
STATUTORY INSTRUMENTS

1985 No. 826 (S.76)

COURT OF SESSION, SCOTLAND

TEINDS

The Court of Session etc. Fees Amendment Order 1985

Made - - - 23rd May 1985

Laid before Parliament 31st May 1985

Coming into Operation 24th June 1985

In exercise of the powers conferred on me by section 2 of the Courts of Law Fees (Scotland) Act 1895(a) and of all other powers enabling me in that behalf, and with the concurrence of the Treasury, I hereby make the following order:—

1. This order may be cited as the Court of Session etc. Fees Amendment Order 1985 and shall come into operation on 24th June 1985.

2. For the Table of Fees in the Schedule to the Court of Session etc. Fees Order 1984(b) there shall be substituted the Table of Fees set out in the Schedule to this order.

George Younger,
One of Her Majesty's
Principal Secretaries of State.

New St Andrew's House,
Edinburgh.
23rd May 1985.

We concur.

Donald Thompson,
A. Hamilton,
Two of the Lords Commissioners
of Her Majesty's Treasury.

23rd May 1985.

(a) 1895 c.14; section 2 was substituted by section 4 of the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c.12).

(b) S.I. 1984/256.

Article 2

SCHEDULE

TABLE OF FEES

Column 1 <i>Item</i>	Column 2 <i>Fee payable</i>	Column 3 <i>Fee which was formerly payable (a)</i>
PART I—FEES IN THE CENTRAL OFFICE OF THE COURT		
A. SIGNETING		
1. Signeting of any writ or summons, if attendance is necessary outwith the normal office hours	£20.00	£18.00
B. GENERAL DEPARTMENT		
1. Appeal, summons, or other writ or step by which any cause, or proceeding, other than consistorial, is originated, in either the Inner or Outer House—inclusive fee (to comprehend signeting in normal office hours)	£33.00	£30.00
2. Writ by which a consistorial cause is originated (other than a simplified divorce application)—inclusive fee (to comprehend signeting within normal office hours, and, if applicable, issue to the pursuer of an extract in terms of item H5(a) of this table, and to the defender, if appropriate, of a duplicate thereof)	£40.00	£40.00
3. Simplified divorce application (inclusive of all procedure other than that specified in item B4 of this table)	£40.00	£40.00
4. In relation to a simplified divorce application, citation of any person under rule 159(1)(a) or (b) as read with rule 170I of the Rules annexed to the Act of Sederunt (Rules of Court, consolidation and amendment) 1965(b), or intimation to any person or persons under the said rule 159(1)(a) or (b) as applied by rule 160(1) all as read with rule 170I of those Rules, where such intimation is required by the court	£5.00	£5.00
5. Defences, answers or other writ or step in process by which a party other than an originating party first makes appearance in a cause or proceeding—inclusive fee	£33.00	£30.00
6. Special case —		
(a) Where two parties only	£33.00	£30.00
(b) For each additional party	£16.00	£15.00
Maximum fee payable per case	£65.00	£60.00
7. Minute by either party for variation of an order in a consistorial cause	£9.00	£8.00
8. Letter of request to a foreign court	£9.00	£8.00
9. Citation of each jury, to include outlays incurred in citing and countermanding—payable on receipt of instructions for issue of precept	£29.00	£27.00

(a) This column shows the fees which were payable under S.I. 1984/256 before the coming into operation of this order

(b) S.I. 1965/321; relevant amending instruments are S.I. 1976/1994, 1977/1621, 1980/1144, 1982/1381, 1679.

TABLE OF FEES (*continued*)

Column 1 <i>Item</i>	Column 2 <i>Fee payable</i>	Column 3 <i>Fee which was formerly payable</i>
C. PETITION DEPARTMENT		
1. Petition of whatever nature presented to Inner or Outer House other than a petition under item C2 of this table, whether in respect of the first or any subsequent step of process—inclusive fee	£33.00	£30.00
2. Petition to be admitted as a notary public:		
(a) Where there is one applicant	£33.00	£30.00
(b) For each additional applicant	£33.00	£30.00
3. Answers and objections to petitions to which item C1 of this table applies—inclusive fee	£33.00	£30.00
4. Caveat	£9.00	£8.00
5. Fiat	£9.00	£8.00
6. Registering office copies of orders of courts in England and Wales or Northern Ireland	£4.00	£4.00
7. Authentication by judge of act and warrant in terms of section 70 of the Bankruptcy (Scotland) Act 1913(a)	£3.00	£3.00
8. Issue of an abbreviate in sequestration	£3.00	£3.00
D. COURT OF COMMISSIONERS OF TEINDS		
1. Original petition	£11.00	£10.00
2. Answers to original petition	£11.00	£10.00
3. Reports by accountants, men of business, or persons of skill, under remits by the court	£2.00	£2.00
4. Framing teind rolls, apportionment of expenses among heritors, amending teind rolls or making alterations under order from the court —		
For first ten calculations	£5.00	£5.00
For each calculation thereafter	£0.20	£0.20
In addition for each sheet of writing	£1.00	£0.75
5. Making statutory list of fiars prices and certifying same, for purposes of the Teinds Act 1808(b) For each kind of grain	£0.50	£0.50
6. Certificate of valuation	£11.00	£10.00
7. Every other step or pleading not here enumerated	£2.00	£2.00
8. Making up from official returns of fiars prices 1873 to 1922 an “average value” of victual, certifying and intimating same, under the Church of Scotland (Property and Endowments) Act 1925(c), Schedule 2. For each kind of victual	£2.00	£2.00
9. Entry in teind roll of redemption of standard charge	£1.00	£1.00
10. Entry in teind roll of change of ownership of lands over which a standard charge has been constituted	£1.00	£1.00
(a) 1913 c.20.	(b) 1808 c.138.	(c) 1925 c.33.

COURT OF SESSION, SCOTLAND
TEINDS

TABLE OF FEES (*continued*)

Column 1 <i>Item</i>	Column 2 <i>Fee payable</i>	Column 3 <i>Fee which was formerly payable</i>
11. Entry in teind roll of allocation of standard charge —		
(a) In respect of first five entries	£1.00	£0.75
(b) In respect of each additional entry	£0.15	£0.15
12. Valuation of teinds —		
Lodging valuer's certificate	£2.00	£2.00
Note of appeal to Lord Ordinary	£5.00	£5.00
Objections, defences or answers thereto, if first step by party	£5.00	£5.00
Registration of valuer's certificate, and issuing certificate of valuation	£11.00	£10.00
13. Delivering to the General Trustees under any order of Scottish Ecclesiastical Commissioners any title deeds or securities so far as in the custody of the Teind Clerk and checking receipt therefor, including searching records	£2.00	£2.00
E. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS		
1. Appeal—inclusive fee	£33.00	£30.00
F. ELECTION COURT		
1. Parliamentary election petition	£33.00	£30.00
2. Statement of matters	£4.00	£4.00
3. Any other petition, application, answers or objections submitted to the court	£10.00	£9.00
4. Certificate of judgment	£9.00	£8.00
G. LANDS VALUATION APPEAL COURT		
1. Appeal—inclusive fee	£33.00	£30.00
2. Answers—inclusive fee	£33.00	£30.00
H. EXTRACTS DEPARTMENT		
1. Extract decree following upon a summons, petition or appeal, or after protestation of a note, and whether in absence or otherwise	£10.00	£9.00
2. Extract of admission as a solicitor	£8.00	£7.00
3. Extract of protestation	£8.00	£7.00
4. Certificate under Judgments Extension Act 1868(a)	£4.00	£4.00
5. Documents evidencing divorce, nullity or dissolution of marriage:		
(a) Extract from Consistorial Register of Decrees of decree pronounced or or after 23rd September 1975 if not issued in terms of item B2 or B3 of this table	£4.00	£4.00

(a) 1868 c.54.

TABLE OF FEES (*continued*)

Column 1 <i>Item</i>	Column 2 <i>Fee payable</i>	Column 3 <i>Fee which was formerly payable</i>
(b) Certificate of divorce in decree pronounced prior to 23rd September 1975	£4.00	£4.00
(c) Certified copy interlocutor in decree pronounced prior to 23rd September 1975	£4.00	£4.00
6. Extract from the Register of Acts and Decrees per sheet of 250 words	£4.00	£3.00
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise	£4.00	£3.00
PART II—FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT		
I. OFFICE OF THE ACCOUNTANT OF COURT		
<i>I. In Factories and Curatories</i>		
1. For registering case and receiving and delivering up bond of caution:		
In Court of Session appointments	£13.00	£12.00
In Sheriff Court appointments	£9.00	£8.00
2. For examining factor's inventory —		
Basic fee	£8.00	£8.00
Additional fee for each £1,000 (excluding the first £1,000) or part thereof of value of estate	£3.00	£4.00
Maximum fee payable	£200.00	£160.00
3. For auditing each Account:		
(a) where factor's commission is £8.00 or less, or where no commission is allowable	£4.00	£4.00
(b) where factor's commission is above £8.00 —		
Basic fee	£4.00	£4.00
Additional percentage fee on the factor's commission as fixed (or what would have been the factor's full commission if chargeable or fully allowed)	17.5 per cent	17.5 per cent
4. For reporting re Discharge, Special Powers or on other special matters	£16.00 to £65.00	£15.00 to £60.00
5. For report on scheme of division:		
Basic fee	£9.00	£8.00
Additional fee for each £1,000 (excluding the first £1,000) or part thereof of value of estate to be divided	£4.00	£4.00
Maximum fee payable	£174.00	£160.00
(Note: Fee to be charged on the estate to be divided)		
6. For certificate under seal	£3.00	£3.00
<i>II. In Bankruptcies</i>		
7. For registering case, and related work	£9.00	£8.00

TABLE OF FEES (*continued*)

Column 1 <i>Item</i>	Column 2 <i>Fee payable</i>	Column 3 <i>Fee which was formerly payable</i>
8. For supervising proceedings in sequestration: Percentage fee on amount to be divided amongst preferable and ordinary creditors	5 per cent	<i>5 per cent</i>
9. For report on bankrupt's petition for discharge	£13.00	£12.00
10. For concurrence in private sale of heritage: Basic fee	£9.00	£8.00
Additional fee for each £1,000 or part thereof (excluding the first £1,000) of value of heritage	£4.00	£4.00
Maximum fee payable	£174.00	160.00
11. For special report	£13.00	£12.00
12. For report on appeal against trustee's commission: Basic fee	£3.00	£3.00
Additional percentage fee on the trustee's commission as fixed	5 per cent	<i>5 per cent</i>
Maximum fee payable	£174.00	£160.00
13. For auditing the accounts and fixing the commission of trustee under voluntary trust deed: Percentage fee on commission allowed to trustee	 17.5 per cent	 <i>17.5 per cent</i>
14. (a) For examining sederunt book	£13.00	£12.00
(b) For issuing acknowledgment for sederunt book	£4.00	£4.00
<i>III In Consignations</i>		
15. For lodging consignment	£2.00	£2.00
16. For producing or delivering up: Basic fee	£5.00	£2.00
Additional fee for every £100 or part thereof uplifted	£0.50	£0.50
Maximum fee payable	£17.00	£16.00
<i>IV Liquidations</i>		
17. For receiving and uplifting bond of caution	£3.00	£3.00
PART III—FEES IN THE OFFICE OF THE AUDITOR OF THE COURT OF SESSION		
J. 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: Under £50	£2.00	£2.00
For every additional £50 or part of £50	£2.00	£2.00
<i>Note:</i> Fee to be determined by the Auditor of the Court of Session on amount of account as submitted.		

TABLE OF FEES (*continued*)

Column 1 <i>Item</i>	Column 2 <i>Fee payable</i>	Column 3 <i>Fee which was formerly payable</i>
PART IV—FEES COMMON TO ALL OFFICES		
K. MISCELLANEOUS		
1. Certified copy of proceedings for appeal to the House of Lords	£33.00	£30.00
2. Certifying of any other document (plus copying charges if necessary)	£3.00	£3.00
3. Recording, engrossing, extracting or copying—all documents:		
(a) By manuscript or typescript per sheet of 250 words	£2.00	£2.00
(b) By copying by electrical or mechanical means per page:		
First copy —		
each of first 10 pages	£1.00	£1.00
each page after first 10	£0.20	£1.00
Subsequent copies: each page	£0.20	£0.20
4. Searches—for any search of records or archives:		
(a) For first half hour of time taken	£3.00	£3.00
(b) For more than one hour up to a maximum of two hours	£8.00	£7.00
(c) For each half hour or part thereof in excess of two hours	£2.00	£2.00
(d) Plus correspondence fee where applicable	£2.00	£2.00
5. Captions:		
(a) Marking caption when ordered	£2.00	£2.00
(b) Warrant for caption when issued	£2.00	£2.00

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order amends the Court of Session etc. Fees Order 1984 so as to increase a number of the fees of court which may be charged in the offices of the Court of Session in relation to proceedings in the Court of Session and certain related specialised courts.

Apart from the increases which have been applied to some of the fees, there are further changes to three items compared to the Table of Fees under the 1984 Order. In items I5 and K3 of the Table of Fees (dealing respectively with fees for report on a scheme of division and copying by electrical or mechanical means) there is a change as to the manner of calculating the fee. In item I2 one fee is reduced.

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