

1988 No. 1892 (S.180)

COURT OF SESSION, SCOTLAND

The Court of Session Etc. Fees Amendment (No.3)
Order 1988

Made - - - - - 31st October 1988

Laid before Parliament 9th November 1988

Coming into force 30th November 1988

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.3) Order 1988 and shall come into force on 30th November 1988.

2. Article 4 of the Court of Session Etc. Fees Order 1984(b) shall be amended by adding at the end the following paragraph:-

“(2) No fees shall be payable by a debtor in connection with any proceedings under the Debtors (Scotland) Act 1987(c).”.

3. In the table of fees in the Schedule to the Court of Session Etc. Fees Order 1984-

(1) Items B2 to B11 shall be renumbered B3 to B12;

(2) there shall be inserted immediately after item B1

(i) in Column I (Matters)-

“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 consistorial cause.”;

(ii) in Column 2 (Fee payable)— “£45”; and

(iii) in Column 3 (Fee formerly payable)— “£40”.

(3) The renumbered item B6 shall be amended as follows:-

(i) in Column 1 by deleting the words “cause or proceeding” and substituting the words “consistorial cause”, and

(ii) in Column 2 by deleting “£45” and substituting “£40”.

(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; the relevant amending instrument is S.I. 1988/799.

(c) 1987 c.18.

St. Andrew's House, Edinburgh
26th October 1988

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

We concur,

31st October 1988

David Lightbown
David Maclean
Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order reduces the fee payable to the Principal Clerk of Session and Justiciary for defending a consistorial action to the same level as that prescribed for commencing the action.

This Order provides that no fees are payable by a debtor for proceedings under the Debtors (Scotland) Act 1987.

45p net

ISBN 0 11 087892 2