SCOTTISH STATUTORY INSTRUMENTS

2024 No. 238

COURT OF SESSION

The Court of Session etc. Fees Order 2024

Made - - - -	*5th September 2024*
Laid before the Scottish Parliament	*9th September 2024*
Coming into force - -	*1st November 2024*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 107(1) and (2) of the Courts Reform (Scotland) Act 2014(**a**) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Court of Session etc. Fees Order 2024 and comes into force on 1 November 2024.

Interpretation

2.—(1) In this Order—

"Office of Court" has the same meaning as in rule 3.1 of the Rules of Court,

"partner" means a person to whom a person is married, or with whom the person is in a civil partnership,

"Rules of Court" means the Rules of the Court of Session 1994(**b**),

"Table of Fees" means the Table of Fees in the schedule of this Order.

(2) For the purposes of any reference in this Order to a "party"—

(a) except in relation to a special case, a set of persons with the same interest, for whom one and the same first paper is or has been lodged, is to be treated as a single party, and

(b) in relation to a special case, each person or set of persons who appear as one of the separate parties to the case is to be treated as a party.

Fees payable in the Court of Session etc.

3.—(1) This Order makes provision for the fees payable in the Office of Court, the office of the Accountant of Court and the office of the Auditor of the Court of Session.

(2) Subject to paragraph (4) and articles 4 to 8, the fees payable in respect of the matters specified in column 1 of the Table of Fees are the fees specified in relation to those matters in column 2 of that Table.

(**a**) 2014 asp 18.

(**b**) The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443, as last prospectively amended by S.S.I. 2024/196).

(3) The fees payable under this Order are to be paid—

(a) in relation to the Office of Court, to the Principal Clerk of Session or any officer acting for the Principal Clerk of Session,

(b) in relation to the office of the Accountant of Court, to the Accountant of Court or any officer acting for the Accountant of Court, and

(c) in relation to the office of the Auditor of the Court of Session, to the Auditor of the Court of Session, or any officer acting for the Auditor of the Court of Session.

(4) The fees provided for by this Order are not payable by the Crown in the enforcement of the criminal law or in the exercise of powers or the performance of duties arising out of or relating to that enforcement.

(5) No act is required of any officer or person specified in paragraph (3) in connection with a matter specified in relation to any fee prior to—

(a) the payment of that fee, or

(b) an arrangement being entered into for payment of that fee.

Exemption of certain persons from fees: legal aid

4. A fee specified by this Order is not payable by a person if—

(a) the person is in receipt of civil legal aid within the meaning of section 13(2) of the Legal Aid (Scotland) Act 1986(**a**) in respect of the matter in the Table of Fees in connection with which the fee is payable,

(b) the fee is payable in connection with a simplified divorce or dissolution of a civil partnership application and the person is in receipt of advice and assistance from a solicitor under the Legal Aid (Scotland) Act 1986 in respect of that application, or

(c) the person's solicitor is undertaking work in relation to the matter in the Table of Fees in connection with which the fee is payable on the basis of any regulations made under section 36(1) of the Legal Aid (Scotland) Act 1986 providing for legal aid in a matter of special urgency.

Exemption of certain person from fees: social security

5.—(1) A fee specified by this Order is not payable by a person if—

(a) the person or the person's partner is in receipt of income support under the Social Security Contributions and Benefits Act 1992(**b**),

(b) the person is in receipt of an income-based jobseeker's allowance under the Jobseekers Act 1995(**c**),

(c) the person or the person's partner is in receipt of guarantee credit under the State Pension Credit Act 2002(**d**),

(d) the person or the person's partner is in receipt of working tax credit, provided that—

(i) child tax credit is being paid to the person or the person's partner, or otherwise following a claim for child tax credit made jointly by the members of a couple (as

(**a**) 1986 c. 47. Section 13(2) was amended by paragraph 36(3) of schedule 8 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40).

(**b**) 1992 c. 4. Section 124, which provides for income support, was amended by schedules 2 and 3 of the Jobseekers Act 1995 (c. 18); Part IV, paragraph 28 of schedule 8 of the Welfare Reform and Pensions Act 1999 (c. 30); schedules 2 and 3 of the State Pension Credit Act 2002 (c. 16); schedule 24 of the Civil Partnership Act 2004 (c. 33); schedules 3 and 8 of the Welfare Reform Act 2007 (c. 5); section 3 of the Welfare Reform Act 2009 (c. 24); and part 1 of schedule 14 of the Welfare Reform Act 2012 (c. 5).

(**c**) 1995 c. 18.

(**d**) 2002 c. 16.

defined in section 3(5A) of the Tax Credits Act 2002(**a**) which includes the person or the person's partner, or

(ii) there is a disability element or severe disability element (or both) to the tax credit received by the person or the person's partner,

and that the gross annual income taken into account for the calculation of the working tax credit is £20,592 or less,

(e) the person or the person's partner is in receipt of income-related employment and support allowance under the Welfare Reform Act 2007(**b**),

(f) the person is in receipt of universal credit under Part 1 of the 2012 Act(**c**),

(g) the person is in receipt of either—

(i) personal independence payment under Part 4 of the 2012 Act, or

(ii) adult disability payment within the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022(**d**) provided that the gross annual income taken into account for the calculation of the personal independence payment is £20,592 or less, or

(h) the person or the person's partner has, within the period of 3 months prior to the date the specified fee would be payable but for this exemption, received financial or other assistance under the Welfare Funds (Scotland) Act 2015(**e**).

(2) In this article—

"the 2012 Act" means the Welfare Reform Act 2012(**f**).

Exemptions for applicants for certain interdicts and orders

6.—(1) The fees provided for by this Order are not payable by a person applying for a specified interdict or for an exclusion order.

(2) In this article—

(a) "specified interdict" means an interdict or interim interdict that is—

(i) a matrimonial interdict within the meaning of section 14(2) of the Matrimonial Homes (Family Protection) (Scotland) Act 1981(**g**) (interdict competent where spouses live together),

(ii) a domestic interdict within the meaning of section 18A of that Act(**h**) (meaning of "domestic interdict"),

(iii) a relevant interdict under section 113(2) of the Civil Partnership Act 2004(**i**) (civil partners: competency of interdict), or

(iv) otherwise an interdict in respect of which there is an application for a power of arrest to be attached under section 1 of the Protection from Abuse (Scotland) Act 2001(**j**) (attachment of power of arrest to interdict), and

(b) "exclusion order" means an exclusion order under—

(**a**) 2002 c. 21. Paragraphs (a) and (b) of section 3(5A) were substituted for paragraphs (a) to (d) by paragraph 23(2) of schedule 3 of S.I. 2019/1458. Section 3(5A) was substituted for section 3(5) and (6) by paragraph 144(3) of schedule 24 of the Civil Partnership Act 2004 (c. 33). Part 1 of the Tax Credits Act 2002 was repealed by part 1 of schedule 14 of the Welfare Reform Act 2012 subject to savings provisions in S.I. 2019/167.

(**b**) 2007 c. 5.

(**c**) 2012 c. 5.

(**d**) S.S.I. 2022/54.

(**e**) 2015 asp 5.

(**f**) 2012 c. 5.

(**g**) 1981 c. 59. Section 14 was amended by schedule 3 of the Family Law (Scotland) Act 2006 (asp 2) and by S.S.I. 2006/384.

(**h**) Section 18A was inserted by section 31(3) of the Family Law (Scotland) Act 2006.

(**i**) 2004 c. 33. Section 113 was amended by paragraph 8 of schedule 1 and schedule 3 of the Family Law (Scotland) Act 2006 and by S.S.I. 2006/384.

(**j**) 2001 asp 14. Section 1 was amended by section 32(2) and (3) of the Family Law (Scotland) Act 2006.

(i) section 4 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981(**a**) (exclusion orders), or

(ii) section 104 of the Civil Partnership Act 2004 (exclusion orders).

(3) The exemption in paragraph (1) does not apply to a person applying for a principal remedy other than a specified interdict or exclusion order.

(4) The fees provided for by this Order are not payable by the applicant in any appeal in connection with proceedings in respect of which the applicant would not be required to pay fees by virtue of—

(a) paragraph (1), or

(b) article 13(1) of the Sheriff Court Fees Order 2024(**b**) (exemptions for applicants for certain interdicts and orders).

Exemptions for certain proceedings relating to the environment

7.—(1) The fees provided for by this Order are not payable by a person in—

(i) an appeal to the Court of Session under section 56 of the Freedom of Information (Scotland) Act 2002(**c**) as modified by regulation 17 of the Environmental Information (Scotland) Regulations 2004(**d**),

(ii) relevant proceedings which include a challenge to a decision, act or omission on grounds subject to the provisions of Article 6 of the Aarhus Convention,

(iii) relevant proceedings which include a challenge to an act or omission on the grounds that it contravenes the law relating to the environment.

(2) In this article—

"the Aarhus Convention" means the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters done at Aarhus, Denmark on 25 June 1998,

"relevant proceedings" means—

(a) applications to the supervisory jurisdiction of the court, including applications under section 45(b) (specific performance of a statutory duty) of the Court of Session Act 1988(**e**),

(b) appeals under statute to the Court of Session.

Exemption of certain motions from fees

8.—(1) This article applies to motions which are enrolled in the process of the cause or made orally at the bar in accordance with rule 23.2 of the Rules of Court (enrolment of motions).

(2) The fees specified in items B21 and C16 of the Table of Fees are not payable in respect of motions which operate solely so as to activate further steps of procedure and any opposition to such motions.

(3) Without prejudice to the generality of paragraph (2), a motion which is exempt from the payment of fees includes a motion under any of the following rules of the Rules of Court—

(a) rule 19.1 (decrees in absence),

(b) rule 22.3(5)(a) (closing record),

(c) rule 36.13 (death, disability, retiral, etc. of Lord Ordinary),

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(**a**) Section 4 was amended by section 13(5) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73). By virtue of section 18(3) of the Matrimonial Homes (Family Protection) (Scotland) Act 1981, section 4 applies in certain cases to cohabiting couples.
(**b**) S.S.I. 2024/235.
(**c**) 2002 asp 13.
(**d**) S.S.I. 2004/520.
(**e**) 1988 c. 36.

(d) rules 37.1(2)(b), 37.1(6) and 37.1(7) (applications for jury trial),

(e) rule 37.10 (application of verdicts), and

(f) rule 38.17(1) (amendment of pleadings in reclaiming motion).

Calculation of certain fees payable

9.—(1) Subject to article 8, the fees specified in items B21 and C16 of the Table of Fees are payable in addition to the fees specified in items B2, B6 and C5 of the Table of Fees.

(2) The fees specified in items B21 and C16 of the Table of Fees are not payable in addition to the fees specified in items B9, B10 and B13 and C8 of the Table of Fees.

Revocation

10. The Court of Session etc. Fees Order 2022(**a**) is revoked.

SIOBHIAN BROWN
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
5th September 2024

(**a**) S.S.I. 2022/185.

SCHEDULE

Article 2(1), 3(2)

TABLE OF FEES

Payable from 1 November 2024

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 normal office hours.	157	143
B. GENERAL DEPARTMENT 1. Appeal, application for leave or permission to appeal, summons, or other writ or step by which any cause or proceeding, other than a family action, is originated in either the Inner or Outer House (to include signeting in normal office hours).	373	339
2. 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 an appearance in a cause or proceeding, other than a family action.	373	339
3. Writ by which a family action is originated (other than a simplified divorce or dissolution of a civil partnership application) – inclusive fee (to include 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, a duplicate thereof).	207	188
4. Simplified divorce or dissolution of a civil partnership application (inclusive of all procedure other than that specified in item B5 of this Table).	157	143
5. In relation to a simplified divorce or dissolution of a civil partnership application, citation of any persons under rule 16.1(1)(a)(i), (ii) or (iii), as applied by rule 49.76, of the Rules of Court, or intimation to any person or persons under rule 16.1(1)(a)(i), (ii) or (iii), as applied by rule 49.76 of those Rules, where such intimation is required.	15 plus messenger at arms fee to serve document	14 plus messenger at arms fee to serve document
6. Defences, answers or other writ (including a joint minute) or step in process or enrolment of or opposition to a motion in a pending process by which a party other than an originating party first makes appearance in a family action.	207	188

(**a**) Column 3 shows the fees payable by virtue of schedule 3 of S.S.I. 2022/185 immediately before the coming into force of this schedule.

7. Initial lodging of affidavits in a family action where proof by affidavit evidence has been allowed.	89	81
8. Special case— for each party, maximum fee payable (per case).	 131 540	 119 491
9. Application by minute or motion for variation of an order in a family action.	44	40
10. Answers or opposition to an application under item B9 of this Table.	44	40
11. Letter of request to a foreign court.	66	60
12. Citation of each jury, to include outlays incurred in citing and countermanding - payable on receipt of instruments for issue of precept.	376	342
13. Reclaiming motion - payable by party enrolling motion.	266	242
14. Closed record – payable by each party on the lodging of the closed record or, where no closed record is lodged, when mode of enquiry is determined.	246	225
15. Allowing proof, etc. - payable by each party on diet of proof, jury trial, procedure roll or summar roll hearing being allowed.	72	65
16. Court hearing (in normal hours) before a bench of one or two judges – payable by each party for every 30 minutes or part thereof. *Note:* This fee does not apply to the first 30 minutes of the hearing of a motion.	248	225
17. Court hearing (in normal hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof. *Note:* This fee does not apply to the first 30 minutes of the hearing on the single bills.	622	565
18. Court hearing (out of hours) before a bench of one or two judges – payable by each party for every 30 minutes or part thereof.	298	271
19. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof.	746	678
20. Cancellation of court hearing before 3 or more judges, by a party or parties, within 28 days of court hearing date – fee payable is shared equally between the parties.	50% of fee that would have been payable under this Table had the court hearing taken place as planned	50% of fee that would have been payable under this Table had the court hearing taken place as planned
21. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion.	123	112
C. PETITION DEPARTMENT		
1. Petition of whatever nature presented to the Inner or Outer House other than a petition under item C3 or C4 of this Table, whether in respect of the first or any subsequent step of process, and any application for registration or recognition of a judgment under the Civil Jurisdiction and Judgments Act 1982.	373	339

2. Additional fee payable when a petition in terms of item C1 of this Table is presented outwith normal office hours.	157	143
3. Petition to be admitted as a notary public— for each applicant.	199	181
4. Petition to be admitted as a solicitor— for each applicant.	199	181
5. Answers, objection 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.	373	339
6. Caveat.	53	48
7. Registering official copies of orders of courts in England and Wales or Northern Ireland.	22	20
8. Reclaiming motion – payable by party enrolling motion.	266	242
9. Closed record – payable by each party on the lodging of the closed record or, when no closed record is lodged, when mode of enquiry is determined.	248	225
10. Allowing proof, etc. – payable by each party on diet of proof, procedure roll, summar roll or judicial review hearing being allowed.	72	65
11. Court hearing (in normal hours) before a bench of one or two judges – payable by each party for every 30 minutes or part thereof. *Note:* This fee does not apply to the first 30 minutes of the hearing of a motion.	248	225
12. Court hearing (in normal hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof. *Note:* This fee does not apply to the first 30 minutes of the hearing on the single bills.	622	565
13. Court hearing (out of hours) before a bench of one or two judges – payable by each party for every 30 minutes or part thereof.	298	271
14. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof.	746	678
15. Cancellation of court hearing before 3 or more judges, by a party or parties, within 28 days of court hearing date – fee payable is shared equally between parties.	50% of fee that would have been payable under this Table had the court hearing taken place as planned	50% of fee that would have been payable under this Table had the court hearing taken place as planned
16. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion.	123	112
17. Lodging of notice of appointment or intention to appoint an administrator out of court under the Insolvency Act 1986 or filing documents with the court to obtain a moratorium under section A3 of Part A1 of that Act.	373	339
D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS Appeal – inclusive fee.	373	339

E. ELECTION COURT 1. Parliamentary election petition.	373	339
2. Statement of matters.	22	20
3. Any other petition, application, answers or objections submitted to the court.	66	60
4. Certificate of judgment.	66	60
5. Court hearing (in normal hours) before a bench of one or two judges – payable by each party for every 30 minutes or part thereof. Note: This fee does not apply to the first 30 minutes of the hearing of a motion.	248	225
6. Court hearing (in normal hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof. Note: This fee does not apply to the first 30 minutes of the hearing on the single bills.	622	565
7. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion.	123	112
F. LANDS VALUATION APPEAL COURT 1. Appeal - inclusive fee.	373	339
2. Answers - inclusive fee.	266	242
G. EXTRACTS DEPARTMENT 1. Extract decree following upon a summons, petition or appeal, or after protestation of a note, whether in absence or otherwise.	72	65
2. Extract of admission as a solicitor.	66	60
3. Extract of protestation.	66	60
4. Certificate under the Civil Jurisdiction and Judgments Act 1982.	66	60
5. Documentation evidencing divorce, nullity or dissolution of marriage or civil partnership including— (a) extract from Consistorial Register of Decrees of decree pronounced on or after 23 September 1975 if not issued in terms of item B3 or B4 of this Table, (b) certificate of divorce in decree pronounced prior to 23 September 1975, (c) certified copy interlocutor in decree pronounced prior to 23 September 1975.	37	34
6. Extract from the Register of Acts and Decrees – per sheet or part thereof.	37	34
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise.	37	34
8. Acknowledgement of receipt of a notice under section 19(6) or 21(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970.	66	60
PART II – FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT H. OFFICE OF THE ACCOUNTANT OF COURT		

I. In Factories 1. Registering case and receiving and delivering up bond of caution.	26	24
2. Examining inventory – 0.333% of the value of the estate as disclosed— (a) minimum fee payable, (b) maximum fee payable.	 37 897	 34 815
3. Auditing each account, based on estate value— (a) £0 - £30,000, (b) £30,001 - £50,000, (c) £50,001 - £250,000, (d) £250,001 - £500,000, (e) £500,001 and above.	 138 281 699 1,049 1,399	 125 255 635 954 1,272
4. Reporting with regard to discharge, or any other (special) matter not provided for in items H1 to H3 of this Table.	68	62
5. For certificate under seal.	21	19
II. In Consignations 6. Lodging consignation.	40	36
7. Producing or delivering up consignation, based on consignation value— (a) consignation value £0 - £50 and less than 7 years since lodged, (b) consignation value over £50 and less than 7 years since lodged, (c) consignation value £0 - £70 and over 7 years since lodged, (d) consignation value over £70 and over 7 years since lodged.	 No charge 40 No charge 65	 No charge 36 No charge 59
III. In Proceeds of Crime 8. Registering case and receiving and delivering up bond of caution.	£23	No charge
9. Examining Administrator's inventory – 0.333% of the value of the estate as disclosed: (a) minimum fee payable, (b) maximum fee payable,	 £33 £768	 No charge No charge
10. Auditing each 6 monthly account, based on estate value— (a) £0 - £30,000, (b) £30,001 - £75,000, (c) £75,001 - £100,000, (d) £101,001 - £150,000, (e) £150,001 – £250,000, (f) £250,001 and above	 £60 £120 £150 £200 £400 £550	 No charge No charge No charge No charge No charge No charge
11. Reporting with regard to discharge, or any other (special) matter not provided for in items H8 to H10 of this Table.	£59	No charge

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— (a) on lodging account for taxation, (b) taxing accounts for expenses etc.—	54	49
(i) up to £400, (ii) for every additional £100 or part thereof. *Note:* fee to be determined by the Auditor of the Court of Session on amount of account as submitted.	24 6	22 5
2. Fee for assessing account remitted to the Auditor to determine whether an additional fee should be paid.	356	324
3. Fee for cancellation of diet of taxation— (a) where written notice of cancellation received from receiving party after 4.00 pm on the fourth working day before the day of the diet of taxation, (b) where written notice of cancellation received from receiving party after 4.00 pm on the second working day before the day of the diet of taxation.	50% of fee that would be payable under item I1(b) of this Table 75% of fee that would be payable under item I1(b) of this Table	50% of fee that would be payable under item I1(b) of this Table 75% of fee that would be payable under item I1(b) of this Table
PART IV – FEES COMMON TO ALL OFFICES J. MISCELLANEOUS 1. Certified copy of proceedings for appeal to the Supreme Court.	266	242
2. Certifying of any other document (plus copying charges if necessary).	22	20
3. Recording, engrossing, extracting, printing or copying of all documents (exclusive of search fee)— (a) by photocopying or otherwise producing a printed or typed copy— (i) up to 10 pages, (ii) each page or part thereof in excess of 10 pages, (b) for a copy of each document in electronic form.	8 0.50 8	7 0.50 7
4. Any search of records or archives, per 30 minutes or part thereof. In addition, correspondence fee where applicable.	15 15	14 14
5. Captions— (a) marking caption when ordered, (b) warrant for caption when issued.	15 15	14 14
6. Change of party name where more than 10 cases are registered – per case.	2	2

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the fees payable in the Court of Session, to the Principal Clerk of Session, the Accountant of Court and the Auditor of the Court of Session, or any officer acting for one of those officers (as appropriate).

Article 3 and the schedule specify fee levels payable from 1 November 2024 in respect of certain matters, given effect by the Table of Fees in the schedule.

Article 3(4) provides that fees are not to be payable by the Crown in the enforcement of the criminal law or in the exercise of powers or the performance of duties arising out of or relating to that enforcement.

Article 3(5) provides that the relevant office holders are not required to do any act in connection with the matter specified in relation to that fee without either prior payment of the fee or entering into an arrangement for payment of the fee.

Articles 4 and 5 exempt certain persons from payment of fees.

Article 6 provides for an exemption relating to applications for certain interdicts and orders, and appeals against decisions made in such applications.

Article 7 provides for exemptions for certain proceedings relating to the environment.

Article 8 exempts certain motions from fees, by reference to the Rules of the Court of Session 1994.

Article 9 provides for the calculation of certain fees payable.

Article 10 revokes the Court of Session etc. Fees Order 2022.

A Business and Regulatory Impact Assessment has been prepared for this Order. Copies can be obtained from the Scottish Government Justice Directorate, St Andrews House, Edinburgh EH1 3DG.

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Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, the King's Printer for Scotland.

£8.14

http://www.legislation.gov.uk/id/ssi/2024/238

ISBN 978-0-11-106073-5

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