

## STATUTORY INSTRUMENTS

1986 No. 450 (S. 40)

## COURT OF SESSION, SCOTLAND

## TEINDS

**The Court of Session etc. Fees Amendment Order 1986**

<i>Made</i>	- - - -	<i>7th March 1986</i>
<i>Laid before Parliament</i>		<i>11th March 1986</i>
<i>Coming into Operation</i>		<i>1st April 1986</i>

The Secretary of State, in exercise of the powers conferred on him by section 2 of the Courts of Law Fees (Scotland) Act 1895(a), and of all other powers enabling him in that behalf, and with the concurrence of the Treasury, hereby makes the following order:-

*Citation and commencement*

1. This order may be cited as the Court of Session etc. Fees Amendment Order 1986 and shall come into operation on 1st April 1986.
2. Article 5 (exemption of Crown from fees) of the Court of Session etc. Fees Order 1984(b) is hereby revoked.
3. For the Table of Fees in the Schedule to the Court of Session etc. Fees Order 1984 there shall be substituted the Table of Fees set out in the Schedule to this order.

*John J. MacKay,*  
Parliamentary Under Secretary of State,  
Scottish Office.

New St Andrew's House,  
Edinburgh.  
6th March 1986.

We concur,

*T. Garel-Jones,*  
*A. G. Hamilton,*  
Two of the Lords Commissioners of  
Her Majesty's Treasury.

7th March 1986.

---

(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, amended by S.I. 1985/826, 2072.

## SCHEDULE

Article 3

## TABLE OF FEES

Column 1 <i>(Matters)</i>	Column 2 <i>(Fee payable)</i>	Column 3 <i>(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 the normal office hours	£21.00	£20.00
<b>B. GENERAL DEPARTMENT</b>		
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)	£35.00	£33.00
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 G5(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 1701 of the Rules annexed to the Act of Sederunt (Rules of Court, consolidation and amendment) 1965, 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 1701 of those Rules, where such intimation is required by the court	£5.50	£5.00

(a) Column 3 shows the fees which were payable under S.I. 1984/256, as amended by S.I. 1985/826 and 2072, before the coming into operation of this order.

Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)
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	£35.00	£33.00
6. Special case -		
(a) Where two parties only	£35.00	£33.00
(b) For each additional party	£17.00	£16.00
Maximum fee payable per case	£67.00	£65.00
7. Minute by either party for variation of an order in a consistorial cause	£9.50	£9.00
8. Letter of request to a foreign court	£9.50	£9.00
9. Citation of each jury, to include outlays incurred in citing and countermanding - payable on receipt of instructions for issue of precept	£30.50	£29.00
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	£35.00	£33.00
2. Petition to be admitted as a notary public:		
(a) Where there is one applicant	£35.00	£33.00
(b) For each additional applicant	£35.00	£33.00
3. Answers and objections to petitions to which item C1 of this table applies - inclusive fee	£35.00	£33.00
4. Caveat	£9.50	£9.00
5. Fiat	£9.50	£9.00
6. Registering office copies of orders of courts in England and Wales or Northern Ireland	£4.50	£4.00

Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)
7. Authentication by judge of act of warrant in terms of section 70 of the Bankruptcy (Scotland) Act 1913(a)	£3.50	£3.00
8. Issue of an abbreviate in sequestration	£3.50	£3.00
9. Entry in teind roll of redemption of standard charge or of change of ownership of lands over which a standard charge has been constituted	£1.00	£1.00
<b>D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS</b>		
Appeal - inclusive fee	£35.00	£33.00
<b>E. ELECTION COURT</b>		
1. Parliamentary election petition	£35.00	£33.00
2. Statement of matters	£4.50	£4.00
3. Any other petition, application, answers or objections submitted to the court	£10.50	£10.00
4. Certificate of judgement	£9.50	£9.00
<b>F. LANDS VALUATION APPEAL COURT</b>		
1. Appeal - inclusive fee	£35.00	£33.00
2. Answers - inclusive fee	£35.00	£33.00
<b>G. EXTRACTS DEPARTMENT</b>		
1. Extract decree following upon a summons, petition or appeal, or after protestation of a note, and whether in absence or otherwise	£10.50	£10.00
2. Extract of admission as a solicitor	£8.50	£8.00
3. Extract of protestation	£8.50	£8.00
4. Certificate under Judgments Extension Act 1868(b)	£4.50	£4.00

(a) 1913 c.20.

(b) 1868 c.54.

Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)
5. Documentation evidencing divorce, nullity or dissolution of marriage:		
(a) Extract from Consistorial Register of Decrees of decree pronounced on or after 23rd September 1975 if not issued in terms of item B2 or B3 of this table	£4.50	£4.00
(b) Certificate of divorce in decree pronounced prior to 23rd September 1975	£4.50	£4.00
(c) Certified copy interlocutor in decree pronounced prior to 23rd September 1975	£4.50	£4.00
6. Extract from the Register of Acts and Decrees per sheet of 250 words	£4.50	£4.00
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise	£4.50	£4.00

## PART II - FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT

## H. OFFICE OF THE ACCOUNTANT OF COURT

## I. In Factories and Curatories

1. For registering case and receiving and delivering up bond of caution:-

in Court of Session appointments	£13.00	£13.00
in sheriff court appointments	£9.00	£9.00

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	£3.00
maximum fee payable	£200.00	£200.00

3. For auditing each account;

basic fee	£5.00	£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)	17½%	17½%

Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)
4. For reporting <i>re</i> discharge, special powers or on other special matters	£16.00 to £65.00	£16.00 to £65.00
4A. For granting consent in terms of section 2(4) of the Trusts (Scotland) Act 1961(a)	£40.00	<i>Not directly comparable</i>
5. For report on scheme of division:		
basic fee	£9.00	£9.00
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	£174.00
6. For certificate under seal	£3.00	£3.00
<i>II. In Bankruptcies</i>		
7. For inclusion in the list of interim trustees	£25.00	£25.00
8. (a) For registering award of sequestration and interim trustee's appointment.	£10.00	<i>None</i>
(b) For registering copy act and warrant.	£10.00	£9.00
9. For supervising proceedings in sequestration:		
Percentage fee on amount to be divided amongst preferred and ordinary creditors.	5%	5%
10. For any special report to court	£16.00 to £65.00	£13.00
11. For considering and issuing deliverance in appeal against permanent trustee's commission:-		
basic fee	£4.00	£3.00
additional percentage fee on the trustee's commission as fixed, subject to a maximum fee of £180.	5%	5%
12. For auditing the accounts and fixing the commission of interim trustees, permanent trustees and trustees under voluntary trust deeds:-		
basic fee	£5.00	<i>None</i>

(a) 1961 c.57; section 2 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c.55), section 8.

Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)
additional percentage fee on trustee's commission as fixed	17½%	17½%
13. For examination of the sederunt book and related work.	£18.00	£13.00
14. For granting certificate of discharge to interim trustee.	£5.00	None
15. For granting certificate of discharge to debtor.	£5.00	None
16. For report on bankrupt's petition for discharge.	£14.00	£13.00
17. (a) For any consent in sequestration.	£10.00	Not directly comparable
(b) In relation to concurrence in private sale of heritage under the Bankruptcy (Scotland) Act 1913(a) additional fee for each £1,000 or part thereof (excluding the first £1,000) of value of heritage, subject to a maximum fee of £180.	£5.00	£4.00
18. For calling meetings of creditors:-		
basic fee	£20.00	None
19. For attendance at meeting of creditors:-		
fee per person per hour or part thereof, including travelling time	£15.00	None
20. For work in relation to protected trust deeds	£20.00	None
<i>III. In consignations</i>		
21. For lodging consignment	£3.00	£2.00
22. For producing or delivering up:		
basic fee	£6.00	£5.00
additional fee for every £100 or part thereof uplifted	£0.50	£0.50
maximum fee payable	£25.00	£17.00
<i>IV. Liquidations</i>		
23. For receiving and uplifting bond of caution	£3.00	£3.00

(a) 1913 c.20.

Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)
-----------------------	---------------------------	------------------------------------

## 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:

Under £50	£2.00	£2.00
For every additional £50 or part of £50	£2.00	£2.00

*Note:* fee to be determined by the Auditor of the Court of Session on amount of account as submitted

## PART IV - FEES COMMON TO ALL OFFICES

## J. MISCELLANEOUS

1. Certified copy of proceedings for appeal to the House of Lords	£35.00	£33.00
2. Certifying of any other document (plus copying charges if necessary)	£3.50	£3.00
3. Recording, engrossing, extracting or copying-all documents:		
(a) By manuscript or type-script per sheet of 250 words	£2.50	£2.00
(b) By copying by electrical or mechanical means per page:		
first copy	£1.00	£1.00
subsequent copies	£0.25	£0.20
4. Searches-for any search of records or archives:		
(a) For first half hour of time taken	£3.50	£3.00
(b) For more than one hour up to a maximum of two hours	£8.50	£8.00
(c) For each half hour or part thereof in excess of two hours	£2.50	£2.00
(d) Plus correspondence fee where applicable	£2.50	£2.00



Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)
5. Captions:		
(a) Marking caption when ordered	£2.50	£2.00
(b) Warrant for caption when issued	£2.50	£2.00

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This order increases most of the fees which may be charged in the offices of the Court of Session for proceedings in the Court of Session and the specialised courts, fixes fees for the new functions of the Accountant in Bankruptcy under the Bankruptcy (Scotland) Act 1985 (c.66), and shows separately a fee previously charged by the Accountant of Court under a general heading.

As the work of the Court of Commissioners of Teinds has been subsumed within the Petition Department of the Court of Session, the order dispenses with most of the references to the separate fees for the Court of Commissioners of Teinds.

The arrangements whereby the Crown has been exempt from the payment of fees in proceedings have been revoked (article 2).

SI 1986/450  
ISBN 0-11-066450-7



780110 664507