

2012 No. 291

HIGH COURT OF JUSTICIARY

The High Court of Justiciary Fees Amendment Order 2012

Made - - - - *30th October 2012*

Laid before the Scottish Parliament *31st October 2012*

Coming into force in accordance with article 1

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, commencement and effect

1.—(1) This Order may be cited as the High Court of Justiciary Fees Amendment Order 2012 and, subject to paragraphs (2) and (3), comes into force on 10th December 2012.

(2) Article 3(b) and Schedule 2 come into force, and article 3(a) and Schedule 1 cease to have effect, on 1st April 2013.

(3) Article 3(c) and Schedule 3 come into force, and article 3(b) and Schedule 2 cease to have effect, on 1st April 2014.

Amendment of the High Court of Justiciary Fees Order 1984

2. The High Court of Justiciary Fees Order 1984(b) is amended in accordance with articles 3 and 4.

3. For article 2 substitute—

“**2.**—(1) Subject to article 3 of this Order, the fees payable in the High Court of Justiciary to the Principal Clerk of Justiciary or any other officer acting for the Principal Clerk in respect of the matters specified in column 1 of the Table of Fees in the Schedule are the fees specified in relation to those matters in column 2 of that Table.

(2) No act is required of the Principal Clerk or such officer acting for the Principal Clerk in connection with a matter specified in relation to any fee prior to the payment of that fee or an arrangement being entered into for payment of that fee.”

(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.I. 1984/252; amended by S.I. 1994/3266, 1996/516 and 1999/753 and S.S.I. 2007/321, 2008/237 and 2009/87.

4. The Table of Fees in the Schedule to the 1984 Order is substituted by—
- (a) the Table of Fees in Schedule 1 to this Order on 10th December 2012;
 - (b) the Table of Fees in Schedule 2 to this Order on 1st April 2013;
 - (c) the Table of Fees in Schedule 3 to this Order on 1st April 2014.

St Andrew's House,
Edinburgh
30th October 2012

KENNY MACASKILL
A member of the Scottish Government

SCHEDULE 1
TABLE OF FEES

Article 4(a)

Payable from 10th December 2012

<i>Column 1</i> <i>(Matters)</i>	<i>Column 2</i> <i>(Fee payable)</i> £	<i>Column 3</i> <i>(Fee formerly payable)(a)</i> £
1. Petitions to the Nobile Officium and applications for criminal letters (inclusive fee covering all steps in procedure)	95	90
2. Extract convictions, per sheet or part thereof	37	35
3. Certified copy of any other document	16	15
4. Copying of—		
(a) each document, up to 10 pages	5	5
(b) each further page or part thereof	0.50	0.50
(c) each document in electronic form	5	5
5. Any search of records or archives—		
(a) up to 30 minutes	16	15
(b) more than 30 minutes up to 2 hours	37	35
(c) each additional 30 minutes in excess of 2 hours	11	10
(d) in addition, correspondence fee where applicable	11	10

(a) Column 3 shows the fees which were payable under S.I. 1984/252 immediately before the coming into force of this Schedule.

SCHEDULE 2
TABLE OF FEES

Article 4(b)

Payable from 1st April 2013

<i>Column 1</i> <i>(Matters)</i>	<i>Column 2</i> <i>(Fee payable)</i> £	<i>Column 3</i> <i>(Fee formerly payable)(a)</i> £
1. Petitions to the Nobile Officium and applications for criminal letters (inclusive fee covering all steps in procedure)	98	95
2. Extract convictions, per sheet or part thereof	38	37
3. Certified copy of any other document	16	16
4. Copying of—		
(a) each document, up to 10 pages	5	5
(b) each further page or part thereof	0.50	0.50
(c) each document in electronic form	5	5
5. Any search of records or archives—		
(a) up to 30 minutes	16	16
(b) more than 30 minutes up to 2 hours	38	37
(c) each additional 30 minutes in excess of 2 hours	11	11
(d) in addition, correspondence fee where applicable	11	11

(a) Column 3 shows the fees which were payable by virtue of Schedule 1 to this Order immediately before the coming into force of this Schedule.

SCHEDULE 3
TABLE OF FEES

Article 4(c)

Payable from 1st April 2014

<i>Column 1</i> <i>(Matters)</i>	<i>Column 2</i> <i>(Fee payable)</i> £	<i>Column 3</i> <i>(Fee formerly payable)(a)</i> £
1. Petitions to the Nobile Officium and applications for criminal letters (inclusive fee covering all steps in procedure)	101	98
2. Extract convictions, per sheet or part thereof	39	38
3. Certified copy of any other document	17	16
4. Copying of—		
(a) each document, up to 10 pages	5	5
(b) each further page or part thereof	0.50	0.50
(c) each document in electronic form	5	5
5. Any search of records or archives—		
(a) up to 30 minutes	17	16
(b) more than 30 minutes up to 2 hours	39	38
(c) each additional 30 minutes in excess of 2 hours	11	11
(d) in addition, correspondence fee where applicable	11	11

(a) Column 3 shows the fees which were payable in Schedule 2 to this Order immediately before the coming into force of this Schedule.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the High Court of Justiciary Fees Order 1984 (“the 1984 Order”).

Article 3 substitutes a new article 2 in the 1984 Order which restates that the fees payable to the Principal Clerk or any officer acting on behalf of the Principal Clerk in respect of the matters specified in column 1 of the Table of Fees set out in the Schedule to the 1984 Order, are the fees specified in relation to those matters in column 2 of the table. Further, it adds a new provision that the Principal Clerk or any officer acting for the Principal Clerk is not obliged to carry out any act which relates to payment of a fee without either, prior payment of the fee, or entering into an arrangement for payment for the fee.

Article 4 and Schedules 1 to 3 specify new fee levels payable to the Principal Clerk or any officer acting for the Principal Clerk in respect of certain matters in relation to proceedings in the High Court of Justiciary.

The fee levels for the period from 10th December 2012 until 31st March 2013 are given effect by substituting the table of fees in the 1984 Order with the table in Schedule 1.

The fee levels for the period from 1st April 2013 until 31st March 2014 are given effect by substituting the table of fees in Schedule 1 with the table in Schedule 2.

The fee levels from 1st April 2014 onwards are given effect by substituting the table of fees in Schedule 2 with the table in Schedule 3.

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