STATUTORY INSTRUMENTS

# 1989 No. 259 (S.29)

# SHERIFF COURT, SCOTLAND

## The Sheriff Court Fees Amendment Order 1989

| | |
|---|---|
| *Made - - - -* | *21st February 1989* |
| *Laid before Parliament* | *9th March 1989* |
| *Coming into force* | *1st April 1989* |

The Secretary of State, in exercise of the powers conferred on him by section 2 of the Courts of Law Fees (Scotland) Act 1895(**a**), and of all other powers enabling him in that behalf, and with the concurrence of the Treasury, hereby makes the following Order:

**1.** This Order may be cited as the Sheriff Court Fees Amendment Order 1989 and shall come into force on 1st April 1989.

**2.** For the Table of Fees in the Schedule to the Sheriff Court Fees Order 1985(**b**) there shall be substituted the Table of Fees set out in the Schedule to this Order.

*James Douglas-Hamilton*
Parliamentary Under Secretary of State,
Scottish Office

St. Andrew's House, Edinburgh
15th February 1989

We concur,

*David Maclean*
*Kenneth Carlisle*
Two of the Lords Commissioners of Her Majesty's Treasury

21st February 1989

(**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. 1985/827, amended by S.I. 1986/451 and 1988/1893.

# SCHEDULE

Article 2

## TABLE OF FEES

| Column 1<br>*(Matters)* | Column 2<br>*(Fee payable)* | Column 3<br>*(Fee formerly payable)*(a) |
|---|---|---|
| PART I – COMMISSARY PROCEEDINGS | | |
| 1. Petition for (a) appointment of executor, (b) restriction of caution, (c) special warrant, (d) sealing up repositories or the like, or (e) appointment of Commissary factor | £4.00 | *£3.50* |
| 2. Sealing up repositories or the like, per hour | £5.00 | *£4.50* |
| 3. (a) Receiving and examining inventory of estate, except where sub-paragraph (b), (c) or (d) of this paragraph applies– | | |
| (i) where the amount of the estate vested in or belonging beneficially to the deceased, of which confirmation is required, or for which resealing under the Colonial Probates Act 1892(b) is required, does not exceed– | | |
| £3,000 | No fee | *No fee* |
| £13,000 | £20.00 | *£20.00* |
| £20,000 | £50.00 | *£50.00* |
| (ii) where the amount of the said estate exceeds £20,000– | | |
| Basic fee | £50.00 | *£50.00* |
| Additional fee for each £10,000 or part thereof by which the estate exceeds £20,000 | £20.00 | *£20.00* |
| (b) Receiving and examining additional or corrective inventory of estate | | |
| Basic fee | £2.00 | *£2.00* |
| Additional fee for each £1,000 (excluding the first £1,000) or part thereof of the overall increase made by the additional or corrective inventory in the amount of the whole estate vested in or belonging to the deceased, of which confirmation has been sought or obtained, or for which resealing as aforesaid, has been sought or obtained | £2.00 | *£2.00* |
| (c) Receiving and examining inventory of estate *ad non executa* | £2.00 | *£2.00* |
| (d) Receiving and examining inventory of estate where it is declared that confirmation is not required: The fees payable shall be half those specified in sub-paragraph (a) of this paragraph. If confirmation is subsequently required, the remaining half of the fees specified in sub-paragraph (a) shall be payable. | | |
| 4. Issuing each certificate of confirmation | £2.00 | *£1.50* |
| PART II – SHERIFF COURT PROCEEDINGS | | |
| *Ordinary actions and various other proceedings* | | |
| 5. Initial writ in any proceedings not being proceedings for which any other paragraph of this Table prescribes a fee | £23.00 | *£21.00* |
| 6. First writ, reponing note or attendance to state a defence, in proceedings to which paragraph 5 of this Table applies, each defender or compearer | £23.00 | *£21.00* |

(a) Column 3 shows the fees which were payable under S.I. 1985/827 as amended by S.I. 1986/451 and 1988/1893 before the coming into operation of this Order.
(b) 1892 c.6.

| Column 1<br>*(Matters)* | Column 2<br>*(Fee payable)* | Column 3<br>*(Fee formerly payable)*(a) |
|---|---|---|
| *Bankruptcy proceedings* | | |
| 7. Petition for sequestration of estates | £23.00 | *£21.00* |
| 8. Act and warrant of trustee | £10.00 | *£9.50* |
| 9. Writing minute of meeting, per hour | £10.00 | *£9.50* |
| 10. Application (written or oral) for discharge of trustee | £10.00 | *£9.50* |
| 11. Petition for discharge of bankrupt or application for approval of composition or deed of arrangement | £10.00 | *£9.50* |
| 12. Sheriff clerk acting as commissioner | £18.00 | *£17.00* |
| 12A. Miscellaneous applications including appeals under the Bankruptcy (Scotland) Act 1985(b) | £16.00 | *£15.00* |
| *Service of heirs* | | |
| 13. Petition for general or special service or completion of title, or note for a Crown or Prince's charter, writ or precept | £33.00 | *£30.50* |
| *Enforcement of UK judgements* | | |
| 14. Any proceedings under sections 12 or 18 of the Civil Jurisdiction and Judgements Act 1982(c) | £3.50 | *£3.00* |
| *Criminal Procedure (Scotland) Act 1975*(d) | | |
| 15. Complaint | £8.00 | *£7.50* |
| *Summary cause* | | |
| 16. Summons – Summary Cause (including small claim): | | |
| 1. Actions for payment of money less than £50 | £5.00 | £5.00 |
| 2. Other actions | £21.00 | *£19.00* |
| 3. In relation to a small claim summons, citation of, or intimation to any party by sheriff officer | £6.00 | *£5.50* |
| *Action of divorce (other than simplified divorce application)* | | |
| 17. Initial writ in an action of divorce other than a simplified divorce application | £40.00 | *£40.00* |
| 18. 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 | *£40.00* |
| *Simplified divorce application* | | |
| 19. Simplified divorce application (inclusive of all procedures other than those specified in paragraphs 20 and 21 of this Table) | £40.00 | *£40.00* |
| 20. In relation to a simplified divorce application, citation of, or intimation to, any person or persons by sheriff officer | £6.00 | *£5.50* |
| 21. Subsequent application upon change of circumstances by party to simplified divorce application | £10.00 | *£9.50* |
| *Miscellaneous* | | |
| 22. Note in a liquidation or judicial factory | £10.00 | *£9.50* |
| 23. Caveat | £10.00 | *£9.50* |
| 24. Summary warrant for recovery of rates | £23.00 | *£21.00* |

(a) Column 3 shows the fees which were payable under S.I. 1985/827 as amended by S.I. 1986/451 and 1988/1893 before the coming into operation of this Order.
(b) 1985 c.66.
(c) 1982 c.27.
(d) 1975 c.21.

| Column 1<br>*(Matters)* | Column 2<br>*(Fee payable)* | Column 3<br>*(Fee formerly payable)*(a) |
|---|---|---|
| 25. Summary warrant for recovery of community charges | £23.00 | — |
| 26. Summary warrant for recovery of taxes | £6.00 | *£5.00* |
| 27. Recording protest of a bill or promissory note | £4.00 | *£3.50* |
| NOTE: Extract to be charged as in paragraph 32 of this Table. | | |
| 28. Lodging each set of plans or other Parliamentary deposit | £23.00 | *£21.00* |
| 29. Preservation of deeds, each deed | £3.00 | *£2.50* |
| 30. Inspection of report of sale and the auditor of court report | £4.00 | *£3.50* |
| NOTE: Recording and extracting to be charged under paragraph 32 of this Table. | | |
| 31. Inspection by a trade protection society, licensed credit reference agency or trade publication of protests, Act Book and Court Rolls– | | |
| (a) Weekly for twelve months (payable in advance) | £32.00 | *£30.00* |
| (b) Twice weekly for twelve months (payable in advance) | £64.00 | *£60.00* |
| (c) Four times weekly for twelve months (payable in advance) | £128.00 | *£120.00* |
| PART III COMMISSARY AND SHERIFF COURT PROCEEDINGS – MISCELLANEOUS | | |
| 32. Recording, engrossing, extracting or copying all documents– | | |
| (a) By manuscript or typescript per sheet of 250 words | £3.00 | *£2.50* |
| (b) By copying by electrical or mechanical means per page: | | |
| First copy– | | |
| each of first 10 pages | £1.00 | *£1.00* |
| each page after first 10 | £0.25 | *£0.25* |
| Subsequent copies: each page | £0.25 | *£0.25* |
| NOTE: Recording in Sheriff Court Register of Deeds to be charged as in (a) or (b) | | |
| 33. Searches: for each search of records or archives– | | |
| (a) For first half hour of time taken | £4.00 | *£3.50* |
| (b) For more than one half hour up to a maximum of two hours | £9.00 | *£8.50* |
| (c) For each half hour or part thereof in excess of two hours | £3.00 | *£2.50* |
| (d) Plus correspondence fee where applicable | £3.00 | *£2.50* |
| PART IV – TAXATION | | |
| 34. For taxing accounts of expenses incurred in judicial proceedings remitted to the auditor of court for taxation: | | |
| (a) Under £50 | £2.00 | *£2.00* |
| (b) For every additional £50 or part thereof | £2.00 | *£2.00* |
| NOTE: Fee to be determined by auditor of court on amount of account as submitted. | | |

(a) Column 3 shows the fees which were payable under S.I. 1985/827 as amended by S.I. 1986/451 and 1988/1893 before the coming into operation of this Order.

## EXPLANATORY NOTE

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

This Order amends the Sheriff Court Fees Order 1985 so as to increase most of the fees payable to the sheriff clerk in relation to proceedings in the sheriff court and adds a new matter to the Table of Fees. A new fee is imposed (paragraph 25 of the Table of Fees) for applications to the court for the issue of a summary warrant for recovery of community charges.