
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 83

The Court of Session etc. Fees Order 2018

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(1) (interdict competent where spouses live together);
- (ii) a domestic interdict within the meaning of section 18A of that Act(2) (meaning of “domestic interdict”);
- (iii) a relevant interdict under section 113(2) of the Civil Partnership Act 2004(3) (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(4) (attachment of power of arrest to interdict); and

(b) “exclusion order” means an exclusion order under—

- (i) section 4 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981(5) (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 12(1) of the Sheriff Court Fees Order 2018(6) (exemptions for applicants for certain interdicts and orders).

(1) 1981 c.59. Section 14 was amended by the Family Law (Scotland) Act 2006 (asp 2), section 10(2) and (3) and schedule 3 and by S.S.I. 2006/384, article 6.

(2) Section 18A was inserted by the Family Law (Scotland) Act 2006 (asp 2), section 31(3).

(3) 2004 c. 33. Section 113 was amended by the Family Law (Scotland) Act 2006, schedule 1, paragraph 8 and schedule 3 and by S.S.I. 2006/384, article 10.

(4) 2001 asp 14. Section 1 was amended by the Family Law (Scotland) Act 2006, section 32(2) and (3).

(5) Section 4 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73), section 13(5). By virtue of section 18(3) of the Matrimonial Homes (Family Protection) (Scotland) Act 1981, section 4 applies in certain cases to cohabiting couples.

(6) S.S.I. 2018/81.