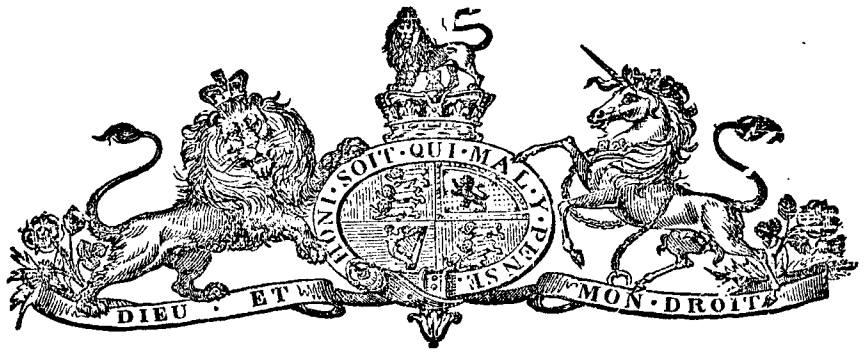


ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. LV.

An Act to provide for the Collection by means of Stamps of Fees payable in the Supreme and Inferior Courts of Law in *Scotland*, and in the Offices belonging thereto; and for other Purposes relative thereto. [13th *July* 1868.]

WHEREAS it is expedient to provide for the Collection by means of Stamps of Fees payable in the Supreme and Inferior Courts of Law in *Scotland*, and in the Offices belonging thereto: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as "The Courts of Law Fees (*Scotland*) Act, 1868."

From and after Time appointed by Treasury, Fees payable in Courts of Law in

2. It shall be lawful for the Commissioners of Her Majesty's Treasury, by Notice published in the *Edinburgh Gazette*, to declare and direct that from and after the Time specified in such Notice all or any of the Fees for the Time being payable in Money in any of the Supreme or Inferior Courts of Law in *Scotland*, or the Offices connected

Scotland to be collected by Stamps.

connected therewith, or to the Officers thereof, in so far as such Fees are payable into or accountable for to Her Majesty's Exchequer, shall be collected by means of Stamps; and every such Notice shall be in accordance with the Form given in the Schedule to this Act, with such Variations as Circumstances may require; and from and after the Time specified in any such Notice the Fees therein mentioned shall be received by Stamps denoting the Amount of Fees payable, and not in Money.

Stamps to be impressed or adhesive.

3. All or any Stamps to be used under this Act shall be impressed or adhesive, as the Commissioners of Her Majesty's Treasury from Time to Time direct.

General Rules to be made by Treasury.

4. The Commissioners of Her Majesty's Treasury, with the Concurrence of the Court of Session, may from Time to Time make such Rules as seem fit for regulating the Use of Stamps under this Act, and particularly for prescribing the Application thereof to Documents from Time to Time in use or required to be used for the Purposes of such Stamps, and for insuring the proper Cancellation of adhesive Stamps, and keeping Accounts of such Stamps.

Documents not properly stamped to be invalid.

5. Any Document which ought to bear a Stamp under this Act shall not be of any Validity unless and until it is properly stamped; but if any such Document is through Mistake or Inadvertence received, lodged, recorded, or used without being properly stamped, it shall be competent for the Court or Judge before whom the Cause depends to which such Document relates to order that the same be stamped, as in such Order may be directed, and on such Document being stamped accordingly the same and every Proceeding relative thereto shall be as valid as if such Document had been properly stamped in the first instance.

Nothing to interfere with Powers of Treasury, &c. for Alteration of Fees.

6. Nothing in this Act shall interfere with the Exercise by any Authority of any Power of altering or otherwise regulating the Amount of any Fees for the Time being payable in any Court of Law in *Scotland*, or in any Office connected therewith, or to the Officers thereof, or of any Salaries or other Charges for the Time being payable thereout or charged thereon: And the Commissioners of Her Majesty's Treasury shall have Power from Time to Time to prepare amended Tables of Fees in place of the Fees now payable as aforesaid, and shall lay such amended Tables before the Court of Session, and any Alteration in the Amount of such Fees shall be subject to the Approval of the said Commissioners, and the Fees payable in the Court of Session and Offices thereof shall be paid into the Fee Fund of the Court of Session till the Commissioners

sioners of Her Majesty's Treasury shall direct that they shall be collected by means of Stamps.

Provision for Abolition of Fee Fund of Court of Session.

7. So soon as the Commissioners of Her Majesty's Treasury, in pursuance of the Powers of this Act, shall direct that the Fees payable into the Fee Fund of the Court of Session shall be collected by means of Stamps, the Offices of Collector and Accountant of the said Fee Fund shall be and the same are hereby in that event abolished; and the said Commissioners are hereby authorized, on Proof of the average Amount of the Emoluments received by the Holders of said Offices respectively, after defraying the Expenses of the Establishment, to award to such Holders such annual Allowance as the said Commissioners shall deem just, having regard to the Tenure by which such Holders respectively hold their Offices; and such Compensation, by way of annual Allowance, shall be payable out of Funds to be provided by Parliament for that Purpose: Provided also, that the Compensation so granted, in the event of the Appointment thereafter of any of the said Persons to any Office of Profit or Emolument under the Crown, shall abate or wholly cease during the Period in which such Person shall hold such Office, so as that the Compensation and the Emolument thereof taken together shall not exceed the Emoluments of the Office in respect of which Compensation has been granted.

Separate Account to be kept of Money received for Stamps.

8. The Commissioners of Inland Revenue shall keep a separate Account of the Money received for Stamps under this Act; and, subject to the Deduction out of the Money so received of any Expenses incurred by the Commissioners of Inland Revenue in the Execution of this Act, the Money so received shall, under the Direction of the said Commissioners, be carried to and shall form Part of the Consolidated Fund of the United Kingdom.

Accounts to be laid before Parliament.

9. Each Account so kept by the Commissioners of Inland Revenue for every Year ending the Thirty-first Day of *March*, together with an Account for every such Year, prepared under the Directions of the Commissioners of Her Majesty's Treasury, showing the Salaries and other Charges for the Time being charged on or payable out of any Fees comprised in this Act, and also showing all other Charges in respect of the said Courts and their several Offices for the Time being paid out of the said Consolidated Fund, or out of Money provided by Parliament, by way of Salary, Compensation, or otherwise, shall be laid before both Houses of Parliament within One Month after the Termination of such Year of Account, if Parliament is then sitting, or if not, then within One Month after the next meeting of Parliament; and the Second of such yearly Accounts,

Accounts, and every subsequent Account, shall show the Items for Two consecutive Years, and the Increase or Decrease of any of those Items in the Second of those Years as compared with the First.

Repeal of Enactments inconsistent with this Act.

10. All Acts of Parliament or Acts of Sederunt shall be and the same are hereby repealed, in so far only as they may be in any way inconsistent with the Provisions of this Act, but in all other respects they shall remain in full Force and Effect.

The SCHEDULE.

COURT OF SESSION OFFICES

(*or as the Case may be*).

NOTICE under the "Courts of Law Fees (Scotland) Act, 1868."

The Commissioners of Her Majesty's Treasury, in pursuance of the Provisions of the said Act, hereby declare and direct that from and after the Day of the Fees for the Time being payable in the Offices of the Court of Session (*or as the Case may be*), or to the Officers thereof, shall be collected by means of Stamps.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.