

Equalities, Human Rights and Civil Justice Committee  
Tuesday 3 March 2026  
7th Meeting, 2026 (Session 6)

## Note by the Clerk: negative instruments

### Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instruments (SSIs), which are subject to the negative procedure. The Committee is invited to consider the instruments and decide what, if any, recommendations to make.

- [2026/74: The Sheriff Court Fees Order 2026](#)
- [2026/77: The High Court of Justiciary Fees Order 2026](#)
- [2026/78: The Justice of the Peace Court Fees \(Scotland\) Order 2026](#)
- [2026/79: The Sheriff Appeal Court Fees Order 2026](#)
- [2026/80: The Court of Session etc. Fees Order 2026](#)
- [2026/81: The Adults with Incapacity \(Public Guardian's Fees\) \(Scotland\) Regulations 2026](#)

2. All of the instruments were laid on the same date and have an identical deadline and commencement date as follows:

- **Laid on:** 13 February 2026
- **Deadline for committee consideration:** 23 March 2026
- **Deadline for Chamber consideration:** 24 March 2026
- **Commencement:** 1 April 2026

### Purpose of the instruments

3. The policy notes explain that each instrument is part of a suite of six which seek to amend fees across 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 (OPG).

4. The policy notes further explain that the Scottish Government “has long had a policy to move toward fees which more fully reflect the cost of the processes involved, with a well-targeted system of fee exemptions to protect access to justice.” The instruments are intended to “put into effect that policy by raising court fees to ensure that the income raised reflects the costs incurred.”

5. To this end the instruments provide for fee rises of 3% on 1 April 2026, followed by further 3% rises on 1 April 2027 for each of the courts (and the OPG) noted above.

6. The policy notes provide further information, including on the impact assessments completed for each instrument, and are attached as an annexe.

## **Procedure**

7. 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.
8. 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.
9. 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).
10. 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**

11. The DPLR Committee considered the instruments on 24 February and reported on it in its [21<sup>st</sup> report of 2026](#). The DPLR Committee made no recommendations in relation to any of the instruments and agreed not to draw them to the attention of the Parliament.

## **Committee consideration**

12. So far, no motion recommending annulment of any instrument has been lodged.
13. Members are invited to consider each instrument and decide whether there are any points they wish to raise. If there are points to raise on an instrument, 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.
14. It would then be for the Committee, at its next meeting, to consider any additional information gathered and decide whether to make recommendations in relation to the instrument.
15. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).

16. However, should a motion recommending annulment of one of the instruments 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 2026**

## POLICY NOTE

### THE SHERIFF COURT FEES ORDER 2026

#### SSI 2026/74

The above instrument is 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 the negative procedure.

#### Summary Box

The purpose of the instrument is to increase fees for court users in the Sheriff Courts.

#### Policy Objectives

1. 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 (“OPG”) ensure that those who make use of the courts or the OPG meet or contribute towards the associated costs to the public purse where they can afford so to do.
2. The Scottish Government has long had a policy to move toward fees which more fully reflect the cost of the processes involved, with a well-targeted system of fee exemptions to protect access to justice. This Order puts into effect that policy by raising court fees to ensure that the income raised reflects the costs incurred by the Scottish Courts and Tribunals Service (“SCTS”) in providing the civil court system. It represents an interim step to protect the financial sustainability of SCTS. It introduces modest, inflation-based increases to court fees for 2026-2027 and from 2027 onwards. The specific fee rises in this Order are of 3% on 1 April 2026, followed by a further 3% rise on 1 April 2027 in order to reflect inflationary pressures, and ensure the financial sustainability of SCTS.
3. This Order is one of a suite of 6 instruments that amend fees across the courts and the OPG.
4. The Sheriff Court Fees Order 2024 is repealed and replaced by the Sheriff Court Fees Order 2026. This instrument makes provision for the fees payable in Scotland’s sheriff courts, to the sheriff clerk or the auditor of court.
5. The Scottish Government is committed to ensuring a well-targeted system of fee exemptions exist. This means that those who require support, and in general this means those in receipt of legal aid, will not incur any court fees.

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

##### Compatibility

6. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (“the UNCRC Act”), the Scottish Ministers certify that, in their view, the Sheriff Court Fees Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the UNCRC Act.

##### EU Alignment Consideration

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

### **Consultation**

8. A public consultation on these proposals was launched on 23 December 2025 which concluded on 30 January 2026.
9. Responses were received from the legal profession, insurers, consumer groups and government agencies. A consultation analysis and Scottish Government response paper will be published separately in response. Although the majority of those consulted opposed the increase in court fees, having fully considered the views of those who responded to the consultation, the Scottish Government has decided to implement the increases to court fees proposed in the consultation in order to reflect inflationary pressures, and ensure the financial sustainability of SCTS.
10. Preparatory work has now begun on a full review of the court fee structure, including the establishment of a Court Fee Working Group. The Group is expected to report in late 2026 or early 2027. A public consultation on its recommendations will follow.

### **Impacts Assessments**

11. An Equalities Impact Assessment was undertaken for the package of instruments giving effect to the increase in court fees.
12. A Business and Regulatory Impact Assessment has been completed and is attached. The impact of this policy on business is considered to be minimal. All litigants other than those exempted will bear the increase based on the type of action and the level of court which they use.
13. A Child Welfare Rights Impact Assessment has been carried out. The Scottish Ministers have confirmed that, in their view, the Sheriff Court Fees Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the UNCRC Act.
14. Published impact assessments are available on <http://www.gov.scot/publications>

### **Financial Effects**

15. The fee increases are expected to raise an additional £3 million in revenue per annum for the SCTS. This will support SCTS to maintain effective operations during a period of significant pressure on public finances.
16. It is expected that the fees will be introduced on 1 April 2026 and 1 April 2027. A further more comprehensive review of court fees will follow.

Scottish Government  
Justice Directorate

February 2026

## POLICY NOTE

### THE HIGH COURT OF JUSTICIARY FEES ORDER 2026

SSI 2026/77

The above instrument is 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 the negative procedure.

#### Summary Box

The purpose of the instrument is to increase the fees for court users in the High Court of Justiciary.
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#### Policy Objectives

1. 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 (“OPG”) ensure that those who make use of the courts or the OPG meet or contribute towards the associated costs to the public purse where they can afford so to do.
2. The Scottish Government has long had a policy to move toward fees which more fully reflect the cost of the processes involved, with a well-targeted system of fee exemptions to protect access to justice. This Order puts into effect that policy by raising court fees to ensure that the income raised reflects the costs incurred by the Scottish Courts and Tribunals Service (“SCTS”) in providing the civil court system. It represents an interim step to protect the financial sustainability of the SCTS. It proposes modest, inflation-based increases to court fees for 2026-2027 and from 2027 onwards. The specific fee rises in this Order are of 3% on 1 April 2026, followed by a further 3% rise on 1 April 2027 in order to reflect inflationary pressures, and ensure the financial sustainability of SCTS.
3. This Order is one of a suite of 6 instruments that amend fees across the courts and the OPG.
4. The High Court of Justiciary Fees Order 2024 is repealed and replaced by the High Court of Justiciary Fees Order 2026.
5. The Scottish Government is committed to ensuring a well-targeted system of fee exemptions exist. This means that those who require support, and in general this means those in receipt of legal aid, will not incur any court fees.

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

##### Compatibility

6. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (“the UNCRC Act”), the Scottish Ministers certify that, in their view, the High Court of Justiciary Fees Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the UNCRC Act.

#### EU Alignment Consideration

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

### **Consultation**

8. A public consultation on these proposals was launched on 23 December 2025 which concluded on 30 January 2026.
9. Responses were received from the legal profession, insurers, consumer groups and government agencies. A consultation analysis and Scottish Government response paper will be published separately in response. Although the majority of those consulted opposed the increase in court fees, having fully considered the views of those who responded to the consultation, the Scottish Government has decided to implement the increases to court fees proposed in the consultation in order to reflect inflationary pressures, and ensure the financial sustainability of SCTS.
10. Preparatory work has now begun on a full review of the court fee structure, including the establishment of a Court Fee Working Group. The Group is expected to report in late 2026 or early 2027. A public consultation on its recommendations will follow.

### **Impact Assessments**

11. An Equalities Impact Assessment was undertaken for the package of instruments giving effect to the increase in court fees.
12. A Business and Regulatory Impact Assessment has been completed and is attached. The impact of this policy on business is considered to be minimal. All litigants other than those exempted will bear the increase based on the type of action and the level of court which they use.
13. A Child Welfare Rights Impact Assessment has been carried out. The Scottish Ministers have confirmed that, in their view, the High Court of Justiciary Fees Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the UNCRC Act.
14. Published impact assessments are available on <http://www.gov.scot/publications>

### **Financial Effects**

15. The fee increases are expected to raise an additional £3 million in revenue per annum for the SCTS. This will support SCTS to maintain effective operations during a period of significant pressure on public finances.
16. It is expected that the fees will be introduced on 1 April 2026 and 1 April 2027. A further more comprehensive review of court fees will follow.

Scottish Government  
Justice Directorate

February 2026

## POLICY NOTE

### THE JUSTICE OF THE PEACE COURT FEES (SCOTLAND) ORDER 2026

#### SSI 2026/78

The above instrument is 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 the negative procedure.

#### Summary Box

The purpose of the instrument is to increase the fees for court users in the Justice of the Peace Courts.
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#### Policy Objectives

1. 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 (“OPG”) ensure that those who make use of the courts or the OPG meet or contribute towards the associated costs to the public purse where they can afford so to do.
2. The Scottish Government has long had a policy to move toward fees which more fully reflect the cost of the processes involved, with a well-targeted system of fee exemptions to protect access to justice. This Order puts into effect that policy by raising court fees to ensure that the income raised reflects the costs incurred by the Scottish Courts and Tribunals Service (“SCTS”) in providing the civil court system. It represents an interim step to protect the financial sustainability of SCTS. It proposes modest, inflation-based increases to court fees for 2026-2027 and from 2027 onward. The specific fee rises in this Order are of 3% on 1 April 2026, followed by a further 3% rise on 1 April 2027 in order to reflect inflationary pressures, and ensure the financial sustainability of SCTS.
3. This Order is one of a suite of 6 instruments that amend fees across the Courts and the OPG.
4. The Justice of the Peace Court Fees (Scotland) Order 2024 is repealed and replaced by the Justice of the Peace Court Fees (Scotland) Order 2026.
5. The Scottish Government is committed to ensuring a well-targeted system of fee exemptions exist. This means that those who require support, and in general this means those in receipt of legal aid, will not incur any court fees.

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

##### Compatibility

6. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (“the UNCRC Act”), the Scottish Ministers certify that, in their view, the Justice of the Peace Court Fees (Scotland) Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the UNCRC Act.

#### EU Alignment Consideration

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

### **Consultation**

8. A public consultation on these proposals was launched on 23 December 2025 which concluded on 30 January 2026.
9. Responses were received from the legal profession, insurers, consumer groups and government agencies. A consultation analysis and Scottish Government response paper will be published separately in response. Although the majority of those consulted opposed the increase in court fees, having fully considered the views of those who responded to the consultation, the Scottish Government has decided to implement the increases to court fees proposed in the consultation in order to reflect inflationary pressures, and ensure the financial sustainability of SCTS.
10. Preparatory work has now begun on a full review of the court fee structure, including the establishment of a Court Fee Working Group. The Group is expected to report in late 2026 or early 2027. A public consultation on its recommendations will follow.

### **Impact Assessments**

1. An Equalities Impact Assessment was undertaken for the package of instruments giving effect to the increase in court fees.
2. A Business and Regulatory Impact Assessment has been completed and is attached. The impact of this policy on business is considered to be minimal. All litigants other than those exempted will bear the increase based on the type of action and the level of court which they use.
3. A Child Welfare Rights Impact Assessment has been carried out. The Scottish Ministers have confirmed that, in their view, the Justice of the Peace Court Fees (Scotland) Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the UNCRC Act.
4. Published impact assessments are available on <http://www.gov.scot/publications>

### **Financial Effects**

5. The fee increases are expected to raise an additional £3 million in revenue per annum for the SCTS. This will support SCTS to maintain effective operations during a period of significant pressure on public finances.
6. It is expected that the fees will be introduced on 1 April 2026 and 1 April 2027. A further more comprehensive review of court fees will follow.

Scottish Government  
Justice Directorate

February 2026

## **POLICY NOTE**

### **THE SHERIFF APPEAL COURT FEES ORDER 2026**

#### **SSI 2026/79**

The above instrument is 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 the negative procedure.

#### **Summary Box**

The purpose of the instrument is to increase the fees for court users in the Sherrif Appeal.
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#### **Policy Objectives**

1. 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 (“OPG”) ensure that those who make use of the courts or the OPG meet or contribute towards the associated costs to the public purse where they can afford so to do.
2. The Scottish Government has long had a policy to move toward fees which more fully reflect the cost of the processes involved, with a well-targeted system of fee exemptions to protect access to justice. This Order puts into effect that policy by raising court fees to ensure that the income raised reflects the costs incurred by the Scottish Courts and Tribunals Service (“SCTS”) in providing the civil court system. It represents an interim step to protect the financial sustainability of SCTS. It introduces modest, inflation-based increases to court fees for 2026-2027 and from 2027 onwards. The specific fee rises in this Order are of 3% on 1 April 2026, followed by a further 3% rise on 1 April 2027 in order to reflect inflationary pressures, and ensure the financial sustainability of SCTS.
3. This Order is one of a suite of 6 instruments that amend fees across the courts and the OPG.
4. 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.
5. The Sheriff Appeal Court Fees Order 2024 and the Sheriff Appeal Court Fees Amendment Order 2025 are repealed and replaced by the Sheriff Appeal Court Fees Order 2026. This instrument 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.
6. The Scottish Government is committed to ensuring a well-targeted system of fee exemptions exist. This means that those who require support, and in general this means those in receipt of legal aid, will not incur any court fees.

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

##### **Compatibility**

7. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (“the UNCRC Act”), the Scottish Ministers certify that, in their view, the Sheriff Appeal Court Fees Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the UNCRC Act.

### **EU Alignment Consideration**

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

### **Consultation**

9. A public consultation on these proposals was launched on 23 December 2025 which concluded on 30 January 2026.
10. Responses were received from the legal profession, insurers, consumer groups and government agencies. A consultation analysis and Scottish Government response paper will be published separately in response. Although the majority of those consulted opposed the increase in court fees, having fully considered the views of those who responded to the consultation, the Scottish Government has decided to implement the increases to court fees proposed in the consultation in order to reflect inflationary pressures, and ensure the financial sustainability of SCTS.
11. Preparatory work has now begun on a full review of the court fee structure, including the establishment of a Court Fee Working Group. The Group is expected to report in late 2026 or early 2027. A public consultation on its recommendations will follow.

### **Impact Assessments**

12. An Equalities Impact Assessment was undertaken for the package of instruments giving effect to the increase in court fees.
13. A Business and Regulatory Impact Assessment was undertaken for the package of instruments giving effect to the increase in court fees.
14. A Child Welfare Rights Impact Assessment has been carried out. The Scottish Ministers have confirmed that, in their view, the Sheriff Appeal Court Fees Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the UNCRC Act.
15. Published impact assessments are available on <http://www.gov.scot/publications>.

### **Financial Effects**

16. The fee increases are expected to raise an additional £3 million in revenue per annum for the SCTS. This will support SCTS to maintain effective operations during a period of significant pressure on public finances.
17. It is expected that the fees will be introduced on 1 April 2026 and 1 April 2027. A further more comprehensive review of court fees will follow.

Scottish Government  
Justice Directorate

February 2026

## POLICY NOTE

### THE COURT OF SESSION ETC. FEES ORDER 2026

#### SSI 2026/80

The above instrument is 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 the negative procedure.

#### Summary Box

The purpose of the instrument is to increase the fees for court users in the Court of Session.
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#### Policy Objectives

1. 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 (“OPG”) ensure that those who make use of the courts or the OPG meet or contribute towards the associated costs to the public purse where they can afford so to do.
2. The Scottish Government has long had a policy to move toward fees which more fully reflect the cost of the processes involved, with a well-targeted system of fee exemptions to protect access to justice. This Order puts into effect that policy by raising court fees to ensure that the income raised reflects the costs incurred by the Scottish Courts and Tribunals Service (“SCTS”) in providing the civil court system. The specific fee rises in this Order are of 3% on 1 April 2026, followed by a further 3% rise on 1 April 2027.
3. This Order is one of a suite of 6 instruments that amend court fees across the courts and the OPG.
4. The Court of Session etc. Fees Order 2024 is repealed and replaced by the Court of Session etc. Fees Order 2026. This instrument makes provision for the fees payable in the Court of Session, including to the Accountant of Court and Auditor of the Court of Session.
5. The Scottish Government is committed to ensuring a well-targeted system of fee exemptions exist. This means that those who require support, and in general this means those in receipt of legal aid, will not incur any court fees.

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

##### Compatibility

6. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (“the UNCRC Act”), the Scottish Ministers certify that, in their view, the Court of Session Fees Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the UNCRC Act.

##### EU Alignment Consideration

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

##### Consultation

8. A public consultation on these proposals was launched on 23 December 2025 which concluded on 30 January 2026.
9. Responses were received from the legal profession, insurers, consumer groups and government agencies. A consultation analysis and Scottish Government response paper

will be published separately in response. Although the majority of those consulted opposed the increase in court fees, having fully considered the views of those who responded to the consultation, the Scottish Government has decided to implement the increases to court fees proposed in the consultation in order to reflect inflationary pressures, and ensure the financial sustainability of SCTS.

10. Preparatory work has now begun on a full review of the court fee structure, including the establishment of a Court Fee Working Group. The Group is expected to report in late 2026 or early 2027. A public consultation on its recommendations will follow.

### **Impact Assessments**

11. An Equalities Impact Assessment was undertaken for the package of instruments giving effect to the increase in court fees.
12. A Business and Regulatory Impact Assessment has been completed and is attached. The impact of this policy on business is considered to be minimal. All litigants other than those exempted will bear the increase based on the type of action and the level of court which they use.
13. A Child Welfare Rights Impact Assessment has been carried out. The Scottish Ministers have confirmed that, in their view, the Court of Session Fees Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the UNCRC Act.
14. Published impact assessments are available on <http://www.gov.scot/publications>

### **Financial Effects**

15. The fee increases are expected to raise an additional £3 million in revenue per annum for the SCTS. This will support SCTS to maintain effective operations during a period of significant pressure on public finances.
16. It is expected that the fees will be introduced on 1 April 2026 and 1 April 2027. A further more comprehensive review of court fees will follow.

Scottish Government  
Justice Directorate

February 2026

## **POLICY NOTE**

### **THE ADULTS WITH INCAPACITY (PUBLIC GUARDIAN’S FEES) (SCOTLAND) REGULATIONS 2026**

#### **SSI 2026/81**

The above instrument is made in exercise of the powers conferred by sections 7(2) and 86(2) of the Adults with Incapacity (Scotland) Act 2000. The instrument is subject to the negative procedure.

#### **Summary Box**

The purpose of the instrument is to increase fees for court users in the Office of the Public Guardian.
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#### **Policy Objectives**

1. 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 (“OPG”) ensure that those who make use of the courts or the OPG meet or contribute towards the associated costs to the public purse where they can afford so to do.
2. The Scottish Government has long had a policy to move toward fees which more fully reflect the cost of the processes involved, with a well-targeted system of fee exemptions to protect access to justice. These Regulations put into effect that policy by raising court fees to ensure that the income raised reflects the costs incurred by the Scottish Courts and Tribunals Service (“SCTS”) in providing the civil court system. It represents an interim step to protect the financial sustainability of SCTS. It introduces modest, inflation-based increases to court fees for 2026-2027 and from 2027 onward. The specific fee rises in this Order are of 3% on 1 April 2026, followed by a further 3% rise on 1 April 2027 in order to reflect inflationary pressures, and ensure the financial sustainability of SCTS.
3. These Regulations are one of a suite of 6 instruments that amend fees across the courts and the OPG.
4. The Adults with Incapacity (Public Guardian’s Fees) (Scotland) Regulations 2024 are repealed and replaced by the Adults with Incapacity (Public Guardian’s Fees) (Scotland) Regulations 2026. This instrument makes provision for the fees payable to the Public Guardian.
5. The Scottish Government is committed to ensuring a well-targeted system of fee exemptions exist. This means that those who require support, and in general this means those in receipt of legal aid, will not incur any court fees.

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

##### **Compatibility**

6. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (“the UNCRC Act”), the Scottish Ministers certify that, in their view, the Adults with Incapacity (Public Guardian’s Fees) (Scotland) Regulations 2026 are compatible with the UNCRC requirements as defined by section 1(2) of the UNCRC Act.

### **EU Alignment Consideration**

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

### **Consultation**

8. A public consultation on these proposals was launched on 23 December 2025 which concluded on 30 January 2026.
9. Responses were received from the legal profession, insurers, consumer groups and government agencies. A consultation analysis and Scottish Government response paper will be published separately in response. Although the majority of those consulted opposed the increase in court fees, having fully considered the views of those who responded to the consultation, the Scottish Government has decided to implement the increases to court fees proposed in the consultation in order to reflect inflationary pressures, and ensure the financial sustainability of SCTS.
10. Preparatory work has now begun on a full review of the court fee structure, including the establishment of a Court Fee Working Group. The Group is expected to report in late 2026 or early 2027. A public consultation on its recommendations will follow.

### **Impact Assessments**

1. An Equalities Impact Assessment was undertaken for the package of instruments giving effect to the increase in court fees.
2. A Business and Regulatory Impact Assessment has been completed and is attached. The impact of this policy on business is considered to be minimal. All litigants other than those exempted will bear the increase based on the type of action and the level of court which they use.
3. A Child Welfare Rights Impact Assessment has been carried out. The Scottish Ministers have confirmed that, in their view, the Adults with Incapacity (Public Guardian's Fees) (Scotland) Regulations 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the UNCRC Act.
4. Published impact assessments are available on <http://www.gov.scot/publications>

### **Financial Effects**

11. The fee increases are expected to raise an additional £3 million in revenue per annum for the SCTS. This will support SCTS to maintain effective operations during a period of significant pressure on public finances.
12. It is expected that the fees will be introduced on 1 April 2026 and 1 April 2027. A further more comprehensive review of court fees will follow.

Scottish Government  
Justice Directorate

February 2026