Lord President,
I.P.D.

Edinburgh.
25 March 1981.

(a) 1895 c. 14.
(b) 1907 c. 51.
(c) 1933 c. 41.
(d) S.I. 1977/402.
(e) S.I. 1980/454.

SCHEDULE

TABLE OF FEES

PART I—COMMISSARY PROCEEDINGS

1. Petition for (a) appointment of executor, (b) restriction of caution, (c) special warrant, (d) sealing up repositories or the like, (e) appointment of Commissary factor £2.00
2. Sealing up repositories or the like, per hour £3.50
3. Receiving and examining inventory of estate—
   (a) When 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 is required, is as specified in column 1 of the following table, the fee specified in column 2 opposite that amount is payable.
   (b) Additional and corrective inventories and eiks shall be charged in accordance with the fees so specified on the amount of the additional estate belonging beneficially to the deceased, of which confirmation is required.
   (c) Corrective inventories which make no addition to the amount of estate disclosed in the original inventory, and also inventories of estate *ad non executa* shall be charged— £0.50
   (d) Where it is declared that confirmation is not required, fees at half the *ad valorem* rate shall be charged on receiving the inventory. If confirmation should subsequently be required, the remaining half of the fees shall then be charged.

TABLE

Column 1	Column 2	Column 1	Column 2
Estate not exceeding £	Fee £	Estate not exceeding £	Fee £
50	0.50	1,000	8.00
100	0.80	1,500	9.70
150	1.20	2,000	11.10
200	1.60	2,500	12.50
250	2.00	3,000	13.90
300	2.40	3,500	15.30
350	2.80	4,000	16.70
400	3.20	4,500	18.10
450	3.60	5,000	19.50
500	4.00	5,500	20.70
550	4.40	6,000	21.90
600	4.80	6,500	23.10
650	5.20	7,000	24.30
700	5.60	7,500	25.50
750	6.00	8,000	26.70
800	6.40	8,500	27.90
850	6.80	9,000	29.10
900	7.20	9,500	30.30
950	7.60	10,000	31.50

and for every additional £1,000 or any part thereof up to a value not exceeding £100,000 a further and additional fee of £1.25 and for every additional £10,000 or any part thereof above a value of £100,000 a further and additional fee of £9.10.

4. For each certificate of confirmation the fee shall be 50p.

PART II—SHERIFF COURT PROCEEDINGS

GENERAL

5. Preservation of deeds, each deed *Note:* Recording and extracting to be charged under paragraph 25 of this Schedule	£1.50
6. Inspection by a trade protection society or trade publication of protests, Act Book and Court Rolls—	
(a) Weekly for twelve months (payable in advance)	£20.00
(b) Twice weekly for twelve months (payable in advance)	£40.00

BANKRUPTCY PROCEEDINGS

7. Petition for sequestration of estates	£14.50
8. Act and warrant of trustee	£6.00
9. Writing examination of bankrupt or minute of meeting, per hour	£6.00
10. Application (written or oral) for discharge of trustee	£6.00
11. Petition for discharge of bankrupt or application for approval of composition or deed of arrangement	£6.00
12. Sheriff Clerk acting as Commissioner	£12.00

SERVICE OF HEIRS

13. Petition for general or special service or completion of title, or note for a Crown or Princes Charter, writ or precept	£21.50

INFERIOR COURTS JUDGMENT EXTENSION ACT

14. Any proceeding	£2.50

SUMMARY JURISDICTION ACTS

15. Complaint	£5.00

SUMMARY CAUSE

16. Summons—Summary Cause	
1. Actions for payment of money	
(a) not exceeding £20	£2.00
(b) exceeding £20 but less than £50	£6.50
(c) £50 or more but not exceeding £250	£9.50
2. Other actions	£12.00
3. Appeals by stated case	£12.00

ORDINARY ACTION

17. Initial writ	£14.50
18. First writ, reponing note, or attendance to state a defence, each defender or compearer, in an ordinary action	£14.50

MISCELLANEOUS

19. Initial writ in any proceedings other than proceedings to which other paragraphs apply	£14.50
20. First writ, or attendance to state a defence, each defender or compearer (in a cause to which paragraph 19 of this Schedule applies)	£14.50
21. Caveat. (Any such caveat shall endure for twelve months on the expiry of which period a fresh caveat may be lodged)	£6.00
22. Summary warrant for Recovery of Rates	£14.50
23. Recording protest of a bill or promissory note *NOTE:* Extract to be charged as in paragraph 25 of this Schedule	£2.50
24. Lodging each set of plans or other Parliamentary deposit	£14.50

PART III—COMMISSARY AND SHERIFF COURT PROCEEDINGS—

MISCELLANEOUS

25. Recording, engrossing, extracting or copying—all documents	
(a) By manuscript or typescript per page of 250 words	£1.50
(b) By copying by electrical or mechanical means per sheet	£0.50 First copy £0.10 Subsequent copies
(c) Recording in Sheriff Court Register of Deeds to be charged as in (a) or (b)	
26. Searches—for each search of records or archives	
(a) For first half-hour of time taken	£2.00
(b) For more than one half-hour up to a maximum of two hours	£6.00
(c) For each half-hour or part thereof in excess of two hours	£1.50
(d) Plus correspondence fee where applicable	£1.50

PART IV—TAXATION

27. For taxing amounts of expenses incurred in judicial proceedings remitted to the Auditor for Taxation—	
(a) Under £50	£1.50
(b) For every additional £50 or part thereof	£1.50
NOTE: Fee to be determined by Auditor of Court on amount of account as submitted.	

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt makes provision for increasing certain of the fees payable to Sheriff Clerks, and Auditors of Court.

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