

SCOTTISH COURT SERVICE

Sheriff Court Fees

In general, an initial fee is payable in the sheriff court for lodging an application however there are often additional fees which have to be paid for further steps in the procedure.

Fees are not charged :

- For applications lodged under any of the legislation relating to the registration of births, deaths and marriages;
- For applications lodged under Part III of the Social Work (Scotland) Act 1968;
- For applications lodged under Mental Health (Care and Treatment) (Scotland) Act 2003;
- For applications or appeals lodged under Part II of the Children (Scotland) Act 1995;
- For applications lodged under Section 129 of the Consumer Credit Act 1974;
- By debtors or creditors in connection with proceedings under the Debtors (Scotland) Act 1987 or the Debt Arrangement and Attachment (Scotland) Act 2002, with the exception of the fee for item 36 of the attached table.
- For receiving or examining inventory of estate, additional or corrective inventory or estate whether or not confirmation is required in respect of a death in active service.

You may not have to pay fees if

You or your partner receive any of these benefits:

- Income support under the Social Security Contributions and Benefits Act 1992
- Guarantee credit under the State Pension Credit Act 2002
- Working tax credit that either includes child tax credit or a disability/severe disability element and the gross annual income taken into account for the calculation of the working tax credit is **£16, 642** or less.
- Income-related employment support allowance under the Welfare Reform Act 2007.

You receive any of these:

- An income based jobseeker's allowance (payable under the Jobseekers Act 1995)
- Civil legal aid within the meaning of section 13(2) of the Legal Aid (Scotland) Act 1986 in respect of the application to which the fee applies.
- Advice and assistance from a solicitor under the Legal Aid (Scotland) Act 1986 in relation to a simplified divorce or dissolution of a civil partnership application.
- Your solicitor is undertaking work as a matter of 'special urgency' in relation to the matter on the basis of any regulations made under section 36 of the Legal Aid (Scotland) Act 1986.

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Please use the following form if you are claiming exemption from payment of court fees

[Application for exemption from payment of court fee](#) form

The following table sets out the fees that apply from 1st April 2009 until 31st March 2010.

		£
PART I - COMMISSARY PROCEEDINGS		
1	Petition for appointment of executor, restriction of caution, special warrant, sealing up of repositories or the like, or appointment of Commissary factor. (Includes issue of extract decree)	15
2	Sealing up repositories or the like, per hour	25
3	(a) Receiving and examining inventory of estate, except where item 3(b) or 3(c) 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(a) is required does not exceed £5,000 £50,000 (ii) where the amount of the said estate exceeds £50,000 (b) Receiving and examining additional or corrective inventory of estate or inventory of estate <i>ad non executata</i> (c) Receiving and examining inventory of estate where it is declared that confirmation is not required (If confirmation is subsequently required, the remaining 50% of the fees specified in 3 (a) or 3 (b) are payable)	No fee 195 195 195 50% of the fee (either 3 (a) or 3(b))
4	Commissary copying and extracting	
	(1) Issuing certificate of confirmation	
	(a) if ordered when lodging inventory each certificate	5
	(b) If ordered subsequent to lodging inventory	
	(i) first certificate including search fee	15
	(ii) each subsequent certificate	5
	(2) Copy or duplicate confirmation	
	(a) if ordered when lodging inventory	10
	(b) if ordered subsequent to lodging inventory	
	(i) first duplicate including search fee	20
	(ii) each subsequent duplicate if ordered at the same time as the first duplicate	10
	(3) Certified extract confirmation and will (if any)	
	(a) if ordered when lodging inventory	20
	(b) if ordered subsequent to lodging inventory	

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	(i) first certified extract including search fee	30
	(ii) each subsequent certified extract if ordered at the time of the first certified extract	20
	(4) Copy will	
	(a) if ordered when lodging inventory	5
	(b) if ordered subsequent to lodging inventory	
	(i) first copy including search fee	15
	(ii) each subsequent copy (when ordered at the same time as the first copy)	5
PART II - SHERIFF COURT PROCEEDINGS		
5	a) Initial writ in any proceedings not set out elsewhere in this table (Fee covers issue of extract decree)	80
	b) European Order for payment in terms of EU Regulation 1896/2006 - application for European order for payment	80
6	Initial writ in an action of divorce or dissolution of a civil partnership (other than a simplified divorce or dissolution of a civil partnership application) (Fee covers issue of extract decree)	120
Application for Simplified Divorce and simplified dissolution of civil partnership		
7	Any application (inclusive of all procedures other than those specified at item 8 and 9) (Fee covers issue of extract decree)	90
8	Citation of, or intimation to, any person or persons by sheriff officer	10 plus sheriff officer's fee
9	Subsequent application upon change of circumstances by party	25
Summary warrant		
10	Application for summary warrant	60
Bankruptcy		
11	Petition for sequestration of estates	95
12	Petition for discharge of a bankrupt or application for approval of composition or deed of arrangement (Fee covers the issue of an abbreviate and extract)	30
13	Miscellaneous applications including appeals under the Bankruptcy (Scotland) Act 1985(a)	45
14	Act and warrant of trustee	40
15	Application (written or oral) for discharge of trustee (Fee covers the issue of an extract)	30
Declarator and Petitions for completion of title for the Sheriff of Chancery		
16	Applications for Declarator and Petitions for completion of title to the Sheriff of Chancery	185
17	Issue of chancery extract	90

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Summary cause		
18	Summons - summary cause (including small claim and European small claim procedure)	
	(a) actions for payment of money less than £200 (or 250 euros for European Small Claims)	15
	(b) other actions	65
	(c) in relation to a small claim summons, citation of, or intimation to, any party by sheriff officer	10 plus sheriff officer's fee
	(d) on the marking of an appeal (Fee covers the issue of an extract decree)	45
Criminal procedure		
19	Complaint	30
Road Traffic Offenders Act 1988(a)		
20	Petition for removal of disqualification	75
Miscellaneous		
21	Application under section 4 of the Requirements of Writing (Scotland) Act 1995	15
22	Caveat	30
23	Any proceedings under section 12 or 18 of the Civil Jurisdiction and Judgments Act 1982	20
24	Note in a liquidation or judicial factory	30
Defender's responses		
25	First writ, reponing note or attendance to state a defence, or oppose an interim order (payable by each defender or compeerer, covers the issue of an extract decree)	
	(a) in proceedings to which item 5 applies	80
	(b) in an action of divorce or dissolution of a civil partnership (other than a simplified divorce or dissolution of civil partnership)	120
Civil court procedure		
Payable by pursuer		
26	Lodging of a certified copy record under the standard procedure of the Ordinary Cause Rules 1993(b) (Payable once only in respect of a cause)	95
27	Lodging of a certified closed record under the additional procedure of the said Rules (Payable once only in respect of a cause)	95
28	Fixing of a proof, a debate or a hearing in a summary or miscellaneous application on the merits of the cause	40

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29	For each day or part thereof of proof, debate or hearing in a summary or miscellaneous application on the merits of the cause (not payable if the proof, debate or hearing does not proceed on that day)	95
30	Endorsing of a minute in Form F27 in terms of rule 33.29(1)(b) of the said Rules (Payable once only in respect of a cause)	55
Payable by any party (including pursuer)		
31	Lodging of a written motion or minute; and the lodging of any written opposition to any such motion or minute	40
32	Marking an appeal to the Sheriff Principal in any proceedings (other than as provided for in item 18(d))	95
Sheriff court books		
33	Recording protest of a bill or promissory note (Extracts to be charged as in item 38)	20
34	Preservation of deed (Includes recording and engrossing. If extracts are required, a separate fee is charged per item 38)	10
Miscellaneous office procedures		
35	Lodging each set of plans or other Parliamentary deposit	60
36	Inspection of report of auction and the auditor of court's report	15
37	Search and report service as instructed by a trade protection society, licensed credit reference agency or trade publication of protests, of relevant court records as allowed by appropriate said Rules, as amended, with the fees below payable in advance	
	(a) weekly for twelve months	280
	(b) twice weekly for twelve months	560
	(c) four times weekly for twelve months	1,125
38	Recording, engrossing, extracting or copying of all documents except as provided for at item 4 (if a search is required an additional fee will be charged as per item 39)	
	(a) by photocopying or otherwise producing a printed or typed copy	5
	(i) Up to 10 pages	0.50
	(ii) Each page or part thereof (in excess of 10 pages)	
	(b) for a copy of a document on a computer disc or in other electronic form	5
	(Recording in Sheriff Court Register of Deeds to be charged as in item 38(a))	
39	Searches: for each search of records or archives (except as provided for at item 4)	
	(a) up to 30 minutes	15
	(b) for more than 30 minutes up to 2 hours	35
	(c) for each additional 30 minutes (in excess of 2 hours)	10
	(d) In addition, correspondence fee where applicable	10
PART III - AUDITOR OF COURT		
40	For taxing accounts of expenses incurred in judicial proceedings remitted to the auditor of court for taxation	

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(1) on lodging account for taxation		35
(2) auditor's fee for taxing accounts of expenses etc.		
(a) up to £400		19
(b) for every additional £100 or part thereof		5
(Fee based on the amount of the account as submitted)		
(3) fee for cancellation of diet of taxation		
(a) where written notice of cancellation received by receiving party within three working days of diet		50% of fee that would have been payable per 40(2)
(b) where written notice of cancellation received by receiving party on the working day before or the day of the diet		75% of fee that would have been payable per 40(2)

Notes to Sheriff Court Fees

1. Any defenders or parties who lodge or are preparing to lodge a writ in joint names in relation to an action where they have are treated as a single defender or party.
2. The fee for an initial writ does not include the registration or renewal of a club or miners' welfare institute under the Gaming Act 1968.
3. When a summary cause is remitted to the ordinary cause roll, the fee for an initial writ (item 5) and defenders response (item 25) will be payable, however any fee that was previously paid for lodging the summary cause will be deducted from this amount.
4. When any commissary proceedings, bankruptcy proceedings or proceedings under the Requirements of Writing (Scotland) Act 1995 are opposed, the fee for an initial writ (item 5) and defenders response (item 25) will be payable. However any fee that has been paid previously in respect of the proceedings will be deducted from this amount.
5. Items 18(d), 26 to 29, 30 and 32 of the table do not apply to actions started before 1.1.94.