POLICY NOTE

THE SHERIFF APPEAL COURT FEES AMENDMENT ORDER 2025

SSI 2025/9

The above instrument was made in exercise of the powers conferred by section 107(1) and (2) of the Courts Reform (Scotland) Act 2014. The instrument is subject to negative procedure.

Summary Box

The purpose of the instrument is to amend the Sheriff Appeal Court Fees Order 2024, in particular to insert fees which are payable for fixing and hearing an appeal under chapters 7 and 8 procedure under the Sheriff Appeal Court Rules (before three or one appeal sheriff(s) respectively) and for lodging an application under provisions of the Courts Reform (Scotland) Act 2014 for a new civil jury trial or for a verdict to be entered in a party's favour following a jury direction. The fees are payable from 13 March 2025.

Policy Objectives

Court fees and fees for services offered by the High Court of Justiciary, the Court of Session, Sheriff Appeal Court, Sheriff Courts including the Sheriff Personal Injury Court, Justice of the Peace Courts and the Office of the Public Guardian ensure that those who make use of the courts of the Office of the Public Guardian meet or contribute towards the associated costs to the public purse, where they can afford to do so.

The Scottish Government has long had a policy to move towards fees which more fully reflect the cost of the processes involved, with a well-targeted system of fee exemptions to protect access to justice. A suite of six instruments came into force on 1 November 2024 putting into effect that policy, by raising court fees by 10% to ensure that the income raised reflects the costs incurred by the Scottish Courts and Tribunals Service (SCTS) in administering the civil court system.

The 10% increases effective from 1 November 2024 reflect the sharp, unprecedented rise in inflation over the past few years. The rise in inflation negatively impacted the SCTS budget which was already under significant pressure following on from the Covid 19 pandemic. It is necessary to increase court fees to reflect the increased costs of running the justice system to ensure that courts are funded to deliver a civil justice system that is accessible, affordable, and provides a high-quality service to those who have cause to use it.

The Sheriff Appeal Court Fees Order 2024 ("the 2024 Order") repealed and replaced the Sheriff Appeal Court Fees Order 2022. The 2024 Order makes provision for the fees payable in the Sheriff Appeal Court, to the Clerk of the Sheriff Appeal Court, any officer acting for the Clerk, or the auditor of the Sheriff Appeal Court.

This Order amends the 2024 Order to address omissions. This Order amends the Table of Fees in the schedule of the 2024 Order to insert fees which are payable for fixing and hearing

an appeal under chapters 7 and 8 procedure under the Sheriff Appeal Court Rules (before three or one appeal sheriff(s) respectively) and for lodging an application under provisions of the Courts Reform (Scotland) Act 2014 for a new civil jury trial or for a verdict to be entered in a party's favour following a jury direction. These fees were omitted in error from the 2024 Order. This Order will implement a 10% rise in respect of these fees as they were under the Sheriff Appeal Court Fees Order 2022 with effect from 13 March 2025.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Sheriff Appeal Court Fees Amendment Order 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

A public consultation on the increase to court fees was launched on 18 March 2024 and concluded on 10 June 2024. No separate consultation was carried out for this Order, which corrects omissions from the 2024 Order.

Impact Assessments

An Equalities Impact Assessment was undertaken for the package of instruments giving effect to the increase in court fees. No separate Equalities Impact Assessment has been undertaken for this amending instrument.

A Business and Regulatory Impact Assessment was undertaken for the package of instruments giving effect to the increase in court fees. No separate Business and Regulatory impact Assessment was undertaken for this amending instrument.

A Child Welfare Rights Impact Assessment has been carried out. The Scottish Ministers have confirmed that, in their view, the Sheriff Appeal Court Fees Amendment Order 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024.

Published impact assessments are available on http://www.gov.scot/publications

Financial Effects

No separate Business and Regulatory Impact Assessment has been prepared for this Order. A Business and Regulatory Impact Assessment was prepared in relation to the 2024 Order, which is amended by this instrument.

This amending Order is in line with the policy intention as consulted upon, in allowing for the charging of fees which are payable for fixing and hearing an appeal under chapters 7 and 8 procedure under the Sheriff Appeal Court Rules (before three or one appeal sheriff(s) respectively) and for lodging an application under provisions of the Courts Reform (Scotland) Act 2014 for a new civil jury trial or for a verdict to be entered in a party's favour following a jury direction.

Scottish Government
Justice Directorate

January 2025