STATUTORY INSTRUMENTS

1970 No. 989 (S. 72)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Alteration of Fees collected by Sheriff Clerks) 1970

Made - - -	30*th June* 1970
Laid before Parliament	9*th July* 1970
Coming into Operation	1*st August* 1970

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 2 of the Courts of Law Fees (Scotland) Act 1895**(a)** and by section 40 of the Sheriff Courts (Scotland) Act 1907**(b)** as amended by section 39 of and the Schedule to the Administration of Justice (Scotland) Act 1933**(c)**, and of all other powers competent to them in that behalf, and with the approval and concurrence of the Treasury, do hereby enact and declare as follows:—

1. The Act of Sederunt (Alteration of Sheriff Court Fees) 1963**(d)** and the Table of Fees annexed thereto shall be amended as follows:—

(1) In paragraph 1 of the Act of Sederunt there shall be deleted the interpretation of the word "Decree", and there shall be substituted therefor a new interpretation as follows:

> " 'Decree' in section 17 of A, Part II, shall include licence, appointment, discharge, certificate of registration of a club, or other written statement of the Sheriff's decision in any proceeding under sections 15 or 23 of A, Part II."

(2) Paragraph 4 of the Act of Sederunt shall be deleted and there shall be substituted therefor a new paragraph 4 as follows:

> "4. The fee in section 1 of A, Part I, shall cover extract. The *ad valorem* fees in section 3 of A, Part I, shall cover all proceedings, including correspondence, but not including petitions for appointment of executor, for restriction of caution, or for special warrants. The fee in section 5 of A, Part II, shall cover all proceedings, including extract, but not including appeal. The fees in sections 6 to 13 inclusive, and 18 to 22 inclusive, of A, Part II, shall cover all proceedings, including, in bankruptcy cases, the necessary extracts and abbreviates for the Accountant of Court and other Government departments. The fee in section 14 of A, Part II, shall cover all proceedings, including extract, but not including stated case. In criminal cases at the instance of a private prosecutor, when more persons than one are proceeded against in one complaint, the fee shall cover one extract conviction or order in respect of each person. The fees in sections 15 to 17 inclusive of A, Part II, shall cover all proceedings (except appeal or stated case) in any action or proceeding for which special fees are not provided elsewhere.

(a) 1895 c. 14. **(b)** 1907 c. 51. **(c)** 1933 c.41. **(d)** S.I. 1963/133 (1963 I, p. 128).

Any subsequent extracts or copies required shall be charged under section 4 of A, Part I, or section 1 of A, Part II. The extracting or copying fees, sections 4(b) of A, Part I and 1(c) of A, Part II, shall be alternative fees to those in sub-section (a) of each of the said sections, in the option of the applicant. In litigated commissary, service of heirs, and bankruptcy cases, the same fees shall be charged as for similar business in the ordinary Sheriff Court.

When a small debt case is remitted to the ordinary roll, the parties shall pay fees as for an ordinary action, under deduction of any fees already paid."

(3) Paragraph 6 of the Act of Sederunt shall be deleted.

(4) Part II of Section A of the Table of Fees shall be deleted, and there shall be substituted therefor a new Part II of Section A in the terms set forth in the Schedule annexed hereto.

2. This Act of Sederunt may be cited as the Act of Sederunt (Alteration of Fees collected by Sheriff Clerks) 1970 and shall come into operation on 1st August 1970.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. Clyde,
I.P.D.

Edinburgh,
30th June 1970.

SCHEDULE

PART II—SHERIFF COURT PROCEEDINGS

General (applicable to all business under Part II)

	£	s.	d.
1. (a) Recording, extracting, or copying, per sheet	0	4	
(b) Preservation of deeds, each	0	4	
(c) Extracting or copying when three or more printed copies are supplied by the applicant—For each print	0	10	
2. Single search, to include inspection, per hour	0	2	
3. Inspection by a trade protection society or trade publication of protests, Act Books and Court Rolls—			
Weekly for three months (payable in advance)	1	0	
Twice weekly for three months (payable in advance)	2	0	
4. Application for stated case...	3	0	
(Note:—*If the application is withdrawn,* £2 *of this fee shall be repayable on the certificate of the Sheriff that the stated case has not been drafted.*) *Small debt, and Summary Removings under Section* 38 *of the Sheriff Courts (Scotland) Act* 1907, *and proceedings under the Tenancy of Shops (Scotland) Act* 1949, *and the Housing (Repairs and Rents) (Scotland) Act* 1954.			
5. Summons, petition or sist for rehearing	0	10	

		£	s.	d.
	Bankruptcy Proceedings			
6.	Petition for sequestration of estates	2	0	0
7.	Act and warrant of trustee	1	10	0
8.	Writing examination of bankrupt or minute of meeting, per sheet ...	0	4	0
9.	Application (written or oral) for discharge of trustee	1	0	0
10.	Petition for discharge of bankrupt or application for approval of composition or deed of arrangement	1	10	0
11.	Request to act in aid of English Court of Bankruptcy	0	10	0
	Service of Heirs			
12.	Petition for general or special service or completion of title, or note for a Crown or Prince's charter, writ or precept	4	0	0
	Inferior Courts Judgment Extension Act			
13.	Any proceeding	0	10	0
	Summary Jurisdiction Acts			
14.	Complaint	1	0	0
	Ordinary and Miscellaneous			
15.	Initial writ in any proceeding for which no special fee is provided elsewhere	2	0	0
16.	First paper, reponing, or attendance to state a defence, each defender or compearer	2	0	0
17.	Extract of Decree	0	10	0
18.	Caveat, to be in operation for one month	0	4	0
19.	Sealing up repositories, or the like, per hour	0	10	0
20.	Summary warrant for recovery of rates	2	0	0
21.	Recording protest of a bill or promissory note	0	10	0
22.	Lodging each set of plans or other Parliamentary deposit	2	0	0
23.	Application for registration of a club	2	0	0

EXPLANATORY NOTE

(*This Note is not part of the Act of Sederunt.*)

This Act of Sederunt prescribes a new Table of Fees for Sheriff Court Proceedings, other than Commissary Proceedings in the Sheriff Court, and also makes certain consequential amendments to the Act of Sederunt (Alteration of Sheriff Court Fees) 1963 which prescribed the Table of Fees at present in force.

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