

**2015 No. 261**

**COURT OF SESSION**

**The Court of Session etc. Fees Order 2015**

*Made* - - - - *15th June 2015*

*Laid before the Scottish Parliament* *17th June 2015*

*Coming into force in accordance with article 1*

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<sup>(a)</sup> and all other powers enabling them to do so.

**Citation, commencement and effect**

**1.**—(1) This Order may be cited as the Court of Session etc. Fees Order 2015 and, subject to paragraphs (2) and (3), comes into force on 22nd September 2015.

(2) Article 3(2)(b) and Schedule 2 come into force, and article 3(2)(a) and Schedule 1 cease to have effect, on 1st April 2016.

(3) Article 3(2)(c) and Schedule 3 come into force, and article 3(2)(b) and Schedule 2 cease to have effect, on 1st April 2017.

**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 registered as a civil partner in terms of sections 1(1), 85(1) or 137(1) of the Civil Partnership Act 2004<sup>(b)</sup>;

“Rules of Court” mean the Rules of the Court of Session 1994<sup>(c)</sup>;

“Table of Fees” means the Table of Fees in Schedule 1, 2 or 3 to 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.

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(a) 2014 asp 18.

(b) 2004 c.33.

(c) The Rules of the Court of Session 1994 are in Schedule 2 to the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443, last amended by S.S.I. 2015/228).

### **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 6—

- (a) the fees payable in respect of the matters specified in column 1 of the Table of Fees in Schedule 1 (table of fees payable from 22nd September 2015) are the fees specified in relation to those matters in column 2 of that Table;
- (b) the fees payable in respect of the matters specified in column 1 of the Table of Fees in Schedule 2 (table of fees payable from 1st April 2016) are the fees specified in relation to those matters in column 2 of that Table; and
- (c) the fees payable in respect of the matters specified in column 1 of the Table of Fees in Schedule 3 (table of fees payable from 1st April 2017) are the fees specified in relation to those matters in column 2 of that Table.

(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**

**4.**—(1) A fee provided for by this Order is not payable by a person if paragraph (2) or (3) applies.

(2) This paragraph applies where the person is a debtor in connection with any proceedings under the Debtors (Scotland) Act 1987(a).

(3) This paragraph applies where—

- (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 is in receipt of universal credit under Part 1 of the Welfare Reform Act 2012(d);

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(a) 1987 c.18.

(b) 1992 c.4. Section 124, which provides for income support, was amended by the Jobseekers Act 1995 (c.18), section 41 and Schedules 2 and 3; the Welfare Reform and Pensions Act 1999 (c.30), section 70 and Schedule 8, Part IV, paragraph 28; the State Pension Credit Act 2002 (c.16), Schedules 2 and 3; the Civil Partnership Act 2004 (c.33), Schedule 24; the Welfare Reform Act 2007 (c.5), Schedules 3 and 8; the Welfare Reform Act 2009 (c.24), section 3; and the Welfare Reform Act 2012 (c.5), Schedule 14.

(c) 1995 c.18.

(d) 2012 c.5.

- (d) 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;
- (e) 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;
- (f) 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 of the Legal Aid (Scotland) Act 1986 providing for legal aid in a matter of special urgency;
- (g) the person or the person's partner is in receipt of guarantee credit under the State Pension Credit Act 2002(b);
- (h) 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 party, or otherwise following a claim for child tax credit made jointly by the members of a couple (as defined in section 3(5A) of the Tax Credits Act 2002(c)) which includes the party; or
  - (ii) there is a disability element or severe disability element (or both) to the tax credit received by the party;
 and that the gross annual income taken into account for the calculation of the working tax credit is £16,642 or less; or
- (i) the person or the person's partner is in receipt of income-related employment and support allowance under the Welfare Reform Act 2007(d).

### **Exemption of certain motions from fees**

**5.**—(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 C17 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) above, 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, retirement, etc. of Lord Ordinary);
- (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**

**6.**—(1) Subject to article 5, the fees specified in items B21 and C17 of the Table of Fees are payable in addition to those fees which are specified in items B2, B6 and C5 of the Table of Fees.

(2) The fees specified in items B21 and C17 of the Table of Fees are not payable in addition to those fees which are specified in items B9, B10 and B13 and C9 of the Table of Fees.

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(a) 1986 c.47. Section 13(2) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40), section 74 and Schedule 8, paragraph 36(3).

(b) 2002 c.16.

(c) 2002 c.21. Section 3(5A) was substituted for section 3(5) to (6) by the Civil Partnership Act 2004, Schedule 24, paragraph 144(3).

(d) 2007 c.5.

## **Revocations**

7. The instruments listed in column 1 of the table in Schedule 4 are revoked to the extent described in column 3 of that table.

St Andrew's House,  
Edinburgh  
15th June 2015

*MICHAEL MATHESON*  
A member of the Scottish Government

SCHEDULE 1

Article 3(2)(a)

TABLE OF FEES

**Payable from 22nd September 2015**

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable)(a) £</i>
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.	123	118
B. GENERAL DEPARTMENT  1. Appeal, application for leave 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).	210	202
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.	210	202
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).	163	157
4. Simplified divorce or dissolution of a civil partnership application (inclusive of all procedure other than that specified in item B5 of this Table).	123	118

(a) Column 3 shows the fees which were payable by virtue of Schedule 1 to S.I. 1997/688 (as substituted by S.S.I. 2012/290) immediately before the coming into force of this Schedule.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
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.	£11 plus messenger at arms fee to serve document	£11 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.	163	157
7. Initial lodging of affidavits in a family action where proof by affidavit evidence has been allowed.	70	67
8. Special case— for each party; maximum fee payable (per case).	105 426	101 410
9. Application by minute or motion for variation of an order in a family action.	35	34
10. Answers or opposition to an application under item B9 of this Table.	35	34
11. Letter of request to a foreign court.	53	51
12. Citation of each jury, to include outlays incurred in citing and countermanding - payable on receipt of instruments for issue of precept.	292	281
13. Reclaiming motion - payable by party enrolling motion.	210	202
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.	105	101
15. Allowing proof, etc. - payable by each party on diet of proof, jury trial, procedure roll or summar roll hearing being allowed.	58	56
16. Court hearing (in normal hours) before a single judge – payable by each party for every 30 minutes or part thereof. <i>Note:</i> This fee does not apply to the first 30 minutes of the hearing of a motion.	94	90
17. Court hearing (in normal hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof. <i>Note:</i> This fee does not apply to the first 30 minutes of the hearing on the single bills.	234	225
18. Court hearing (out of hours) before a single judge – payable by each party for every 30 minutes or part thereof.	113	108

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
19. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof.	281	270
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.	53	51
<b>C. PETITION DEPARTMENT</b>		
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(a).	210	202
2. Additional fee payable when a petition in terms of item C1 of this Table is presented outwith normal office hours.	123	118
3. Petition to be admitted as a notary public— for each applicant	158	152
4. Petition to be admitted as a solicitor— for each applicant	158	152
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.	210	202
6. Caveat.	47	45
7. No fee.	-	51(b)
8. Registering official copies of orders of courts in England and Wales or Northern Ireland.	18	17
9. Reclaiming motion – payable by party enrolling motion.	210	202
10. 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.	105	101

(a) 1982 c.27.

(b) Item C7 was formerly for a fiat.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
11. Allowing proof, etc. – payable by each party on diet of proof, procedure roll, summary roll or judicial review hearing being allowed.	58	56
12. Court hearing (in normal hours) before a single judge – payable by each party for every 30 minutes or part thereof. <i>Note:</i> This fee does not apply to the first 30 minutes of the hearing of a motion.	94	90
13. Court hearing (in normal hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof. <i>Note:</i> This fee does not apply to the first 30 minutes of the hearing on the single bills.	234	225
14. Court hearing (out of hours) before a single judge – payable by each party for every 30 minutes or part thereof.	113	108
15. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof.	281	270
16. 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
17. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion.	53	51
18. Lodging of notice of appointment or intention to appoint an administrator out of court under the Insolvency Act 1986(a).	210	202
<b>D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS</b>		
Appeal – inclusive fee.	210	202
<b>E. ELECTION COURT</b>		
1. Parliamentary election petition.	210	202
2. Statement of matters.	18	17
3. Any other petition, application, answers or objections submitted to the court.	53	51
4. Certificate of judgment.	53	51
<b>F. LANDS VALUATION APPEAL COURT</b>		
1. Appeal - inclusive fee.	210	202
2. Answers - inclusive fee.	210	202

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(a) 1986 c.45.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
<b>G. EXTRACTS DEPARTMENT</b>		
1. Extract decree following upon a summons, petition or appeal, or after protestation of a note, whether in absence or otherwise.	58	56
2. Extract of admission as a solicitor.	53	51
3. Extract of protestation.	53	51
4. Certificate under the Civil Jurisdiction and Judgments Act 1982.	53	51
5. Documentation evidencing divorce, nullity or dissolution of marriage or civil partnership including— <ul style="list-style-type: none"> <li>(a) extract from Consistorial Register of Decrees of decree pronounced on or after 23rd September 1975 if not issued in terms of item B3 or B4 of this Table;</li> <li>(b) certificate of divorce in decree pronounced prior to 23rd September 1975;</li> <li>(c) certified copy interlocutor in decree pronounced prior to 23rd September 1975.</li> </ul>	29	28(a)
6. Extract from the Register of Acts and Decrees – per sheet or part thereof.	29	28
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise.	29	28
8. Acknowledgement of receipt of a notice under section 19(6) or 21(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970(b).	53	51
<b>PART II – FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT</b>		
<b>H. OFFICE OF THE ACCOUNTANT OF COURT</b>		
<i>I. In Factories</i>		
1. Registering case and receiving and delivering up bond of caution.	22	21
2. Examining factor's inventory – 0.333% of the value of the estate as disclosed <ul style="list-style-type: none"> <li>(a) minimum fee payable;</li> <li>(b) maximum fee payable.</li> </ul>	29 707	28 680

(a) The word “including” is new to this Order.  
(b) 1970 c.35.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
3. Auditing each account, based on estate value—		
(a) £0 - £30,000;	110	106
(b) £30,001 - £50,000;	221	212
(c) £50,001 - £250,000;	551	530
(d) £250,001 - £500,000;	828	796
(e) £500,001 and above.	1,104	1,061
4. Reporting with regard to discharge, special powers, other special matters, surplus estate or scheme of division.	55	53
5. For certificate under seal.	17	16
<i>II. In Consignations</i>		
6. Lodging consignment.	31	30
7. Producing or delivering up consignment, based on consignment value—		
(a) consignment value £0 - £50 and less than 7 years since lodged;	No charge	No charge
(b) consignment value over £51 and less than 7 years since lodged;	31	30
(c) consignment value £0 - £70 and over 7 years since lodged;	No charge	No charge
(d) consignment value over £71 and over 7 years since lodged.	52	50
<b>PART III – FEES IN THE OFFICE OF THE AUDITOR OF THE COURT OF SESSION</b>		
<b>I. OFFICE OF THE AUDITOR OF THE COURT OF SESSION</b>		
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;	42	39
(b) taxing accounts for expenses etc.—		
(i) up to £400;	20	20
(ii) for every additional £100 or part thereof.	5	5
<i>Note: fee to be determined by the Auditor of the Court of Session on amount of account as submitted.</i>		
2. Fee for assessing account remitted to the Auditor to determine whether an additional fee should be paid.	281	270

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
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
<b>PART IV – FEES COMMON TO ALL OFFICES</b>		
<b>J. MISCELLANEOUS</b>		
1. Certified copy of proceedings for appeal to the Supreme Court.	210	202
2. Certifying of any other document (plus copying charges if necessary).	18	17
3. Recording, extracting, engrossing or copying- all documents (exclusive of search fee)— (a) copying of each document, up to 10 pages; (b) copying of each further page or part thereof; (c) copying of each document in electronic form.	6  0.50  6	5  0.50  5
4. Any search of records or archives, per 30 minutes or part thereof. In addition, correspondence fee where applicable.	11  11	-(a)  11
5. Captions— (a) marking caption when ordered; (b) warrant for caption when issued.	11  11	11  11
6. Change of party name where more than 10 cases are registered – per case.	2	2

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(a) A different fee structure for item J4 has previously been applicable.

## SCHEDULE 2

Article 3(2)(b)

### TABLE OF FEES

**Payable from 1st April 2016**

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable)(a) £</i>
<b>PART I – FEES IN THE CENTRAL OFFICE OF THE COURT</b>		
<b>A. SIGNETING</b>		
Signeting of any writ or summons if attendance is necessary outwith normal office hours.	125	123
<b>B. GENERAL DEPARTMENT</b>		
1. Appeal, application for leave 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).	214	210
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.	214	210
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).	166	163
4. Simplified divorce or dissolution of a civil partnership application (inclusive of all procedure other than that specified in item B5 of this Table).	125	123

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(a) Column 3 shows the fees which were payable by virtue of Schedule 1 to this Order immediately before the coming into force of this Schedule.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
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.	£12 plus messenger at arms fee to serve document	£11 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.	166	163
7. Initial lodging of affidavits in a family action where proof by affidavit evidence has been allowed.	71	70
8. Special case— for each party; maximum fee payable (per case).	107 435	105 426
9. Application by minute or motion for variation of an order in a family action.	36	35
10. Answers or opposition to an application under item B9 of this Table.	36	35
11. Letter of request to a foreign court.	54	53
12. Citation of each jury, to include outlays incurred in citing and countermanding - payable on receipt of instruments for issue of precept.	298	292
13. Reclaiming motion - payable by party enrolling motion.	214	210
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.	107	105
15. Allowing proof, etc. - payable by each party on diet of proof, jury trial, procedure roll or summar roll hearing being allowed.	59	58
16. Court hearing (in normal hours) before a single judge – payable by each party for every 30 minutes or part thereof. <i>Note:</i> This fee does not apply to the first 30 minutes of the hearing of a motion.	96	94
17. Court hearing (in normal hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof. <i>Note:</i> This fee does not apply to the first 30 minutes of the hearing on the single bills.	239	234
18. Court hearing (out of hours) before a single judge – payable by each party for every 30 minutes or part thereof.	115	113

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
19. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof.	287	281
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.	54	53
<b>C. PETITION DEPARTMENT</b>		
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.	214	210
2. Additional fee payable when a petition in terms of item C1 of this Table is presented outwith normal office hours.	125	123
3. Petition to be admitted as a notary public— for each applicant	161	158
4. Petition to be admitted as a solicitor— for each applicant	161	158
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.	214	210
6. Caveat.	48	47
7. No fee.	-	-
8. Registering official copies of orders of courts in England and Wales or Northern Ireland.	18	18
9. Reclaiming motion – payable by party enrolling motion.	214	210
10. 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.	107	105
11. Allowing proof, etc. – payable by each party on diet of proof, procedure roll, summary roll or judicial review hearing being allowed.	59	58

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
12. Court hearing (in normal hours) before a single judge – payable by each party for every 30 minutes or part thereof. <i>Note:</i> This fee does not apply to the first 30 minutes of the hearing of a motion.	96	94
13. Court hearing (in normal hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof. <i>Note:</i> This fee does not apply to the first 30 minutes of the hearing on the single bills.	239	234
14. Court hearing (out of hours) before a single judge – payable by each party for every 30 minutes or part thereof.	115	113
15. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof.	287	281
16. 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
17. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion.	54	53
18. Lodging of notice of appointment or intention to appoint an administrator out of court under the Insolvency Act 1986(a).	214	210
<b>D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS</b>		
Appeal – inclusive fee.	214	210
<b>E. ELECTION COURT</b>		
1. Parliamentary election petition.	214	210
2. Statement of matters.	18	18
3. Any other petition, application, answers or objections submitted to the court.	54	53
4. Certificate of judgment.	54	53
<b>F. LANDS VALUATION APPEAL COURT</b>		
1. Appeal - inclusive fee.	214	210
2. Answers - inclusive fee.	214	210

(a) 1986 c.45.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
<b>G. EXTRACTS DEPARTMENT</b>		
1. Extract decree following upon a summons, petition or appeal, or after protestation of a note, whether in absence or otherwise.	59	58
2. Extract of admission as a solicitor.	54	53
3. Extract of protestation.	54	53
4. Certificate under the Civil Jurisdiction and Judgments Act 1982.	54	53
5. Documentation evidencing divorce, nullity or dissolution of marriage or civil partnership including— <ul style="list-style-type: none"> <li>(a) extract from Consistorial Register of Decrees of decree pronounced on or after 23rd September 1975 if not issued in terms of item B3 or B4 of this Table;</li> <li>(b) certificate of divorce in decree pronounced prior to 23rd September 1975;</li> <li>(c) certified copy interlocutor in decree pronounced prior to 23rd September 1975.</li> </ul>	30	29
6. Extract from the Register of Acts and Decrees – per sheet or part thereof.	30	29
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise.	30	29
8. Acknowledgement of receipt of a notice under section 19(6) or 21(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970.	54	53
<b>PART II – FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT</b>		
<b>H. OFFICE OF THE ACCOUNTANT OF COURT</b>		
<i>I. In Factories</i>		
1. Registering case and receiving and delivering up bond of caution.	22	22
2. Examining factor's inventory – 0.333% of the value of the estate as disclosed <ul style="list-style-type: none"> <li>(a) minimum fee payable;</li> <li>(b) maximum fee payable.</li> </ul>	30 721	29 707
3. Auditing each account, based on estate value— <ul style="list-style-type: none"> <li>(a) £0 - £30,000;</li> <li>(b) £30,001 - £50,000;</li> </ul>	112 225	110 221

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
(c) £50,001 - £250,000;	562	551
(d) £250,001 - £500,000;	845	828
(e) £500,001 and above.	1,126	1,104
4. Reporting with regard to discharge, special powers, other special matters, surplus estate or scheme of division.	56	55
5. For certificate under seal.	17	17
<i>II. In Consignations</i>		
6. Lodging consignment.	32	31
7. Producing or delivering up consignment, based on consignment value—		
(a) consignment value £0 - £50 and less than 7 years since lodged;	No charge	No charge
(b) consignment value over £51 and less than 7 years since lodged;	32	31
(c) consignment value £0 - £70 and over 7 years since lodged;	No charge	No charge
(d) consignment value over £71 and over 7 years since lodged.	53	52
<b>PART III – FEES IN THE OFFICE OF THE AUDITOR OF THE COURT OF SESSION</b>		
<b>I. OFFICE OF THE AUDITOR OF THE COURT OF SESSION</b>		
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;	43	42
(b) taxing accounts for expenses etc.—		
(i) up to £400;	20	20
(ii) for every additional £100 or part thereof.	5	5
<i>Note: fee to be determined by the Auditor of the Court of Session on amount of account as submitted.</i>		
2. Fee for assessing account remitted to the Auditor to determine whether an additional fee should be paid.	287	281
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;	50% 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

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
(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.	75% 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
<b>PART IV – FEES COMMON TO ALL OFFICES</b>		
<b>J. MISCELLANEOUS</b>		
1. Certified copy of proceedings for appeal to the Supreme Court.	214	210
2. Certifying of any other document (plus copying charges if necessary).	18	18
3. Recording, extracting, engrossing or copying- all documents (exclusive of search fee)—		
(a) copying of each document, up to 10 pages;	6	6
(b) copying of each further page or part thereof;	0.50	0.50
(c) copying of each document in electronic form.	6	6
4. Any search of records or archives, per 30 minutes or part thereof.	12	11
In addition, correspondence fee where applicable.	12	11
5. Captions—		
(a) marking caption when ordered;	12	11
(b) warrant for caption when issued.	12	11
6. Change of party name where more than 10 cases are registered – per case.	2	2

## SCHEDULE 3

Article 3(2)(c)

### TABLE OF FEES

**Payable from 1st April 2017**

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable)(a) £</i>
<b>PART I – FEES IN THE CENTRAL OFFICE OF THE COURT</b>		
<b>A. SIGNETING</b>		
Signeting of any writ or summons if attendance is necessary outwith normal office hours.	127	125
<b>B. GENERAL DEPARTMENT</b>		
1. Appeal, application for leave 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).	218	214
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.	218	214
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).	169	166
4. Simplified divorce or dissolution of a civil partnership application (inclusive of all procedure other than that specified in item B5 of this Table).	127	125

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(a) Column 3 shows the fees which were payable by virtue of Schedule 2 to this Order immediately before the coming into force of this Schedule.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
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.	£12 plus messenger at arms fee to serve document	£12 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.	169	166
7. Initial lodging of affidavits in a family action where proof by affidavit evidence has been allowed.	72	71
8. Special case— for each party; maximum fee payable (per case).	109 444	107 435
9. Application by minute or motion for variation of an order in a family action.	37	36
10. Answers or opposition to an application under item B9 of this Table.	37	36
11. Letter of request to a foreign court.	55	54
12. Citation of each jury, to include outlays incurred in citing and countermanding - payable on receipt of instruments for issue of precept.	304	298
13. Reclaiming motion - payable by party enrolling motion.	218	214
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.	109	107
15. Allowing proof, etc. - payable by each party on diet of proof, jury trial, procedure roll or summar roll hearing being allowed.	60	59
16. Court hearing (in normal hours) before a single judge – payable by each party for every 30 minutes or part thereof. <i>Note:</i> This fee does not apply to the first 30 minutes of the hearing of a motion.	98	96
17. Court hearing (in normal hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof. <i>Note:</i> This fee does not apply to the first 30 minutes of the hearing on the single bills.	244	239
18. Court hearing (out of hours) before a single judge – payable by each party for every 30 minutes or part thereof.	117	115

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
19. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof.	293	287
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.	55	54
<b>C. PETITION DEPARTMENT</b>		
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.	218	214
2. Additional fee payable when a petition in terms of item C1 of this Table is presented outwith normal office hours.	127	125
3. Petition to be admitted as a notary public— for each applicant	164	161
4. Petition to be admitted as a solicitor— for each applicant	164	161
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.	218	214
6. Caveat.	49	48
7. No fee.	-	-
8. Registering official copies of orders of courts in England and Wales or Northern Ireland.	18	18
9. Reclaiming motion – payable by party enrolling motion.	218	214
10. 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.	109	107
11. Allowing proof, etc. – payable by each party on diet of proof, procedure roll, summary roll or judicial review hearing being allowed.	60	59

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
12. Court hearing (in normal hours) before a single judge – payable by each party for every 30 minutes or part thereof. <i>Note:</i> This fee does not apply to the first 30 minutes of the hearing of a motion.	98	96
13. Court hearing (in normal hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof. <i>Note:</i> This fee does not apply to the first 30 minutes of the hearing on the single bills.	244	239
14. Court hearing (out of hours) before a single judge – payable by each party for every 30 minutes or part thereof.	117	115
15. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof.	293	287
16. 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
17. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion.	55	54
18. Lodging of notice of appointment or intention to appoint an administrator out of court under the Insolvency Act 1986(a).	218	214
<b>D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS</b>		
Appeal – inclusive fee.	218	214
<b>E. ELECTION COURT</b>		
1. Parliamentary election petition.	218	214
2. Statement of matters.	18	18
3. Any other petition, application, answers or objections submitted to the court.	55	54
4. Certificate of judgment.	55	54
<b>F. LANDS VALUATION APPEAL COURT</b>		
1. Appeal - inclusive fee.	218	214
2. Answers - inclusive fee.	218	214

(a) 1986 c.45.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
<b>G. EXTRACTS DEPARTMENT</b>		
1. Extract decree following upon a summons, petition or appeal, or after protestation of a note, whether in absence or otherwise.	60	59
2. Extract of admission as a solicitor.	55	54
3. Extract of protestation.	55	54
4. Certificate under the Civil Jurisdiction and Judgments Act 1982.	55	54
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 23rd September 1975 if not issued in terms of item B3 or B4 of this Table; (b) certificate of divorce in decree pronounced prior to 23rd September 1975; (c) certified copy interlocutor in decree pronounced prior to 23rd September 1975.	31	30
6. Extract from the Register of Acts and Decrees – per sheet or part thereof.	31	30
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise.	31	30
8. Acknowledgement of receipt of a notice under section 19(6) or 21(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970.	55	54
<b>PART II – FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT</b>		
<b>H. OFFICE OF THE ACCOUNTANT OF COURT</b>		
<i>I. In Factories</i>		
1. Registering case and receiving and delivering up bond of caution.	23	22
2. Examining factor's inventory – 0.333% of the value of the estate as disclosed (a) minimum fee payable; (b) maximum fee payable.	31 735	30 721
3. Auditing each account, based on estate value— (a) £0 - £30,000; (b) £30,001 - £50,000;	114 230	112 225

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
(c) £50,001 - £250,000;	573	562
(d) £250,001 - £500,000;	862	845
(e) £500,001 and above.	1,149	1,126
4. Reporting with regard to discharge, special powers, other special matters, surplus estate or scheme of division.	57	56
5. For certificate under seal.	17	17
<i>II. In Consignations</i>		
6. Lodging consignment.	33	32
7. Producing or delivering up consignment, based on consignment value—		
(a) consignment value £0 - £50 and less than 7 years since lodged;	No charge	No charge
(b) consignment value over £51 and less than 7 years since lodged;	33	32
(c) consignment value £0 - £70 and over 7 years since lodged;	No charge	No charge
(d) consignment value over £71 and over 7 years since lodged.	54	53
<b>PART III – FEES IN THE OFFICE OF THE AUDITOR OF THE COURT OF SESSION</b>		
<b>I. OFFICE OF THE AUDITOR OF THE COURT OF SESSION</b>		
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;	44	43
(b) taxing accounts for expenses etc.—		
(i) up to £400;	20	20
(ii) for every additional £100 or part thereof.	5	5
<i>Note: fee to be determined by the Auditor of the Court of Session on amount of account as submitted.</i>		
2. Fee for assessing account remitted to the Auditor to determine whether an additional fee should be paid.	293	287
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;	50% 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

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
(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.	75% 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
<b>PART IV – FEES COMMON TO ALL OFFICES</b>		
<b>J. MISCELLANEOUS</b>		
1. Certified copy of proceedings for appeal to the Supreme Court.	218	214
2. Certifying of any other document (plus copying charges if necessary).	18	18
3. Recording, extracting, engrossing or copying- all documents (exclusive of search fee)—		
(a) copying of each document, up to 10 pages;	6	6
(b) copying of each further page or part thereof;	0.50	0.50
(c) copying of each document in electronic form.	6	6
4. Any search of records or archives, per 30 minutes or part thereof.	12	12
In addition, correspondence fee where applicable.	12	12
5. Captions—		
(a) marking caption when ordered;	12	12
(b) warrant for caption when issued.	12	12
6. Change of party name where more than 10 cases are registered – per case.	2	2

## SCHEDULE 4

Article 7

### Revocations

<i>Column 1 (Instrument)</i>	<i>Column 2 (Citation)</i>	<i>Column 3 (Extent of revocation)</i>
The Court of Session etc. Fees Order 1997	S.I. 1997/688	The whole instrument
The Court of Session Fees etc. Amendment Order 1999	S.I. 1999/755	The whole instrument
The Court of Session etc. Fees Amendment Order 2002	S.S.I. 2002/270	The whole instrument
The Court of Session etc. Fees Amendment Order 2007	S.S.I. 2007/319	The whole instrument
The Court of Session etc. Fees Amendment Order 2008	S.S.I. 2008/236	The whole instrument
The Court of Session Fees etc. Amendment Order 2009	S.S.I. 2009/88	The whole instrument
The Court of Session Fees etc. Amendment Order 2012	S.S.I. 2012/290	The whole instrument
The Court Fees (Miscellaneous Amendments) Scotland Order 2012	S.S.I. 2012/322	The whole instrument
The Welfare Reform (Consequential Amendments) (Scotland) (No. 2) Regulations 2013	S.S.I. 2013/137	Regulation 11

## 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 Schedules 1 to 3 specify fee levels payable in the Court of Session in respect of certain matters.

- The fee levels for the period from 22nd September 2015 until 31st March 2016 are given effect by the Table of Fees in Schedule 1.
- The fee levels for the period from 1st April 2016 until 31st March 2017 are given effect by substituting the Table of Fees in Schedule 1 with the Table of Fees in Schedule 2.
- The fee levels from 1st April 2017 onwards are given effect by substituting the Table of Fees in Schedule 2 with the Table of Fees in Schedule 3.

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.

Article 4 exempts certain persons from payment of fees.

Article 5 exempts certain motions from fees, by reference to the Rules of the Court of Session 1994.

Article 6 provides for the calculation of certain fees payable.

Article 7 introduces Schedule 4 which revokes the Court of Session etc. Fees Order 1997 together with amending Orders and provisions.

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

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£6.00

S201506168 06/2015 19585

<http://www.legislation.gov.uk/id/ssi/2015/261>

ISBN 978-0-11-102841-4



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