

1987 No. 771 (S. 60)

COURT OF SESSION, SCOTLAND

TEINDS

The Court of Session etc. Fees Amendment (No.2)
Order 1987

<i>Made</i>	<i>23rd April 1987</i>
<i>Laid before Parliament</i>	<i>8th May 1987</i>
<i>Coming into force</i>	<i>1st June 1987</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:

1. This Order may be cited as the Court of Session etc. Fees Amendment (No. 2) Order 1987 and shall come into force on 1st June 1987.
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.
3. The Court of Session etc. Fees Amendment Order 1986(c) and the Court of Session etc. Fees Amendment Order 1987(d) are hereby revoked.

New St Andrew's House, Edinburgh
7th April 1987

Ian Lang
Parliamentary Under Secretary of State,
Scottish Office

We concur,

23rd April 1987

Tim Sainsbury
Mark Lennox-Boyd
Two of the Lords Commissioners of Her Majesty's Treasury

(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. 1986/450 and 1987/38.
(c) S.I. 1986/450.
(d) S.I. 1987/38.

SCHEDULE
TABLE OF FEES

Article 2

Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)(a)
PART I – FEES IN THE CENTRAL OFFICE OF THE COURT		
A. SIGNETING		
Signeting of any writ or summons, if attendance is necessary out-with the normal office hours	£ 25.00	£ 21.00
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)	£ 40.00	£ 35.00
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 170I, 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 170I, of those Rules, where such intimation is required by the court	£ 5.50	£ 5.50
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	£ 40.00	£ 35.00
6. Special case –		
(a) Where two parties only	£ 40.00	£ 35.00
(b) For each additional party	£ 20.00	£ 17.00
Maximum fee payable per case	£ 80.00	£ 67.00
7. Minute by either party for variation of an order in a consistorial cause	£ 9.50	£ 9.50
8. Letter of request to a foreign court	£ 11.00	£ 9.50
9. Citation of each jury, to include outlays incurred in citing and countermanding – payable on receipt of instructions for issue of precept	£ 40.00	£ 30.50
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, and any application for registration or recognition of a judgement from a Contracting State under the Civil Jurisdiction and Judgement Acts 1982(b) – inclusive fee	£ 40.00	£ 35.00

(a) Column 3 shows the fees which were payable under S.I. 1986/450 and 1987/38 before the coming into force of this Order.

(b) 1982 c.27.

Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)
2. Petition to be admitted as a notary public:		
(a) Where there is one applicant	£ 40.00	£ 35.00
(b) For each additional applicant	£ 40.00	£ 35.00
3. Answers and objections to petitions to which item C1 of this table applies – inclusive fee	£ 40.00	£ 35.00
4. Caveat	£ 11.00	£ 9.50
5. Fiat	£ 11.00	£ 9.50
6. Registering office copies of orders of courts in England and Wales or Northern Ireland	£ 5.00	£ 4.50
7. Authentication by judge of act of warrant in terms of section 70 of the Bankruptcy (Scotland) Act 1913(a)	£ 5.00	£ 3.50
8. Issue of an abbreviate in sequestration	£ 5.00	£ 3.50
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
 D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS		
Appeal – inclusive fee	£ 40.00	£ 35.00
 E. ELECTION COURT		
1. Parliamentary election petition	£ 40.00	£ 35.00
2. Statement of matters	£ 5.00	£ 4.50
3. Any other petition, application, answers or objections submitted to the court	£ 11.00	£ 10.50
4. Certificate of judgement	£ 11.00	£ 9.50
 F. LANDS VALUATION APPEAL COURT		
1. Appeal – inclusive fee	£ 40.00	£ 35.00
2. Answers – inclusive fee	£ 40.00	£ 35.00
 G. EXTRACTS DEPARTMENT		
1. Extract decree following upon a summons, petition or appeal, or after protestation of a note, and whether in absence or otherwise	£ 11.00	£ 10.50
2. Extract of admission as a solicitor	£ 10.00	£ 8.50
3. Extract of protestation	£ 10.00	£ 8.50
4. Certificate under Judgments Extension Act 1868(b) or under the Civil Jurisdiction and Judgments Act 1982	£ 5.00	£ 4.50
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	£ 5.00	£ 4.50

(a) 1913 c.20.

(b) 1868 c.54.

Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)
(b) Certificate of divorce in decree pronounced prior to 23rd September 1975	£ 5.00	£ 4.50
(c) Certified copy interlocutor in decree pronounced prior to 23rd September 1975	£ 5.00	£ 4.50
6. Extract from the Register of Acts and Decrees – per sheet of 250 words	£ 5.00	£ 4.50
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise	£ 5.00	£ 4.50

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–		
0.333% of the value of the estate as disclosed		
minimum fee payable	£ 10.00	£ 8.00
maximum fee payable	£250.00	£200.00
3. For auditing each account		
basic fee	£ 5.00	£ 5.00
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%
4. For reporting <i>re</i> discharge, special powers or on other special matters	£ 16.00 to £ 75.00	£ 16.00 to £ 65.00
4A. For granting consent in terms of section 2(4) of the Trusts (Scotland) Act 1961(a)	£ 40.00	£ 40.00
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	£ 10.00	£ 3.00
<i>II. In Bankruptcies</i>		
7. For application 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	£ 10.00
(b) For registering copy act and warrant	£ 10.00	£ 10.00
9. For supervising proceedings in sequestration:		
percentage fee on amount to be divided amongst preferred and ordinary creditors	5%	5%

(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)
10. For any special report to court	£ 16.00 to £ 65.00	£ 16.00 to £ 65.00
11. For considering and issuing deliverance in appeal against trustee's commission:—		
basic fee	£ 4.00	£ 4.00
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	£ 5.00
additional percentage fee on trustee's commission as fixed	17½%	17½%
13. For examination of the sederunt book and related work	£ 18.00	£ 18.00
14. For granting certificate of discharge to interim trustee	£ 14.00	5.00
15. For granting certificate of discharge to debtor	£ 5.00	£ 5.00
16. For report on bankrupt's petition for discharge	£ 14.00	£ 14.00
17. (a) For any consent in sequestration, other than is referred to at paragraph (b) below	£ 10.00	£ 10.00
(b) For concurrence in private sale of heritage under the Bankruptcy (Scotland) Act 1913(a) —		
basic fee	£ 10.00	£ 10.00
additional fee for each £1,000 or part thereof (excluding the first £1,000) of value of heritage	£ 5.00	£ 5.00
maximum fee payable	£180.00	£180.00
18. For calling meetings of creditors:—		
basic fee	£ 20.00	£ 20.00
19. For attendance at meeting of creditors:—		
fee per person per hour or part thereof, including travelling time	£ 15.00	£ 15.00
20. For work in relation to protected trust deeds	£ 20.00	£ 20.00
<i>III. In consignations</i>		
21. For lodging consignment	£ 3.00	£ 3.00
22. For producing or delivering up:		
basic fee	£ 6.00	£ 6.00
additional fee for every £100 or part thereof uplifted	£ 0.50	£ 0.50
maximum fee payable	£ 25.00	£ 25.00
<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)
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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	£ 40.00	£ 35.00
2. Certifying of any other document (plus copying charges if necessary)	£ 5.00	£ 3.50
3. Recording, engrossing, extracting or copying-all documents:		
(a) By manuscript or typescript – per sheet of 250 words	£ 3.00	£ 2.50
(b) By copying by electrical or mechanical means – per page:		
first copy	£ 1.00	£ 1.00
subsequent copies	£ 0.25	£ 0.25
4. Searches-for any search of records or archives:		
(a) For first half hour of time taken	£ 5.00	£ 3.50
(b) For more than one half hour up to a maximum of two hours	£ 10.00	£ 8.50
(c) For each half hour or part thereof in excess of two hours	£ 3.00	£ 2.50
(d) Plus correspondence fee where applicable	£ 3.00	£ 2.50
5. Captions:		
(a) Marking caption when ordered	£ 3.00	£ 2.50
(b) Warrant for caption when issued	£ 3.00	£ 2.50

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. Previous Orders increasing fees are revoked.

£1.30 net

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