1971 No. 91 (S.6)

LOCAL GOVERNMENT, SCOTLAND

CLERKS OF THE PEACE

Act of Sederunt (Fees of Town Clerks and Clerks of the Peace) 1971

Made - - - 14*th January* 1971

Coming into Operation 15*th February* 1971

The Lords of Council and Session, under and by virtue of the powers conferred upon them by paragraph (*c*) of section 18 of the Moneylenders Act 1927(**a**) and section 29(1) of the Licensing (Scotland) Act 1959(**b**) and of all other powers competent to them in that behalf, on the application of the Lord Advocate, do hereby enact and declare as follows :—

1. The fees payable to a town-clerk for anything done under the Licensing (Scotland) Act 1959(**b**) the Licensing (Scotland) Act 1962(**c**) or the Moneylenders Act 1927(**a**) shall be those prescribed in Schedule 1 hereto.

2. The fees payable to a clerk of the peace for anything done under the Licensing (Scotland) Act 1959(**b**), the Licensing (Scotland) Act 1962(**c**) or the Moneylenders Act 1927(**a**) and in respect of certain other work specified in Schedule 2 hereto, shall be those prescribed in that Schedule.

3. The Act of Sederunt (Fees of Town Clerks and Clerks of the Peace) 1953(**d**), the Act of Sederunt (Fees of Town Clerks and Clerks of the Peace) 1962(**e**), and Sections 2, 3 and 4 of Book M Chapter V Schedule B to the Codifying Act of Sederunt 1913(**f**) are hereby repealed.

4. This Act of Sederunt may be cited as the Act of Sederunt (Fees of Town Clerks and Clerks of the Peace) 1971, and shall come into operation on 15th February 1971.

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

Edinburgh,

14th January 1971.

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

(**a**) 1927 c. 21.
(**b**) 1959 c. 51.
(**c**) 1962 c. 51.
(**d**) S.I. 1953/1776 (1953 II, p. 2299).
(**e**) S.I. 1962/2334 (1962 III, p. 3231).
(**f**) S.R. & O. 1913/638 (Rev. XX, p. 776: 1913 III, p. 2013).

SCHEDULE 1

PART I

TABLE OF FEES PAYABLE TO TOWN-CLERKS UNDER THE LICENSING (SCOTLAND) ACTS 1959 AND 1962

		Fee.
1.	Each printed copy of form of application for certificate of a public-house, inn, &c.	£0·10
2.	Lodging application for certificate or for renewal for inn, hotel, public-house, &c.	£0·85
3.	Lodging application by executors, representatives, or disponees of a deceased applicant, under section 33	£0·40
4.	Inspection of applications, or register of applications, for certificates, for each hour or part of an hour	£0·20
5.	Lodging application for transfer of certificate of inn, hotel, public-house, &c.	£0·85
6.	Lodging plans	£0·40
7.	Lodging objections	£0·85
	If proof led- each party before commencement of proof ...	£0·85
8.	Certificate of an inn, hotel, public-house, &c., or renewal	£0·50
9.	Transfer certificate	£0·50
10.	Duplicate certificate	£0·20
11.	Special permission	£0·85
12.	List for Inland Revenue of names of persons to whom certificates have been granted—	
	If not more than 25 names	£0·40
	For each name beyond 25	£0·02
13.	First application for insertion of conditions in certificate in respect of off-rate part of hotel or public-house	£0·85
14.	Insertion of such conditions (otherwise than where certificate is being granted, renewed or transferred)	£0·50
15.	Lodging application for declaration by court, under Rule 4 of the Licensing (Scotland) Rules 1962	£0·80
16.	Issue of declaration by court following application under Rule 4 of the Licensing (Scotland) Rules 1962	£0·50
17.	Lodging application for affirmation of provisional grant	£0·80
18.	Application for consent of court to reconstruction &c. of premises...	£0·50
19.	Lodging plan and description under section 12(1) of the Licensing (Scotland) Act 1962	£0·40

PART II

TABLE OF FEES PAYABLE TO TOWN-CLERKS UNDER THE MONEYLENDERS ACT, 1927

1.	Each printed copy of Application for certificate	£0·15
2.	Lodging application for certificate	£1·20
3.	Inspection of Applications of Register of Applications for certificates for each hour or part of an hour	£0·25
4.	Lodging objections	£1·20
	If proof led—each party before commencement of proof ...	£1·20
5.	Certificate, or renewal	£0·80
6.	Duplicate certificate	£0·25

SCHEDULE 2

TABLE OF FEES PAYABLE TO CLERKS OF THE PEACE FOR WORK DONE UNDER THE LICENSING (SCOTLAND) ACTS, 1959 AND 1962, THE MONEYLENDERS ACT, 1927, AND CERTAIN OTHER ENACTMENTS.

PART I.

FEES PAYABLE TO CLERKS OF THE PEACE BY APPLICANTS FOR LICENCES OR OTHERS.

		Fee.
	1. LICENCES	
	(*a*) Licensing (Scotland) Act, 1959	
1.	Each printed copy of form of application for certificate of a public-house, inn, &c.	£0·10
2.	Lodging application for certificate, or for renewal for inn, hotel, public-house, &c.	£0·85
3.	Lodging application by executors, representatives, or disponees of a deceased applicant, under section 33	£0·40
4.	Inspection of applications, or Register of Applications, for certificates—for each hour or part of an hour	£0·20
5.	Lodging application for transfer of certificate of inn, hotel, public-house, &c.	£0·85
6.	Lodging plans	£0·40
7.	Lodging objections	£0·85
	If proof led, either in a Licensing Court or a Court of Appeal—each party before commencement of proof	£0·85
8.	Certificate of an inn, hotel, public-house, &c., or renewal	£0·50
9.	Transfer certificate	£0·50
10.	Duplicate certificate	£0·15
11.	Special permission	£0·85
12.	Lodging appeal to the Licensing Appeal Court or Quarter Sessions, and finding caution	£0·85
13.	Hearing and deciding appeal	£0·85
14.	Confirmation	£1·20
15.	Lists for Inland Revenue of names of persons to whom certificates have been granted:—	
	If not more than 25 names	£0·40
	For each name beyond 25	£0·02
16.	First application for insertion of conditions in certificate in respect of off-rate part of hotel or public-house	£0·85
17.	Insertion of such conditions (otherwise than where certificate is being granted, renewed or transferred	£0·50
18.	Lodging application for declaration by court, under Rule 4 of the Licensing (Scotland) Rules 1962	£0·80
19.	Issue of declaration by court following application under Rule 4 of the Licensing (Scotland) Rules 1962	£0·50
20.	Lodging application for affirmation of provisional grant	£0·80
21.	Application for consent of court to reconstruction &c. of premises	£0·50
22.	Lodging plan and description under section 12(1) of the Licensing (Scotland) Act 1962	£0·40

(b) Moneylenders Act, 1927

		Fee.
1.	Each printed copy of Form of Application for Certificate	£0·15
2.	Lodging application for certificate	£1·20
3.	Inspection of Application or Register of Applications for Certificates for each hour or part of an hour	£0·25
4.	Lodging objections	£1·20
	If proof led either in a Licensing Court or Court of Appeal—each party before commencement of proof	£1·20
5.	Certificate, or renewal	£0·80
6.	Duplicate certificate	£0·25
7.	Lodging appeal	£2·45

(c) Licences to Deal in Game

1.	Application for certificate or renewal	£0·40
2.	Certificate or renewal	£0·40
3.	Inspection of Register	£0·20

(d) Pawnbrokers' Licences

1.	Lodging application for certificate or renewal	£0·85
2.	Certificate or renewal	£0·50

2. PROCEEDINGS UNDER THE ARMY ACT

1.	Attestations of a recruit	£0·20
2.	Warrant for impressment of carriages	£0·20
3.	Descriptive return of a deserter	£0·35
4.	Warrant of committal	£0·20
5.	Certificate of conviction or acquittal	£0·50

3. PROCEEDINGS UNDER THE SMALL DEBT ACTS

1.	Complaint warrant to cite	£0·04
2.	Copy for service	£0·04
3.	Entering into procedure book	£0·04
4.	Decree and warrant of execution	£0·04
5.	Warrant de novo	£0·03
6.	Re-hearing	£0·10
7.	For inspection of book	£0·04
8.	Indorsing decree from other jurisdiction	£0·08

4. PROCEEDINGS UNDER THE SUMMARY JURISDICTION AND PROCESS ACTS.

1.	For each compliant	£0·25
2.	For whole procedure at trial:— ...	
	If proof led	£0·45
	If proof not led	£0·25
3.	Extract of any judgment, conviction or order	£0·10
4.	Separate search warrant or separate warrant to apprehend a witness ...	£0·25
5.	Separate warrant for citation of witnesses	£0·10
6.	Indorsing English warrant or decree	£0·25
7.	Certified copy of any proceedings or judgment, per sheet of 250 words	£0·20

5. Proceedings in Appeals

(*a*) Appeals Under Summary Jurisdiction (Scotland) Act, 1908.

		Fee.
1.	Lodging bond of caution or making consignation	£0·45
2.	Preparing and drawing case	£1·50
3.	Duplicate for respondent, per sheet	£0·15

(*b*) Appeals to Quarter Sessions or General Sessions.

1.	Lodging appeal and finding caution	£0·45
2.	Hearing and deciding appeal	£0·45

6. Miscellaneous

1.	Order of detention in Approved School	£0·20
2.	Each Justice of the Peace on qualifying	£0·85
3.	Warrant for recovery of rates	£0·50
4.	Judicial or other bonds of caution not otherwise provided for ...	£0·85
5.	Affidavit—if printed form	£0·20
6.	Drawing affidavit, per sheet	£1·00
7.	Certifying foreign affidavits	£0·20

Part II

Fees Payable to Clerks of the Peace by County Councils and Town Councils

1.	Framing circulars calling meetings of Quarter Sessions or Special General Sessions or Committees of Justices when the said committees are summoned for the despatch of administrative business, except the disposal of applications for licences, including instructing printer, addressing, and dispatching:—	
	For the first 50	£1·10
	For each 50 after the first 50	£0·85
2.	Attendance at any meeting of Quarter Sessions or Special General Sessions or any meeting of Committee of the Justices when met for the purpose of despatching administrative business, except the disposal of applications for licences	£5·00
3.	Attendance at any meeting of a Licensing Court, under the Licensing (Scotland) Acts or any committee thereof, when met for the purpose of making bye-laws or regulations or despatching business other than the disposal of applications for licences	£5·00
4.	Drawing and engrossing minutes of the meetings specified in Nos. 2 and 3, per sheet	£1·20
5.	Drawing bye-laws and regulations under the Licensing (Scotland) Acts per sheet	£1·20
6.	Advertisements and public notices:—	
	(1) Framing, per sheet	£0·85
	(2) Ordering insertion in newspapers, each newspaper	£0·40

		Fee.
7.	Framing returns required by the Judicial Statistics Departments:—	
	Small Debt Act, 1825, and Licensing (Scotland) Act, 1903:—	
	For the first 100 cases or licences	£1·65
	For each 100 thereafter up to 500	£0·40
	For each 100 after 500	£0·20
8.	All other returns, per sheet	£1·00
9.	Each necessary letter	£0·40
10.	Copying, per sheet	£0·25

PART III

FEES PAYABLE TO CLERKS OF THE PEACE AS CLERKS OF THE COURTS OF APPEAL UNDER THE LICENSING (SCOTLAND) ACTS BY THE TOWN COUNCILS OF EVERY ROYAL, PARLIAMENTARY, OR POLICE BURGH CONTAINING A POPULATION OF OR EXCEEDING 20,000

1.	Drawing regulations and engrossing in Minute Book, per sheet ...	£1·20
2.	Each necessary letter	£0·40
3.	Copying, per sheet	£0·25

EXPLANATORY NOTE

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

This Act of Sederunt re-enacts with approximate decimal equivalents the Tables of Fees payable to Town Clerks and Clerks of the Peace under the Licensing (Scotland) Acts 1959 and 1962 and the Moneylenders Act 1927 and to Clerks of the Peace for work under certain other enactments.