

**2018 No. 83**

**COURT OF SESSION**

**The Court of Session etc. Fees Order 2018**

*Made* - - - - *23rd February 2018*

*Laid before the Scottish Parliament* *27th February 2018*

*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(a) 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 2018 and, subject to paragraphs (2) and (3), comes into force on 25th April 2018.

(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 2019.

(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 2020.

**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” mean the Rules of the Court of Session 1994(b);

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

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(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, last amended by S.S.I. 2017/414).

### **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—

- (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 25th April 2018) 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 2019) 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 2020) 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: 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<sup>(a)</sup> in respect of the matter in the Table of Fees in schedule 1, 2 or 3 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 schedule 1, 2 or 3 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 persons from fees: social security**

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

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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).

- (a) the person or the person’s partner is in receipt of income support under the Social Security Contributions and Benefits Act 1992(a);
- (b) the person is in receipt of an income-based jobseeker’s allowance under the Jobseekers Act 1995(b);
- (c) the person or the person’s partner is in receipt of guarantee credit under the State Pension Credit Act 2002(c);
- (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 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(d)) 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 £18,000 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(e);
- (f) the person is in receipt of universal credit under Part 1 of the Welfare Reform Act 2012(f); or
- (g) 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(g).

### **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(h) (interdict competent where spouses live together);
  - (ii) a domestic interdict within the meaning of section 18A of that Act(i) (meaning of “domestic interdict”);
  - (iii) a relevant interdict under section 113(2) of the Civil Partnership Act 2004(j) (civil partners: competency of interdict); or

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(a) 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.

(b) 1995 c.18.

(c) 2002 c.16.

(d) 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).

(e) 2007 c.5.

(f) 2012 c.5.

(g) 2015 asp 5.

(h) 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.

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

(j) 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.

- (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(a) (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(b) (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(c) (exemptions for applicants for certain interdicts and orders).

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

7.—(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, retiral, 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**

8.—(1) Subject to article 7, 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) 2001 asp 14. Section 1 was amended by the Family Law (Scotland) Act 2006, section 32(2) and (3).  
 (b) 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.  
 (c) S.S.I. 2018/81.

## **Revocations**

**9.** The Court of Session etc. Fees Order 2015**(a)** and the Court Fees (Miscellaneous Amendments) (Scotland) Order 2016**(b)** are revoked.

St Andrew's House,  
Edinburgh  
23rd February 2018

*ANNABELLE EWING*  
Authorised to sign by the Scottish Ministers

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**(a)** S.S.I. 2015/261, amended by S.S.I. 2016/332.  
**(b)** S.S.I. 2016/332.

**SCHEDULE 1**  
**TABLE OF FEES**

Article 3(2)(a)

**Payable from 25th April 2018**

<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.	128	125
<b>B. GENERAL DEPARTMENT</b>		
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).	307	300
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.	307	300
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).	170	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).	128	125
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.	13 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.	170	166
7. Initial lodging of affidavits in a family action where	73	71

(a) Column 3 shows the fees which were payable by virtue of schedule 3 of S.S.I. 2015/261 (as substituted by schedule 1 of S.S.I. 2016/332) immediately before the coming into force of this schedule.

proof by affidavit evidence has been allowed.		
8. Special case— for each party; maximum fee payable (per case).	109 445	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.	305	298
13. Reclaiming motion - payable by party enrolling motion.	219	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.	205	200
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 bench of one or two 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 of a motion.	205	200(a)
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.	512	500
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.	246	240(b)
19. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof.	614	600
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.	102	100
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	307	300

(a) A different fee narrative for item B.16 has previously been applicable.

(b) A different fee narrative for item B.18 has previously been applicable.

step of process, and any application for registration or recognition of a judgment under the Civil Jurisdiction and Judgments Act 1982.		
2. Additional fee payable when a petition in terms of item C1 of this Table is presented outwith normal office hours.	128	125
3. Petition to be admitted as a notary public— for each applicant.	165	161
4. Petition to be admitted as a solicitor— for each applicant.	165	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.	307	300
6. Caveat.	43	48
7. No fee.		-
8. Registering official copies of orders of courts in England and Wales or Northern Ireland.	19	18
9. Reclaiming motion – payable by party enrolling motion.	219	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.	205	200
11. Allowing proof, etc. – payable by each party on diet of proof, procedure roll, summar roll or judicial review hearing being allowed.	60	59
12. Court hearing (in normal hours) before a bench of one or two 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 of a motion.	205	200(a)
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.	512	500
14. Court hearing (out of hours) before a bench of one or two judges – payable by each party for every 30 minutes or part thereof.	246	240(b)
15. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof.	614	600
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	102	100

(a) A different fee narrative for item C.12 has previously been applicable.

(b) A different fee narrative for item C.14 has previously been applicable.

a motion orally at the bar and any party opposing any such motion.		
18. Lodging of notice of appointment or intention to appoint an administrator out of court under the Insolvency Act 1986.	307	300
<b>D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS</b>		
Appeal – inclusive fee.	307	300
<b>E. ELECTION COURT</b>		
1. Parliamentary election petition.	307	300
2. Statement of matters.	19	18
3. Any other petition, application, answers or objections submitted to the court.	55	54
4. Certificate of judgment.	55	54
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.	205	-
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.	512	-
7. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion.	102	-
<b>F. LANDS VALUATION APPEAL COURT</b>		
1. Appeal - inclusive fee.	307	300
2. Answers - inclusive fee.	219	214
<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
PART II – FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT		
H. OFFICE OF THE ACCOUNTANT OF COURT		
<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;	31	30
(b) maximum fee payable.	738	721
3. Auditing each account, based on estate value—		
(a) £0 - £30,000;	115	112
(b) £30,001 - £50,000;	230	225
(c) £50,001 - £250,000;	575	562
(d) £250,001 - £500,000;	864	845
(e) £500,001 and above.	1,152	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.	18	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 £50 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 £70 and over 7 years since lodged.	54	53
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;	44	43
(b) taxing accounts for expenses etc.—		

(i) up to £400; (ii) for every additional £100 or part thereof. <i>Note:</i> fee to be determined by the Auditor of the Court of Session on amount of account as submitted.	21 5	20 5
2. Fee for assessing account remitted to the Auditor to determine whether an additional fee should be paid.	294	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; (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.	219	214
2. Certifying of any other document (plus copying charges if necessary).	19	18
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.	7 0.50 7	6 0.50 6
4. Any search of records or archives, per 30 minutes or part thereof.	13	12
In addition, correspondence fee where applicable.	13	12
5. Captions— (a) marking caption when ordered; (b) warrant for caption when issued.	13 13	12 12
6. Change of party name where more than 10 cases are registered – per case.	2	2

**SCHEDULE 2**  
**TABLE OF FEES**

Article 3(2)(b)

**Payable from 1st April 2019**

<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.	131	128
<b>B. GENERAL DEPARTMENT</b>		
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).	313	307
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.	313	307
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).	173	170
4. Simplified divorce or dissolution of a civil partnership application (inclusive of all procedure other than that specified in item B5 of this Table).	131	128
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.	13 plus messenger at arms fee to serve document	13 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.	173	170
7. Initial lodging of affidavits in a family action where	74	73

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

proof by affidavit evidence has been allowed.		
8. Special case— for each party; maximum fee payable (per case).	111 454	109 445
9. Application by minute or motion for variation of an order in a family action.	38	37
10. Answers or opposition to an application under item B9 of this Table.	38	37
11. Letter of request to a foreign court.	56	55
12. Citation of each jury, to include outlays incurred in citing and countermanding - payable on receipt of instruments for issue of precept.	311	305
13. Reclaiming motion - payable by party enrolling motion.	223	219
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.	209	205
15. Allowing proof, etc. - payable by each party on diet of proof, jury trial, procedure roll or summar roll hearing being allowed.	61	60
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. <i>Note:</i> This fee does not apply to the first 30 minutes of the hearing of a motion.	209	205
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.	522	512
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.	251	246
19. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof.	626	614
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.	104	102
<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.	313	307

2. Additional fee payable when a petition in terms of item C1 of this Table is presented outwith normal office hours.	131	128
3. Petition to be admitted as a notary public— for each applicant.	168	165
4. Petition to be admitted as a solicitor— for each applicant.	168	165
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.	313	307
6. Caveat.	44	43
7. No fee.	-	-
8. Registering official copies of orders of courts in England and Wales or Northern Ireland.	19	19
9. Reclaiming motion – payable by party enrolling motion.	223	219
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.	209	205
11. Allowing proof, etc. – payable by each party on diet of proof, procedure roll, summar roll or judicial review hearing being allowed.	61	60
12. Court hearing (in normal hours) before a bench of one or two 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 of a motion.	209	205
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.	522	512
14. Court hearing (out of hours) before a bench of one or two judges – payable by each party for every 30 minutes or part thereof.	251	246
15. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof.	626	614
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.	104	102
18. Lodging of notice of appointment or intention to appoint an administrator out of court under the Insolvency Act 1986.	313	307

D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS		
Appeal – inclusive fee.	313	307
E. ELECTION COURT		
1. Parliamentary election petition.	313	307
2. Statement of matters.	19	19
3. Any other petition, application, answers or objections submitted to the court.	56	55
4. Certificate of judgment.	56	55
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.	209	205
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.	522	512
7. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion.	104	102
F. LANDS VALUATION APPEAL COURT		
1. Appeal - inclusive fee.	313	307
2. Answers - inclusive fee.	223	219
G. EXTRACTS DEPARTMENT		
1. Extract decree following upon a summons, petition or appeal, or after protestation of a note, whether in absence or otherwise.	61	60
2. Extract of admission as a solicitor.	56	55
3. Extract of protestation.	56	55
4. Certificate under the Civil Jurisdiction and Judgments Act 1982.	56	55
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.	32	31
6. Extract from the Register of Acts and Decrees – per sheet or part thereof.	32	31
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise.	32	31
8. Acknowledgement of receipt of a notice under section 19(6) or 21(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970.	56	55

PART II – FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT		
H. OFFICE OF THE ACCOUNTANT OF COURT		
<i>I. In Factories</i>		
1. Registering case and receiving and delivering up bond of caution.	23	23
2. Examining factor's inventory – 0.333% of the value of the estate as disclosed		
(a) minimum fee payable;	32	31
(b) maximum fee payable.	753	738
3. Auditing each account, based on estate value—		
(a) £0 - £30,000;	117	115
(b) £30,001 - £50,000;	235	230
(c) £50,001 - £250,000;	587	575
(d) £250,001 - £500,000;	881	864
(e) £500,001 and above.	1,175	1,152
4. Reporting with regard to discharge, special powers, other special matters, surplus estate or scheme of division.	58	57
5. For certificate under seal.	18	18
<i>II. In Consignations</i>		
6. Lodging consignment.	34	33
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 £50 and less than 7 years since lodged;	34	33
(c) consignment value £0 - £70 and over 7 years since lodged;	No charge	No charge
(d) consignment value over £70 and over 7 years since lodged.	55	54
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;	45	44
(b) taxing accounts for expenses etc.—		
(i) up to £400;	21	21
(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.	300	294
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.	223	219
2. Certifying of any other document (plus copying charges if necessary).	19	19
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.	7 0.50 7	7 0.50 7
4. Any search of records or archives, per 30 minutes or part thereof.	13	13
In addition, correspondence fee where applicable.	13	13
5. Captions— (a) marking caption when ordered; (b) warrant for caption when issued.	13 13	13 13
6. Change of party name where more than 10 cases are registered – per case.	2	2

**SCHEDULE 3**  
**TABLE OF FEES**

Article 3(2)(c)

**Payable from 1st April 2020**

<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.	134	131
<b>B. GENERAL DEPARTMENT</b>		
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).	319	313
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.	319	313
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).	176	173
4. Simplified divorce or dissolution of a civil partnership application (inclusive of all procedure other than that specified in item B5 of this Table).	134	131
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.	13 plus messenger at arms fee to serve document	13 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.	176	173
7. Initial lodging of affidavits in a family action where	75	74

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

proof by affidavit evidence has been allowed.		
8. Special case— for each party; maximum fee payable (per case).	113 463	111 454
9. Application by minute or motion for variation of an order in a family action.	39	38
10. Answers or opposition to an application under item B9 of this Table.	39	38
11. Letter of request to a foreign court.	57	56
12. Citation of each jury, to include outlays incurred in citing and countermanding - payable on receipt of instruments for issue of precept.	317	311
13. Reclaiming motion - payable by party enrolling motion.	227	223
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.	213	209
15. Allowing proof, etc. - payable by each party on diet of proof, jury trial, procedure roll or summar roll hearing being allowed.	62	61
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. <i>Note:</i> This fee does not apply to the first 30 minutes of the hearing of a motion.	213	209
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.	532	522
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.	256	251
19. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof.	639	626
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.	106	104
<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.	319	313

2. Additional fee payable when a petition in terms of item C1 of this Table is presented outwith normal office hours.	134	131
3. Petition to be admitted as a notary public— for each applicant.	171	168
4. Petition to be admitted as a solicitor— for each applicant.	171	168
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.	319	313
6. Caveat.	45	44
7. No fee.	-	-
8. Registering official copies of orders of courts in England and Wales or Northern Ireland.	19	19
9. Reclaiming motion – payable by party enrolling motion.	227	223
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.	213	209
11. Allowing proof, etc. – payable by each party on diet of proof, procedure roll, summar roll or judicial review hearing being allowed.	62	61
12. Court hearing (in normal hours) before a bench of one or two 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 of a motion.	213	209
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.	532	522
14. Court hearing (out of hours) before a bench of one or two judges – payable by each party for every 30 minutes or part thereof.	256	251
15. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof.	639	626
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.	106	104
18. Lodging of notice of appointment or intention to appoint an administrator out of court under the Insolvency Act 1986.	319	313

D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS		
Appeal – inclusive fee.	319	313
E. ELECTION COURT		
1. Parliamentary election petition.	319	313
2. Statement of matters.	19	19
3. Any other petition, application, answers or objections submitted to the court.	57	56
4. Certificate of judgment.	57	56
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.	213	209
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.	532	522
7. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion.	106	104
F. LANDS VALUATION APPEAL COURT		
1. Appeal - inclusive fee.	319	313
2. Answers - inclusive fee.	227	223
G. EXTRACTS DEPARTMENT		
1. Extract decree following upon a summons, petition or appeal, or after protestation of a note, whether in absence or otherwise.	62	61
2. Extract of admission as a solicitor.	57	56
3. Extract of protestation.	57	56
4. Certificate under the Civil Jurisdiction and Judgments Act 1982.	57	56
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.	33	32
6. Extract from the Register of Acts and Decrees – per sheet or part thereof.	33	32
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise.	33	32
8. Acknowledgement of receipt of a notice under section 19(6) or 21(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970.	57	56

PART II – FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT		
H. OFFICE OF THE ACCOUNTANT OF COURT		
<i>I. In Factories</i>		
1. Registering case and receiving and delivering up bond of caution.	23	23
2. Examining factor's inventory – 0.333% of the value of the estate as disclosed		
(a) minimum fee payable;	33	32
(b) maximum fee payable.	768	753
3. Auditing each account, based on estate value—		
(a) £0 - £30,000;	119	117
(b) £30,001 - £50,000;	240	235
(c) £50,001 - £250,000;	599	587
(d) £250,001 - £500,000;	899	881
(e) £500,001 and above.	1,199	1,175
4. Reporting with regard to discharge, special powers, other special matters, surplus estate or scheme of division.	59	58
5. For certificate under seal.	18	18
<i>II. In Consignations</i>		
6. Lodging consignment.	35	34
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 £50 and less than 7 years since lodged;	35	34
(c) consignment value £0 - £70 and over 7 years since lodged;	No charge	No charge
(d) consignment value over £70 and over 7 years since lodged.	56	55
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;	46	45
(b) taxing accounts for expenses etc.—		
(i) up to £400;	21	21
(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.	306	300
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.	227	223
2. Certifying of any other document (plus copying charges if necessary).	19	19
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.	7 0.50 7	7 0.50 7
4. Any search of records or archives, per 30 minutes or part thereof.  In addition, correspondence fee where applicable.	13	13
5. Captions— (a) marking caption when ordered; (b) warrant for caption when issued.	13 13	13 13
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 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 25th April 2018 until 31st March 2019 are given effect by the Table of Fees in schedule 1.
- The fee levels for the period from 1st April 2019 until 31st March 2020 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 2020 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.

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

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

Article 7 exempts certain motions from fees, by reference to the Rules of the Court of Session 1994.

Article 8 provides for the calculation of certain fees payable.

Article 9 revokes the Court of Session etc. Fees Order 2015 and the Court Fees (Miscellaneous Amendments) (Scotland) Order 2016.

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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