1988 No. 799 (S.83)

COURT OF SESSION, SCOTLAND

TEINDS

The Court of Session etc. Fees Amendment Order 1988

Made - - - -	*25th April 1988*
Laid before Parliament	*10th May 1988*
Coming into force	*1st June 1988*

The Secretary of State, in exercise of the powers conferred on him by section 2 of the Courts of Law Fees (Scotland) Act 1895(**a**), and of all other powers enabling him in that behalf, and with the concurrence of the Treasury, hereby makes the following Order:

1. This Order may be cited as the Court of Session etc. Fees Amendment Order 1988 and shall come into force on 1st June 1988.

2. For the Table of Fees in the Schedule to the Court of Session etc. Fees Order 1984(**b**) there shall be substituted the Table of Fees set out in the Schedule to this Order.

3. The Court of Session etc. Fees Amendment (No. 2) Order 1987(**c**) is hereby revoked.

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

St Andrew's House, Edinburgh
12th April 1988

We concur,

David Lightbown
Michael Neubert
Two of the Lords Commissioners of
Her Majesty's Treasury

25th April 1988

(**a**) 1895 c.14; section 2 was substituted by section 4 of the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c.12).
(**b**) S.I. 1984/256, amended by S.I. 1987/771.
(**c**) S.I. 1987/771.

SCHEDULE

Article 2

TABLE OF FEES

Column 1 *(Matters)*	Column 2 *(Fee payable)*	Column 3 *(Fee formerly payable)*(a)
PART I – FEES IN THE CENTRAL OFFICE OF THE COURT		
A. SIGNETING		
Signeting of any writ or summons, if attendance is necessary outwith the normal office hours	£ 27.00	*£ 25.00*
B. GENERAL DEPARTMENT		
1. Appeal, summons, or other writ or step by which any cause, or proceeding, other than consistorial, is originated in either the Inner or Outer House – fee (to comprehend signeting in normal office hours)	£ 45.00	*£ 40.00*
2. Writ by which a consistorial cause is originated (other than a simplified divorce application) – inclusive fee (to comprehend signeting within normal office hours and, if applicable, issue to the pursuer of an extract in terms of item G5(a) of this table, and to the defender, if appropriate, of a duplicate thereof)	£ 40.00	*£ 40.00*
3. Simplified divorce application (inclusive of all procedure other than that specified in item B4 of this table)	£ 40.00	*£ 40.00*
4. In relation to a simplified divorce application, citation of any person under rule 159(1)(a) or (b), as read with rule 170I, of the Rules annexed to the Act of Sederunt (Rules of Court, consolidation and amendment) 1965, or intimation to any person or persons under the said rule 159(1)(a) or (b) as applied by rule 160(1), all as read with rule 170I, of those Rules, where such intimation is required by the court	£ 5.50	*£ 5.50*
5. Defences, answers or other writ (including a joint minute) or step in process or enrolment or opposition to a motion in a pending process by which a party other than an originating party first makes appearance in a cause or proceeding	£ 45.00	*£ 40.00*
6. Special case–		
(a) Where two parties only	£ 45.00	*£ 40.00*
(b) For each additional party	£ 22.50	*£ 20.00*
Maximum fee payable per case	£ 90.00	*£ 80.00*
7. Minute by either party for variation of an order in a consistorial cause	£ 9.50	*£ 9.50*
8. Letter of request to a foreign court	£ 12.00	*£ 11.00*
9. Citation of each jury, to include outlays incurred in citing and countermanding – payable on receipt of instructions for issue of precept	£ 60.00	*£ 40.00*
10. Reclaiming motion – fee payable by party enrolling motion	£ 45.00	—
11. Closed record – fee payable by each party on the lodging of the closed record	£ 25.00	—

(a) Column 3 shows the fees which were payable under S.I. 1987/771 before the coming into force of this Order.

Column 1 *(Matters)*	Column 2 *(Fee payable)*	Column 3 *(Fee formerly payable)*
C. PETITION DEPARTMENT		
1. Petition of whatever nature presented to Inner or Outer House other than a petition under item C3 of this table, whether in respect of the first or any subsequent step of process, and any application for registration or recognition of a judgement from a Contracting State under the Civil Jurisdiction and Judgement Acts 1982(a)	£ 45.00	*£ 40.00*
2. Additional fee payable when a petition in terms of item C1 of this table is presented outwith normal office hours	£ 27.00	—
3. Petition to be admitted as a notary public:		
(a) Where there is one applicant	£ 45.00	*£ 40.00*
(b) For each additional applicant	£ 45.00	*£ 40.00*
4. Answers, objections or other writ (including a joint minute) or step in process or enrolment or opposition to a motion in a pending process by which a party other than an originating party first makes appearance in a proceeding to which item C1 of this table applies	£ 45.00	*£ 40.00*
5. Caveat	£ 12.00	*£ 11.00*
6. Fiat	£ 12.00	*£ 11.00*
7. Registering office copies of orders of courts in England and Wales or Northern Ireland	£ 5.50	*£ 5.00*
8. Authentication by judge of act of warrant in terms of section 70 of the Bankruptcy (Scotland) Act 1913(b)	£ 5.50	*£ 5.00*
9. Issue of an abbreviate in sequestration	£ 5.50	*£ 5.00*
10. Entry in teind roll of redemption of standard charge or of change of ownership of lands over which a standard charge has been constituted	£ 1.00	*£ 1.00*
11. Reclaiming motion – fee payable by party enrolling motion	£ 45.00	—
D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS		
Appeal – inclusive fee	£ 45.00	*£ 40.00*
E. ELECTION COURT		
1. Parliamentary election petition	£ 45.00	*£ 40.00*
2. Statement of matters	£ 5.50	*£ 5.00*
3. Any other petition, application, answers or objections submitted to the court	£ 12.00	*£ 11.00*
4. Certificate of judgement	£ 12.00	*£ 11.00*
F. LANDS VALUATION APPEAL COURT		
1. Appeal – inclusive fee	£ 45.00	*£ 40.00*
2. Answers – inclusive fee	£ 45.00	*£ 40.00*
G. EXTRACTS DEPARTMENT		
1. Extract decree following upon a summons, petition or appeal, or after protestation of a note, and whether in absence or otherwise	£ 12.00	*£ 11.00*

(a) 1982 c.27.
(b) 1913 c.20.

Column 1 *(Matters)*	Column 2 *(Fee payable)*	Column 3 *(Fee formerly payable)*
2. Extract of admission as a solicitor	£ 11.00	*£ 10.00*
3. Extract of protestation	£ 11.00	*£ 10.00*
4. Certificate under Judgments Extension Act 1868(a) or under the Civil Jurisdiction and Judgments Act 1982	£ 5.50	*£ 5.00*
5. Documentation evidencing divorce, nullity or dissolution of marriage:		
(a) Extract from Consistorial Register of Decrees of decree pronounced on or after 23rd September 1975 if not issued in terms of item B2 or B3 of this table	£ 5.50	*£ 5.00*
(b) Certificate of divorce in decree pronounced prior to 23rd September 1975	£ 5.50	*£ 5.00*
(c) Certified copy interlocutor in decree pronounced prior to 23rd September 1975	£ 5.50	*£ 5.00*
6. Extract from the Register of Acts and Decrees – per sheet of 250 words	£ 5.50	*£ 5.00*
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise	£ 5.50	*£ 5.00*
PART II – FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT		
H. OFFICE OF THE ACCOUNTANT OF COURT		
I. In Factories and Curatories		
1. For registering case and receiving and delivering up bond of caution–		
in Court of Session appointments	£ 13.00	*£ 13.00*
in sheriff court appointments	£ 9.00	*£ 9.00*
2. For examining factor's inventory–		
0.333% of the value of the estate as disclosed		
minimum fee payable	£ 10.00	*£ 10.00*
maximum fee payable	£250.00	*£250.00*
3. For auditing each account		
basic fee	£ 5.00	*£ 5.00*
additional percentage fee on the factor's commission as fixed (or what would have been the factor's full commission if chargeable or fully allowed)	17½%	*17½%*
4. For reporting *re* discharge, special powers or on other special matters	£ 16.00 to £ 75.00	*£ 16.00 to £ 75.00*
4A. For granting consent in terms of section 2(4) of the Trusts (Scotland) Act 1961(b)	£ 40.00	*£ 40.00*
5. For report on scheme of division:		
basic fee	£ 9.00	*£ 9.00*
additional fee for each £1,000 (excluding the first £1,000) or part thereof of value of estate to be divided	£ 4.00	*£ 4.00*
maximum fee payable	£174.00	*£174.00*

(a) 1868 c.54.
(b) 1961 c.57; section 2 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c.55), section 8.

Column 1 *(Matters)*	Column 2 *(Fee payable)*	Column 3 *(Fee formerly payable)*
6. For certificate under seal	£ 10.00	*£ 10.00*
II. In Bankruptcies		
7. For application for inclusion in the list of interim trustees	£ 25.00	*£ 25.00*
8. (a) For registering award of sequestration and interim trustee's appointment	£ 10.00	*£ 10.00*
(b) For registering copy act and warrant	£ 10.00	*£ 10.00*
9. For supervising proceedings in sequestration:		
percentage fee on amount to be divided amongst preferred and ordinary creditors	5%	*5%*
10. For any special report to court	£ 16.00 to £ 65.00	*£ 16.00 to £ 65.00*
11. For considering and issuing deliverance in appeal against trustee's commission:–		
basic fee	£ 4.00	*£ 4.00*
additional percentage fee on the trustee's commission as fixed, subject to a maximum fee of £180	5%	*5%*
12. For auditing the accounts and fixing the commission of interim trustees, permanent trustees and trustees under voluntary trust deeds:–		
basic fee	£ 5.00	*£ 5.00*
additional percentage fee on trustee's commission as fixed	17½%	*17½%*
13. For examination of the sederunt book and related work	£ 18.00	*£ 18.00*
14. For granting certificate of discharge to interim trustee	£ 14.00	*£ 14.00*
15. For granting certificate of discharge to debtor	£ 5.00	*£ 5.00*
16. For report on bankrupt's petition for discharge	£ 14.00	*£ 14.00*
17. (a) For any consent in sequestration, other than is referred to at paragraph (b) below	£ 10.00	*£ 10.00*
(b) For concurrence in private sale of heritage under the Bankruptcy (Scotland) Act 1913		
basic fee	£ 10.00	*£ 10.00*
additional fee for each £1,000 or part thereof (excluding the first £1,000) of value of heritage	£ 5.00	*£ 5.00*
maximum fee payable	£180.00	*£180.00*
18. For calling meetings of creditors:–		
basic fee	£ 20.00	*£ 20.00*
19. For attendance at meeting of creditors:–		
fee per person per hour or part thereof, including travelling time	£ 15.00	*£ 15.00*
20. For work in relation to protected trust deeds	£ 20.00	*£ 20.00*
III. In Consignations		
21. For lodging consignation	£ 3.00	*£ 3.00*
22. For producing or delivering up:		
basic fee	£ 6.00	*£ 6.00*
additional fee for every £100 or part thereof uplifted	£ 0.50	*£ 0.50*
maximum fee payable	£ 25.00	*£ 25.00*

Column 1 *(Matters)*	Column 2 *(Fee payable)*	Column 3 *(Fee formerly payable)*
IV. Liquidations		
23. For receiving and uplifting bond of caution	£ 3.00	*£ 3.00*
PART III – FEES IN THE OFFICE OF THE AUDITOR OF THE COURT OF SESSION		
I. OFFICE OF THE AUDITOR OF THE COURT OF SESSION		
1. Taxing accounts of expenses incurred in judicial proceedings (including proceedings in the High Court of Justiciary) remitted to the Auditor of the Court of Session for taxation:		
under £50	£ 2.00	*£ 2.00*
for every additional £50 or part of £50	£ 2.00	*£ 2.00*
Note: fee to be determined by the Auditor of the Court of Session on amount of account as submitted		
PART IV – FEES COMMON TO ALL OFFICES		
J. MISCELLANEOUS		
1. Certified copy of proceedings for appeal to the House of Lords	£ 45.00	*£ 40.00*
2. Certifying of any other document (plus copying charges if necessary)	£ 5.50	*£ 5.00*
3. Recording, engrossing, extracting or copying-all documents:		
(a) By manuscript or typescript – per sheet of 250 words	£ 3.00	*£ 3.00*
(b) By copying by electrical or mechanical means–		
first copy: each of first 10 pages	£ 1.00	*£ 1.00*
each page after first 10	£ 0.25	*£ 1.00*
subsequent copies: each page	£ 0.25	*£ 0.25*
4. Searches-for any search of records or archives:		
(a) For first half hour of time taken	£ 6.00	*£ 5.00*
(b) For more than one half hour up to a maximum of two hours	£ 12.00	*£ 10.00*
(c) For each half hour or part thereof in excess of two hours	£ 3.00	*£ 3.00*
(d) Plus correspondence fee where applicable	£ 3.00	*£ 3.00*
5. Captions:		
(a) Marking caption when ordered	£ 3.00	*£ 3.00*
(b) Warrant for caption when issued	£ 3.00	*£ 3.00*
6. Rolls of Court – annual subscription fee per copy including delivery of same	£420.00	—

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases most of the fees payable to the Principal Clerk of Session and Justiciary or any officer acting for him in relation to proceedings in the Court of Session and the specialised courts. Apart from the increase of fees, certain new fees have been introduced to the Table of Fees as follows–

(a) paragraphs B10 and C11 – new fees for reclaiming motions;

(b) paragraph B11 – a new fee for closed records; and

(c) paragraph C2 – a new fee for petitions presented outwith normal office hours.

In addition to the above new fees, paragraphs B5 and C4 extend the scope for charging a fee in relation to a defender's or respondent's participation in a process and paragraph J6 incorporates the subscription to the Rolls of Court.

The previous Order increasing fees is revoked.