SCOTTISH STATUTORY INSTRUMENTS

2024 No. 237

HIGH COURT OF JUSTICIARY

The High Court of Justiciary Fees Order 2024

Made - - - -	*5th September 2024*
Laid before the Scottish Parliament	*9th September 2024*
Coming into force - -	*1st November 2024*

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 and commencement

1. This order may be cited as the High Court of Justiciary Fees Order 2024 and comes into force on 1 November 2024.

Fees payable in the High Court of Justiciary

2.—(1) Subject to paragraph (3) and articles 3 and 4, the fees payable in the High Court of Justiciary in respect of the matters specified in column 1 of the Table of Fees in the schedule (table of fees payable from 1 November 2024) 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.

Exemptions of certain persons from fees: legal aid

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

(a) the person is in receipt of civil legal aid within the meaning of section 13(2) of the Legal Aid (Scotland) Act 1986(**b**) in respect of the matter in the Table of Fees in the schedule in connection with which the fee is payable,

(**a**) 2014 asp 18. The definition of "relevant officer" in section 107(3) was amended by S.S.I. 2016/387.
(**b**) 1986 c. 47. Section 13(2) was amended by section 74 and paragraph 36(3) of schedule 8 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40).

(b) 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, or

(c) the person's solicitor is undertaking work in relation to the matter in the Table of Fees in the schedule in connection with which the fee is payable on the basis of any regulations made under section 36(1) of the Legal Aid (Scotland) Act 1986 providing for legal aid in a matter of special urgency.

(2) This article does not apply to the fees payable in respect of matter 5 in the Table of Fees in the schedule (petition for removal of disqualification from driving).

Exemption of certain persons from fees: social security

4.—(1) A fee specified 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 or the person's partner is in receipt of guarantee credit under the State Pension Credit Act 2002(**c**),

(d) the person or the person's partner ("the party") 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(**d**)) 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 £20,592 or less,

(e) the person or the person's partner is in receipt of income-related employment and support allowance under the Welfare Reform Act 2007(**e**),

(f) the person is in receipt of universal credit under Part 1 of the 2012(**f**) Act,

(g) the person is in receipt of either—

(i) personal independence payment under Part 4 of the 2012 Act, or

(ii) adult disability payment within the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022(**g**),

provided that the person's gross annual income is £20,592 or less, or

(h) the person or the person's partner has, within the period of 3 months prior to the date the specified fee would be payable but for this exemption, received financial or other assistance under the Welfare Funds (Scotland) Act 2015(**h**).

(**a**) 1992 c. 4. Section 124, which provides for income support, was amended by schedules 2 and 3 of the Jobseekers Act 1995 (c. 18); paragraph 28 of schedule 8 of the Welfare Reform and Pensions Act 1999 (c. 30); schedules 2 and 3 of the State Pension Credit Act 2002 (c. 16); paragraph 42 of schedule 24 of the Civil Partnership Act 2004 (c. 33); schedules 3 and 8 of the Welfare Reform Act 2007 (c. 5); section 3 of the Welfare Reform Act 2009 (c. 24); and part 1 of schedule 14 of the Welfare Reform Act 2012 (c. 5).

(**b**) 1995 c 18.

(**c**) 2002 c 16.

(**d**) 2002 c. 21. Paragraphs (a) and (b) of section 3(5A) were substituted for paragraphs (a) to (d) by paragraph 23(2) of schedule 3 of S.I. 2019/1458. Section 3(5A) was substituted for section 3(5) and (6) by paragraph 144(3) of schedule 24 of the Civil Partnership Act 2004 (c. 33). Part 1 of the Tax Credits Act 2002 was repealed by part 1 of schedule 14 of the Welfare Reform Act 2012 subject to savings provisions in S.I. 2019/167.

(**e**) 2007 c. 5.

(**f**) 2012 c. 5.

(**g**) S.S.I. 2022/54.

(**h**) 2015 asp 5.

(2) This article does not apply to the fees payable in respect of matter 5 in the Table of Fees in the schedule (petition for removal of disqualification from driving).

(3) In this article—

"partner" means a person to whom a person is married or with whom the person is in a civil partnership,

"the 2012 Act" means the Welfare Reform Act 2012(**a**).

Revocation

5. The High Court of Justiciary Fees Order 2022(**b**) is revoked.

SIOBHIAN BROWN
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
5th September 2024

(**a**) 2012 c. 5.
(**b**) S.S.I. 2022/182.

SCHEDULE

Article 2(1)

TABLE OF FEES

Payable from 1 November 2024

Column 1 *(Matters)*	*Column 2* *(Fee payable)* £	*Column 3* *(Fee formerly payable)(**a**)* £
1. Petitions to the nobile officium and applications for criminal letters (inclusive fee covering all steps in procedure).	131	119
2. Certified copy of any document other than an extract conviction.	22	20
3. Recording, engrossing, printing or copying of all documents (exclusive of search fee)—		
(a) by photocopying or otherwise producing a printed or typed copy—		
(i) each document, up to 10 pages;	8	7
(ii) each further page or part thereof in excess of 10 pages;	0.50	0.50
(b) for a copy of each document in electronic form.	8	7
4. Any search of records or archives, per 30 minutes or part thereof.	15	14
In addition, correspondence fee where applicable.	15	14
5. Petition for removal of disqualification from driving.	111	101

(**a**) Column 3 shows the fees payable by virtue of schedule 3 of S.S.I. 2022/182 immediately before the coming into force of this schedule.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the fees payable from 1 November 2024 in the High Court of Justiciary, to the Principal Clerk of Justiciary or any other officer acting for the Principal Clerk.

Article 2 and the schedule specify fee levels payable in respect of certain matters.

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.

Articles 3 and 4 exempt certain persons from payment of fees.

Article 5 revokes the High Court of Justiciary Fees Order 2022.

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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