SCOTTISH STATUTORY INSTRUMENTS

2024 No. 236

SHERIFF APPEAL COURT

The Sheriff Appeal Court 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 Sheriff Appeal Court Fees Order 2024 and comes into force on 1 November 2024.

Fees payable in the Sheriff Appeal Court

2.—(1) Subject to paragraph (3) and articles 3 to 6, the fees payable in the Sheriff Appeal Court 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 Clerk of the Sheriff Appeal Court, any officer acting for the Clerk or the auditor of the Sheriff Appeal Court.

(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 Clerk of the Sheriff Appeal Court, any officer acting for the Clerk or the auditor of the Sheriff Appeal Court 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. A fee specified by this Order is not payable by a person if—

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

(a) the person is in receipt of civil legal aid within the meaning of section 13(2) of the Legal Aid (Scotland) Act 1986(**a**) in respect of the matter in the Table of Fees in the schedule 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 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.

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(**b**),

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

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

(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(**e**)) 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(**f**),

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

(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(**h**),

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

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(**a**) 1986 c. 47. Section 13(2) was amended by paragraph 36(3) of schedule 8 of the Law Reform (Miscellaneous Provisions) (Scotland Act 1990 (c. 40).

(**b**) 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).

(**c**) 1995 c. 18.

(**d**) 2002 c. 16.

(**e**) 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.

(**f**) 2007 c. 5.

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

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

(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(**a**).

(2) 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.

Exemptions relating to particular proceedings

5.—(1) The fees provided for by this Order do not apply to any appeal to the Sheriff Appeal Court under or by virtue of the Children's Hearings (Scotland) Act 2011(**b**).

(2) The fees provided for by this Order do not apply to a debtor or creditor in any appeal to the Sheriff Appeal Court under the Debtors (Scotland) Act 1987(**c**) or the Debt Arrangement and Attachment (Scotland) Act 2002(**d**).

Exemptions for applicants for certain interdicts and orders

6. The fees provided for by this Order are not payable by the applicant in any appeal in connection with proceedings in respect of which the applicant would not be required to pay fees in the sheriff court by virtue of article 13(1) of the Sheriff Court Fees Order 2024(**e**) (exemptions for applicants for certain interdicts and orders).

Revocation

7. The Sheriff Appeal Court Fees Order 2022(**f**) is revoked.

SIOBHIAN BROWN
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
5th September 2024

(**a**) 2015 asp 5.
(**b**) 2011 asp 1, as relevantly modified by section 109 of the Courts Reform (Scotland) Act 2014 and as relevantly amended by S.S.I. 2015/402.
(**c**) 1987 c. 18.
(**d**) 2002 asp 17.
(**e**) S.S.I. 2024/235.
(**f**) S.S.I. 2022/183.

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. Lodging of a written motion or minute and the lodging of any written opposition to any such motion or minute. (NOTE: Where a minute is accompanied by a relevant written motion no fee is payable in respect of lodging the motion.)	61	55
2. Fixing of a hearing— (a) under rule 29.13(3)(a), (b) under rule 30.2(2), (c) under rule 16.4(1) of the Simple Procedure Rules(**b**) (appeal from simple procedure case). (NOTE: Fee is only payable by the appellant or applicant in an appeal, and only by the respondent in a cross-appeal.)	 67 67 67	 61 61 61
3. Lodging— (a) an appeal in a cause other than a summary cause or simple procedure case, (b) a cross-appeal under rule 6.6 of the Sheriff Appeal Court Rules.	 139 139	 126 126
4. Hearing fee per day or part thereof (bench of 1) for hearings— (a) under rule 29.13(3)(a),	 283	 257
(b) under rule 30.2(2), (c) under rule 16.4(1) of the Simple Procedure Rules.	283 283	257 257
5. Hearing fee per day or part thereof (bench of 3 or more) for hearings— (a) under rule 29.13(3)(a), (b) under rule 30.2(2), (c) under rule 16.4(1) of the Simple Procedure Rules.	 706 706 706	 642 642 642
6. Recording, engrossing, printing or copying of all documents (exclusive of search fee)— (a) by photocopying or otherwise producing a		

(**a**) Column 3 shows the fees which were payable by virtue of schedule 3 of S.S.I. 2022/183 immediately before the coming into force of this schedule.

(**b**) The Simple Procedure Rules are in schedule 1 of S.S.I. 2016/200, as last amended by S.S.I. 2022/81.

Column 1 *(Matters)*	*Column 2* *(Fee Payable)* £	*Column 3* *(Fee Formerly Payable)*(**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,	0.5	0.5
(b) for a copy of each document in electronic form.	8	7
7. Any search of records or archives, per 30 minutes or part thereof.	15	14
In addition, correspondence fee where applicable.	15	14
8. Taxing accounts of expenses incurred in judicial proceedings remitted to the auditor of court for taxation—		
(a) lodging account for taxation,	54	49
(b) taxing accounts of expenses etc.—		
(i) up to £400,	24	22
(ii) for every additional £100 or part thereof.	6	5
(NOTE: Fee to be determined by auditor of court on amount of account as submitted.)		
(a) cancellation of diet of taxation—		
(i) where written notice of cancellation received from receiving party after 4.00 pm on the fourth working day before the day of diet of taxation,	50% of fee that would have been payable under sub-paragraph (b) of this paragraph	50% of fee that would have been payable under sub-paragraph (b) of this paragraph
(ii) where written notice of cancellation received from receiving party after 4.00 pm on the second working day before the day of the diet of taxation.	75% of fee that would have been payable under sub-paragraph (b) of this paragraph	75% of fee that would have been payable under sub-paragraph (b) of this paragraph

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the fees payable from 1 November 2024 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.

Article 2 and the schedule specify fee levels payable in respect of certain matters, given effect by the Table of Fees in the schedule.

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 Clerk of the Sheriff Appeal Court, any officer acting for the Clerk or the auditor of the Sheriff Appeal Court 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 exempts certain appeal proceedings under the Children's Hearings (Scotland) Act 2011, the Debtors (Scotland) Act 1987 and the Debt Arrangement and Attachment (Scotland) Act 2002 from payment of fees.

Article 6 exempts appeals as regards applications for certain interdicts and orders.

Article 7 revokes the Sheriff Appeal Court 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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