STATUTORY INSTRUMENTS

1975 No. 1850 (S. 254)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 4) 1975

Made - - - - 11*th November* 1975

Coming into Operation 8*th December* 1975

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 2 of the Courts of Law Fees (Scotland) Act 1895**(a)** and section 16 of the Administration of Justice (Scotland) Act 1933**(b)** and of all other powers competent to them in that behalf, do hereby, with the approval of the Treasury, enact and declare:

1. In Rule 346 of the Rules of Court **(c)**, for the table of fees from head A to head I is substituted the table of fees set out in the Schedule to this Act under those heads, and the fees so substituted shall be payable in respect of the matters to which they relate from the date this Act of Sederunt comes into operation.

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 4) 1975, and shall come into operation on 8th December 1975.

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

G. C. Emslie
I.P.D.

Edinburgh,
11th November 1975.

SCHEDULE

Fee-Fund Dues

A.—General Department

	£
I.—Inner House	
1. Appeals or any other writ or step by which a cause or proceeding is originated, inclusive fee	6·00
2. Specail cases, inclusive fee—	
(*a*) Where two parties only	9·00
(*b*) Each additional party, subject to a maximum of £15 per case	3·00
3. Answers or other step by which a party first makes appearance in a cause or proceeding, inclusive fee	3·00

(a) 1895 c. 14. **(b)** 1933 c. 41. **(c)** S.I. 1965/321 (1965 I, p. 803).

	£
4. Certified copy interlocutor, each copy	0·75
5. Copies of pleadings when certified by Clerk of Court	0·75
6. Certified copy of proceedings for appeal to the House of Lords ...	6·00
7. Captions—	
Marking caption when ordered	0·40
Warrant for caption when issued	0·40
8. Letters of request to foreign Courts	1·50
9. Judges' opinions per sheet of writing or part thereof—	
(*a*) First copies	0·30
(*b*) Second and subsequent copies	0·20

NOTE.—The inclusive fee will cover every other step of process not enumerated above.

II.—Outer House

1. Summons or other writ or step by which a cause or proceeding is originated, inclusive fee	6·00
2. Consistorial Cause—inclusive fee payable by pursuer (to include issue of extract under Section B of Extracts Department Regulations to pursuer and duplicate to defender)	9·00
3. Defences, answers or other writ by which a party first makes appearance in a cause, inclusive fee	6·00
4. Minute by defender in consistorial cause	1·50
5. Certified copy interlocutor, each copy	0·75
6. Copies of pleadings certified by Clerk of Court	0·75
. Captions—	
Marking caption when ordered	0·40
Warrant for caption when issued	0·40
8. Citation of each jury, to include outlays of Sheriff Clerk in citing and countermanding	1·50
NOTE.—The fee stamps to be affixed to precept before transmission to the Sheriff Clerk. The precept to be issued not later than 10 days previous to date fixed for trial.	
9. Letters of request to foreign Courts	1·50
10. Judges' opinions per sheet of writing or part thereof—	
(*a*) First copies	0·30
(*b*) Second and subsequent copies	0·20
11. Certificate of divorce	1·20

NOTE.—The inclusive fee will cover every other step of process not enumerated above.

III.—Exchequer Causes

1. Petition, case, appeal or answers	6·00
(Any other writ or step of procedure enumerated under Nos. I and II to be charged accordingly)	

B.—PETITION DEPARTMENT

1. Petitions, petitions and complaints presented to Inner House, inclusive fee	6·00
2. Petitions in Inner House, not being first steps of process and answers thereto	1·50

	£
3. Petitions for sequestration	3·00
4. Answers or objections to No. 1, inclusive fee	6·00
5. Certified copies of petitions for sequestration and relative interlocutors, each	0·75
6. Every extract or certified copy of proceedings in or connected with sequestration, other than certified copies under No. 5, per sheet of writing or part thereof	0·30
7. Petitions or notes presented to the Outer House, being first steps of process and answers thereto, inclusive fee	6·00
8. Petitions and notes in Outer House, not being first steps of process, and answers thereto	0·75
9. Petitions for suspension, suspension and interdict, or suspension and liberation, and answers thereto, inclusive fee	6·00
10. Caveats when lodged or renewed	0·40
11. Fiats	1·50
12. Petitions for loosing arrestments or recall of inhibitions, and answers thereto	0·75
13. Registering office copies of orders of English and Irish Courts ...	1·50
14. And, in addition, for each sheet of writing beyond four sheets ...	0·40
15. Authentication by judge of act and warrant in terms of section 70 of the Bankruptcy (Scotland) Act 1913	0·75
16. Certified Copy Interlocutors, each	0·75
17. Copies of proceedings, other than those above specified, certified by Clerk of Court	0·75
18. Extracts of decrees and of bonds of caution	1·50
19. And, in addition, for each sheet of writing beyond four sheets ...	0·40
20. Certified copy of proceedings for appeal to the House of Lords ...	6·00
21. Captions—	
Marking caption when ordered	0·40
Warrant for caption when issued	0·40

C.—Registration Appeal Court and Valuation Appeal Court

1. Cases on appeal, inclusive fee	6·00
2. Answers, inclusive fee	6·00

D.—Court of Trial of Election Petitions

1. Petitions against return of Members of Parliament	6·00
2. Statement of matters	1·50
3. Any other petitions, applications, answers or objections submitted to the judges	3·00
4. Certificate of judgment	2·25

E.—Taxation of Expenses

For taxing accounts of expenses incurred in judicial proceedings remitted to the auditor for taxation—	
Under £50	1·00
For every additional sum of £50 or part of £50	1·00

Note.—These fees to be collected by Clerks of Court.

£

F.—Extracts

1. Extract of decree in absence—
   (*a*) Pronounced on consideration of summons or petition without any prior remit, or proof, or other procedure ... ... 1·50
   (*b*) Pronounced on consideration of summons or petition after proof, remit or other procedure ... ... 2·25
   (*c*) Pronounced in proceedings under Entail Acts, or in liquidations under Companies Acts, or in application for power to complete title, or borrow money, or sell heritable or moveable estate, or to exercise other special powers ... ... 2·25
2. Extract of decree *in foro* ... ... 2·25

   NOTE.—The above fees are payable only on the first extract issued. When decree is extracted in duplicate, triplicate, etc., only copying fees under No. 6 of this Part of the Table of Fees shall be charged.
3. Extract of admission as a solicitor ... ... 1·50
4. Extract of protestation ... ... 1·50
5. Certificate under Judgements Extension Act 1868 ... ... 0·75
6. Engrossment of extract, record copy and certificates each, per sheet of 250 words ... ... 0·30
   figured work 20p extra per sheet.

G.—Signet Office

1. To signet any writ—
   (*a*) Presented during office hours, viz. from 2.15 to 3.30 daily, except Saturday, on which day, from 10.30 to 11.00, the office being shut on public holidays ... ... 0·75
   (*b*) Presented out of office hours, viz. on Monday, Tuesday, Wednesday, Thursday and Friday, even though holidays—
      From 10.00 a.m. to 2.15 p.m. ... ... 1·50
      From 7.00 p.m. to 8.00 p.m. ... ... 2·25
   On Saturday, even though holiday—
      From 2.00 p.m. to 3.00 p.m. ... ... 2·25

   NOTE.—The above fees are prescribed by the Court, but the extra hours during which the officers of the Signet are allowed to signet any writ, are fixed and may be varied at any time by the Keeper of the Signet. In the event of such variation, the fees charged shall be as herein prescribed for hours before and after the ordinary office hours respectively.

H.—Edictal Citations

1. For access to and liberty to make excerpts or copies of writs, etc., from any record, for each year of record inspected ... ... 0·40
2. For extracts or copies, per sheet of 250 words ... ... 0·40

I.—Accountant of Court's Department

I.—In Factories and Curatories

1. For registering case and receiving and delivering up Bond of Caution:
   In Court of Session appointments ... ... 3·00
   In Sheriff Court, appointments ... ... 2·25

	£
2. For examining factor's inventory where estate—	
(*a*) does not exceed £500	1·50
(*b*) exceeds £500: for first £500 ... ... plus an additional fee of £1·50 for each further £1,000 or part thereof, but fee not to exceed £30.	1·50
3. For each search of the records ... ... plus 45p correspondence fee if applicable.	0·30
4. For auditing each Account—	
(*a*) where factor's commission is £4 or less, or where no commission is allowable	1·50
(*b*) where factor's commission is above £4, the fee shall be plus 15 per cent on the factor's commission as fixed (or what would have been the factor's full commission if chargeble or fully allowed).	
5. For reporting re Discharge, Special Powers or on other special matters	1·50-18·00
6. For report on scheme of division ... ... plus £1·50 extra for each £1,000, or part thereof, to be divided amongst the preferable and ordinary creditors; but fee not to exceed £40.	3·00
7. For certificate under Seal	0·75
II.—In Bankruptcies	
8. For registering case, and related work	1·50
9. For supervising proceedings in sequestration 2·5 per cent on amount to be divided amongst preferable and ordinary creditors	
10. For report on bankrupt's petition for discharge	3·00
11. For concurrence in private sale of heritage, if £1,000 or under ... plus £1·50 extra for each additional £1,000 or part thereof, but not to exceed £20.	3·00
12. For special report	3·00
13. For report on appeal against trustee's commission ... ... plus 2 per cent on the trustee's commission as fixed, but not to exceed £30.	1·50
14. For each inspection of sederunt book or search of the records ... plus 45p correspondence fee if applicable.	0·30
15. For auditing the accounts and fixing the commission of trustee under voluntary deed, 12·5 per cent on commission allowed to trustee.	
16. For examining and issuing acknowledgement for sederunt book ...	4·50
III.—In Consignations	
17. For lodging Consignation	0·30
18. For producing or delivering up ... ... plus 15p for every £100 or part thereof uplifted, but not to exceed £4·50.	0·30
19. For examining Register ... ... plus 45p correspondence fee if applicable.	0·30
IV.—Copying Fees	
20. For photostats or other copies, each foolscap page	0·15
V.—Liquidations	
21. For receiving and uplifting Bond of Caution	0·75

EXPLANATORY NOTE

(*This Note is not part of this Act of Sederunt.*)

This Act of Sederunt provides for increases in Fee Fund Dues.

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