STATUTORY INSTRUMENTS

1984 No. 466 (S. 46)

SHERIFF COURT, SCOTLAND

The Sheriff Court Fees Amendment Order 1984

Made - - - -	*27th March* 1984
Laid before Parliament	*9th April* 1984
Coming into Operation	*1st May* 1984

In exercise of the powers conferred on me by section 2 of the Courts of Law Fees (Scotland) Act 1895(**a**) and of all other powers enabling me in that behalf, and with the concurrence of the Treasury, I hereby make the following order:—

Citation and commencement

1. This order may be cited as the Sheriff Court Fees Amendment Order 1984 and shall come into operation on 1st May 1984.

Interpretation

2. In this order "the principal order" means the Sheriff Court Fees Order 1984(**b**).

Amendment of the principal order

3. In article 4(1) of the principal order, for the words "1, 16, 17, 18, 19 and 20" there shall be substituted the words "1, 16 to 18C, 19 and 20".

4. After article 6 of the principal order there shall be inserted the following article:—

"**6A.** The fees specified in paragraphs 18C and 18D of the Table of Fees in the Schedule to this order shall not be payable by a person making a simplified divorce application who is in receipt of—

(*a*) a supplementary pension or an allowance under Part I of the Supplementary Benefits Act 1976(**c**);

(*b*) a family income supplement under section 1 of the Family Income Supplements Act 1970(**d**); or

(*c*) advice and assistance from a solicitor under the Legal Advice and Assistance Act 1972(**e**) in respect of the simplified divorce application.".

(**a**) 1895 c. 14; section 2 was substituted by section 4 of the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12).
(**b**) S.I. 1984/257.
(**c**) 1976 c. 71.
(**d**) 1970 c. 55.
(**e**) 1972 c. 50.

5. For paragraphs 17 and 18 of the Table of Fees in the Schedule to the principal order there shall be substituted the paragraphs set out in the Schedule to this order.

George Younger,
One of Her Majesty's Principal Secretaries of State.

New St Andrew's House,
Edinburgh.
26th March 1984.

We concur.

Alistair Goodlad,
D. J. F. Hunt,
Two of the Lords Commissioners of Her Majesty's Treasury.

27th March 1984.

SCHEDULE

Article 5

Column 1 *Item*	Column 2 *Fee payable*	Column 3 *Fee which was formerly payable*(a)
Ordinary action		
17. Initial writ in an ordinary action other than an action of divorce	£18.00	*£17.00*
18. First writ, reponing note or attendance to state a defence, each defender or compearer in an ordinary action other than an action of divorce	£18.00	*£17.00*
18A. Initial writ in an action of divorce other than a simplified divorce application	£40.00	—
18B. First writ or attendance to state a defence, each defender or compearer in an action of divorce other than a simplified divorce application	£40.00	—

(a) This column shows the fees which were payable before 1st April 1984 under the Act of Sederunt (Fees for Sheriff Court) 1982 (S.I. 1982/652).

Column 1 *Item*	Column 2 *Fee payable*	Column 3 *Fee which was formerly payable*(a)
Simplified divorce application		
18C. Simplified divorce application (inclusive of all procedure other than that specified in paragraph 18D of this Table)	£40.00	—
18D. In relation to a simplified divorce application, citation of, or intimation to, any person or persons by sheriff officer	£5.00	—

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order amends the Sheriff Court Fees Order 1984 to provide for the fees payable to sheriff clerks in relation to divorce proceedings in the sheriff court, which become competent for the first time on 1st May 1984. The fees provided are the same as for corresponding proceedings in the Court of Session. Exemptions are provided for certain classes of applicant making simplified divorce applications, as is the case in the Court of Session.

(a) This column shows the fees which were payable before 1st April 1984 under the Act of Sederunt (Fees for Sheriff Court) 1982 (S.I. 1982/652).

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