SCOTTISH STATUTORY INSTRUMENTS

2026 No. 77

HIGH COURT OF JUSTICIARY

The High Court of Justiciary Fees Order 2026

Made - - - -	*11th February 2026*
Laid before the Scottish Parliament	*13th February 2026*
Coming into force - -	*1st April 2026*

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 2026 and, subject to paragraph (2), comes into force on 1 April 2026.

(2) Article 2(1)(b) and schedule 2 take effect, and article 2(1)(a) and schedule 1 cease to have effect, on 1 April 2027.

Fees payable in the High Court of Justiciary

2.—(1) Subject to paragraph (3) and articles 3 and 4—

(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 1 April 2026) are the fees specified in relation to those matters in column 2 of that table, and

(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 1 April 2027) 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.

(**a**) 2014 asp 18. The definition of "relevant officer" in section 107(3) was amended by S.S.I. 2016/387.

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 1986 Act(**a**) in respect of the matter in the Table of Fees in schedule 1 or 2 in connection with which the fee is payable,

(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 1986 Act 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 schedule 1 or 2 in connection with which the fee is payable on the basis of any regulations made under section 36(1) of the 1986 Act 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 schedule 1 or 2 (petition for removal of disqualification from driving).

(3) In this article, "the 1986 Act" means the Legal Aid (Scotland) Act 1986(**b**).

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(**c**),

(b) the person is in receipt of an income-based jobseeker's allowance under the Jobseekers Act 1995(**d**),

(c) the person or the person's partner is in receipt of guarantee credit under the State Pension Credit Act 2002(**e**),

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

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

(f) the person is in receipt of either—

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

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

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(**a**) 1986 c. 47. Section 13(2) was amended by paragraph 36 of schedule 8 and schedule 9 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40).

(**b**) 1986 c. 47.

(**c**) 1992 c. 4. Section 124, which provides for income support, was amended by paragraph 30 of schedule 2 and schedule 3 of the Jobseekers Act 1995 (c. 18), paragraph 28 of schedule 8 of the Welfare Reform and Pensions Act 1999 (c. 30), paragraph 2 of schedule 2 and schedule 3 of the State Pension Credit Act 2002 (c. 16), paragraph 42 of schedule 24 of the Civil Partnership Act 2004 (c. 33), paragraph 9 of schedule 3 and schedule 8 of the Welfare Reform Act 2007 (c. 5), section 3 of the Welfare Reform Act 2009 (c. 24), and section 58 and schedule 14 of the Welfare Reform Act 2012 (c. 5).

(**d**) 1995 c. 18. Section 1, which provides for jobseeker's allowance, was amended by paragraph 2 of schedule 7 and schedule 13 of the Welfare Reform and Pensions Act 1999 (c. 30), paragraph 118 of schedule 24 of the Civil Partnership Act 2004 (c. 33), paragraph 12 of schedule 3 of the Welfare Reform Act 2007 (c. 5), and sections 44 and 49 and schedule 14 of the Welfare Reform Act 2012 (c. 5).

(**e**) 2002 c. 16.

(**f**) 2007 c. 5. Section 1, which provides for employment and support allowance, was amended by sections 50, 52 and 54, paragraph 23 of schedule 3 and schedule 14 of the Welfare Reform Act 2012 (c. 5), and S.I. 2025/1148.

(**g**) 2012 c. 5.

(**h**) Section 77, which provides for the personal independence payment, was amended by S.I. 2021/804, S.I. 2022/335, S.I. 2024/1048 and S.I. 2025/224.

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

provided that the person's gross annual income is £26,437 or less, or

(g) 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(**a**).

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

(3) In this article—

"the 2012 Act" means the Welfare Reform Act 2012(**b**),

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

Revocation

5. The High Court of Justiciary Fees Order 2024(**c**) is revoked.

SIOBHIAN BROWN
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
11th February 2026

(**a**) 2015 asp 5.
(**b**) 2012 c. 5.
(**c**) S.S.I. 2024/237.

SCHEDULE 1

Article 2(1)(a)

Table of Fees

Payable from 1 April 2026

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).	135	131
2. Certified copy of any document other than an extract conviction.	23	22
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, (ii) each further page or part thereof in excess of 10 pages, (b) for a copy of each document in electronic form.	 9 0.5 9	 8 0.5 8
4. Any search of records or archives, per 30 minutes or part thereof. In addition, correspondence fee where applicable.	16 16	15 15
5. Petition for removal of disqualification from driving.	114	111

SCHEDULE 2

Article 2(1)(b)

Table of Fees

Payable from 1 April 2027

Column 1 *(Matters)*	*Column 2* *(Fee Payable)* *£*	*Column 3* *(Fee Formerly Payable)*(**b**) *£*
1. Petitions to the nobile officium and applications for criminal letters (inclusive fee covering all steps in procedure).	139	135

(**a**) Column 3 shows the fees payable by virtue of the schedule of S.S.I. 2024/237 immediately before the coming into force of this schedule.

(**b**) Column 3 shows the fees which were payable by virtue of schedule 1 of this Order immediately before the coming into force of this schedule.

2. Certified copy of any document other than an extract conviction.	23	23
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, (ii) each further page or part thereof in excess of 10 pages, (b) for a copy of each document in electronic form.	 9 1 9	 9 0.5 9
4. Any search of records or archives, per 30 minutes or part thereof. In addition, correspondence fee where applicable.	16 16	16 16
5. Petition for removal of disqualification from driving.	118	114

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the fees payable from 1 April 2026 in the High Court of Justiciary, to the Principal Clerk of Justiciary or any other officer acting for the Principal Clerk.

Article 2 and schedules 1 and 2 specify fee levels payable in respect of certain matters—

- the fee levels from 1 April 2026 until 31 March 2027 are given effect by the Table of Fees in schedule 1,
- the fee levels from 1 April 2027 onwards are given effect by the Table of Fees in schedule 2.

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 2024 (S.S.I. 2024/237).

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