

Equalities, Human Rights and Civil Justice Committee
Tuesday 25 February 2025
5th Meeting, 2025 (Session 6)

Note by the Clerk on The Sheriff Appeal Court Fees Amendment Order 2025 (SSI 2025/9)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to annulment by resolution of the Parliament until 12 March 2025. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

Title of instrument: [The Sheriff Appeal Court Fees Amendment Order 2025 \(SSI 2025/9\)](#)

Laid under: [Courts Reform \(Scotland\) Act 2014](#)

Laid on: 23 January 2025

Procedure: Negative

Deadline for committee consideration: 10 March 2025

Deadline for Chamber consideration: 12 March 2025 (Statutory 40-day deadline for any decision whether to annul the instrument)

Commencement: 13 March 2025

Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee considered the instrument on 4 February 2025 and reported on it in its [10th Report, 2025](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

8. This is an amendment Order to address omissions from the [Sheriff Appeal Court Fees Order 2024 \(SSI 2024/236\)](#) (“the 2024 Order”) which makes provision for fees payable in the Sheriff Appeal Court, the Clerk of the Sheriff Appeal Court, any officer acting for the Clerk, or the auditor of the Sheriff Appeal Court.
9. In particular, by way of Article 2, amending the Table of Fees in the 2024 Order to insert fees which are payable for fixing and hearing an appeal under chapters 7 and 8 procedure under the Sheriff Appeal Court Rules (before three or one appeal sheriff(s) respectively) and for lodging an application under provisions of the Courts Reform (Scotland) Act 2014 for a new civil jury trial or for a verdict to be entered in a party’s favour following a jury direction.
10. The fees are payable from 13 March 2025.
11. The Policy Note accompanying the instrument is included at Annexe A. It includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.

Committee consideration

12. So far, no motion recommending annulment has been lodged.
13. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:
 - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
 - inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

14. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).

15. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

Clerks to the Committee
February 2025

Annexe A: Scottish Government Policy Note

The above instrument was made in exercise of the powers conferred by section 107(1) and (2) of the Courts Reform (Scotland) Act 2014. The instrument is subject to negative procedure.

Purpose of the instrument

The purpose of the instrument is to amend the Sheriff Appeal Court Fees Order 2024, in particular to insert fees which are payable for fixing and hearing an appeal under chapters 7 and 8 procedure under the Sheriff Appeal Court Rules (before three or one appeal sheriff(s) respectively) and for lodging an application under provisions of the Courts Reform (Scotland) Act 2014 for a new civil jury trial or for a verdict to be entered in a party's favour following a jury direction. The fees are payable from 13 March 2025.

Policy objectives

Court fees and fees for services offered by the High Court of Justiciary, the Court of Session, Sheriff Appeal Court, Sheriff Courts including the Sheriff Personal Injury Court, Justice of the Peace Courts and the Office of the Public Guardian ensure that those who make use of the courts of the Office of the Public Guardian meet or contribute towards the associated costs to the public purse, where they can afford to do so.

The Scottish Government has long had a policy to move towards fees which more fully reflect the cost of the processes involved, with a well-targeted system of fee exemptions to protect access to justice. A suite of six instruments came into force on 1 November 2024 putting into effect that policy, by raising court fees by 10% to ensure that the income raised reflects the costs incurred by the Scottish Courts and Tribunals Service (SCTS) in administering the civil court system.

The 10% increases effective from 1 November 2024 reflect the sharp, unprecedented rise in inflation over the past few years. The rise in inflation negatively impacted the SCTS budget which was already under significant pressure following on from the Covid 19 pandemic. It is necessary to increase court fees to reflect the increased costs of running the justice system to ensure that courts are funded to deliver a civil justice system that is accessible, affordable, and provides a high-quality service to those who have cause to use it.

The Sheriff Appeal Court Fees Order 2024 ("the 2024 Order") repealed and replaced the Sheriff Appeal Court Fees Order 2022. The 2024 Order makes provision for the fees payable in the Sheriff Appeal Court, to the Clerk of the Sheriff Appeal Court, any officer acting for the Clerk, or the auditor of the Sheriff Appeal Court.

This Order amends the 2024 Order to address omissions. This Order amends the Table of Fees in the schedule of the 2024 Order to insert fees which are payable for fixing and hearing an appeal under chapters 7 and 8 procedure under the Sheriff Appeal Court Rules (before three or one appeal sheriff(s) respectively) and for lodging an application under provisions of the Courts Reform (Scotland) Act 2014 for a new civil jury trial or for a verdict to be entered in a party's favour following a jury

direction. These fees were omitted in error from the 2024 Order. This Order will implement a 10% rise in respect of these fees as they were under the Sheriff Appeal Court Fees Order 2022 with effect from 13 March 2025.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Sheriff Appeal Court Fees Amendment Order 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU alignment consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

A public consultation on the increase to court fees was launched on 18 March 2024 and concluded on 10 June 2024. No separate consultation was carried out for this Order, which corrects omissions from the 2024 Order.

Impact assessments

An [Equalities Impact Assessment was undertaken for the \(2024\) package of instruments](#) giving effect to the increase in court fees. No separate Equalities Impact Assessment has been undertaken for this amending instrument.

A [Business and Regulatory Impact Assessment was undertaken for the \(2024\) package of instruments](#) giving effect to the increase in court fees. No separate Business and Regulatory impact Assessment was undertaken for this amending instrument.

A [Child Welfare Rights Impact Assessment](#) has been carried out. The Scottish Ministers have confirmed that, in their view, the Sheriff Appeal Court Fees Amendment Order 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024.

Financial effects

No separate Business and Regulatory Impact Assessment has been prepared for this Order. A Business and Regulatory Impact Assessment was prepared in relation to the 2024 Order, which is amended by this instrument.