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SCOTTISH STATUTORY INSTRUMENTS

2012 No. 322

COURT OF SESSION

HIGH COURT OF JUSTICIARY

SHERIFF COURT

**The Court Fees (Miscellaneous Amendments) Scotland
Order 2012**

Made - - - - 22nd November 2012

Laid before the Scottish Parliament 26th November 2012

Coming into force - - 9th December 2012

The Scottish Ministers make the following Order in exercise of the powers conferred by section 2 of the Courts of Law Fees (Scotland) Act 1895(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Court Fees (Miscellaneous Amendments) Scotland Order 2012 and comes into force on 9th December 2012.

Amendment of the Court of Session etc. Fees Amendment Order 2012

2. The Court of Session etc. Fees Amendment Order 2012(b) is amended in accordance with articles 3 to 5.

3. In article 1, for “5” in each place it occurs substitute “6”.

4. In the Table of Fees in Schedule 1—

(a) under the heading “C. PETITION DEPARTMENT” at paragraphs 12 and 14, in column 1, for “then” substitute “than”; and

(b) under the heading “H. OFFICE OF THE ACCOUNTANT OF COURT”;

(i) at paragraph 1 in column 3, for “2035” substitute “20 or 35”;

(a) 1895 c.14; section 2 was substituted by the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c.12), section 4, modified by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), articles 2(1) and 4 and Schedule 2, Part I, paragraph 9 and Part IV and the Judiciary and Courts (Scotland) Act 2008 (asp 6), schedule 5, paragraph 1. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2012/290.

- (ii) at paragraph 7(c) in column 1, for “lodge” substitute “lodged”; and
- (iii) at paragraph 7 in column 1, for “Consignation value over £71 and over 7 years since lodged” substitute—
 - “(d) consignation value over £71 and over 7 years since lodged”.

5. In the Table of Fees in Schedule 2 under the heading “C. PETITION DEPARTMENT” at paragraph 14 in column 1, after “Court hearing” insert “(other than a motion roll or single bill)”.

Amendment of the High Court of Justiciary Fees Amendment Order 2012

6. In article 1 of the High Court of Justiciary Fees Amendment Order 2012(a)—
- (a) for “3(a)” substitute “4(a)”;
 - (b) for “3(b)” in each place where it occurs, substitute “4(b)”;
 - (c) for “3(c)” substitute “4(c)”.

Amendment of the Sheriff Court Fees Amendment Order 2012

7. In article 1 of the Sheriff Court Fees Amendment Order 2012(b) for “2(11)” in each place where it occurs substitute “2(10)”.

KENNY MACASKILL
A member of the Scottish Government

St Andrew’s House,
Edinburgh
22nd November 2012

(a) S.S.I. 2012/291.
(b) S.S.I. 2012/293.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Court of Session etc. Fees Amendment Order 2012, the High Court of Justiciary Fees Amendment Order 2012 and the Sheriff Court Fees Amendment Order 2012, correcting a number of drafting errors.

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