
STATUTORY INSTRUMENTS

1996 No. 514 (S.48)

COURT OF SESSION, SCOTLAND

The Court of Session etc. Fees Amendment Order 1996

Made - - - - *28th February 1996*

Laid before Parliament *11th March 1996*

Coming into force - - *1st April 1996*

The Secretary of State, in exercise of the powers conferred on him by section 2 of the Courts of Law Fees (Scotland) Act 1895(1) 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 Order 1996 and shall come into force on 1st April 1996.
2. For the Table of Fees in the Schedule to the Court of Session etc. Fees Order 1984(2) 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 1994(3) is hereby revoked.

St Andrew's House,
Edinburgh
21st February 1996

James Douglas-Hamilton
Minister of State, Scottish Office

(1) 1895 c. 14; section 2 was substituted by the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12), section 4.
(2) S.I.1984/256, amended by S.I. 1994/3265.
(3) S.I. 1994/3265.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

We concur,

28th February 1996

Simon Burns
Liam Fox
Two of the Lords Commissioners of Her
Majesty's Treasury

SCHEDULE

Article 2

TABLE OF FEES

Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)(4)
PART I—FEES IN THE CENTRAL OFFICE OF THE COURT		
A. SIGNETING		
Signeting of any writ or summons, if attendance is necessary outwith the normal office hours	£55.00	£52.00
B. GENERAL DEPARTMENT		
1. 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— fee (to comprehend signeting in normal office hours and all work up to closed record or, where no closed record is lodged, the determination of the mode of enquiry but excluding items B17 and B18 of this Table)	£93.00	£89.00
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	£93.00	£89.00
3. Writ by which a family action 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)	£70.00	£70.00

(4) Column 3 shows the fees which were payable under S.I. 1984/256 as amended by S.I. 1994/3265 before the coming into force of the Court of Session etc. Fees Amendment Order 1996 (S.I. 1996/514) on 1st April 1996.

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)(4)
4. Simplified divorce application (inclusive of all procedure other than that specified in item B5 of this Table)	£55.00	£55.00
5. In relation to a simplified divorce application, citation of any person under rule 16.1(1)(a)(i), (ii) or (iii) as applied by rule 49.76, of the Rules of the Court of Session 1994(5), 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 by the court	£36.00	£36.00
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	£70.00	£70.00
6A. Fee for initial lodging of affidavits in a family action where proof by affidavit evidence has been allowed	£30.00	£30.00
7. Special case— For each party	£47.00	£44.50
Maximum fee payable per case	£187.00	£178.00
8. Application by Minute or Motion for variation of an order in a family action	£17.00	£17.00
8A. Answers or opposition to an application under item B8 of this Table	£17.00	£17.00
9. Letter of request to a foreign court	£23.00	£22.00

(4) Column 3 shows the fees which were payable under S.I. 1984/256 as amended by S.I. 1994/3265 before the coming into force of the Court of Session etc. Fees Amendment Order 1996 (S.I. 1996/514) on 1st April 1996.

(5) Contained in S.I. 1994/1443.

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)(4)
10. Citation of each jury, to include outlays incurred in citing and countermanding — payable on receipt of instructions for issue of precept	£131.00	£125.00
11. Reclaiming motion— fee payable by party enrolling motion	£93.00	£89.00
12. Closed record— fee payable by each party on the lodging of the closed record or, where no closed record is lodged, when mode of enquiry is determined	£47.00	£44.50
13. Fixing proof— fee payable by each party on diet of proof or jury trial being fixed	£24.00	£23.00
14. Proof, Procedure Roll, Summar Roll— fee payable by each party appearing at the proof or hearing for every 30 minutes or part thereof	£13.00	£12.00
15. Jury Trial— fee payable by each party appearing at the trial for every 30 minutes or part thereof	£13.00	£12.00
16. Hearing other than items B14, B15, B17 and B18 of this Table— fee payable by each party appearing at the hearing for every 30 minutes or part thereof	£13.00	£12.00
17. Motion Roll hearing— fee payable by each party appearing at the hearing <i>after first 30 minutes</i> — for every 30 minutes or part thereof	£13.00	£12.00
18. Hearing out of hours — fee payable by each party appearing at the hearing for every 30 minutes or part thereof	£24.00	£23.00
C. PETITION DEPARTMENT		
1. Petition of whatever nature presented to Inner or	£93.00	£89.00

(4) Column 3 shows the fees which were payable under S.I. 1984/256 as amended by S.I. 1994/3265 before the coming into force of the Court of Session etc. Fees Amendment Order 1996 (S.I. 1996/514) on 1st April 1996.

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)(4)
Outer House other than a petition under item C3 or C3A 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(6)		
2. Additional fee payable when a petition in terms of item C1 of this Table is presented outwith normal office hours	£55.00	£52.00
3. Petition to be admitted as a notary public: For each applicant	£69.00	£66.00
3A. Petition to be admitted as a solicitor: For each applicant	£69.00	£66.00
4. Answers, objections 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	£93.00	£89.00
5. Caveat	£23.00	£22.00
6. Fiat	£23.00	£22.00
7. Registering office copies of orders of courts in England and Wales or Northern Ireland	£9.00	£9.00
8. Authentication by judge of act of warrant in terms of section 70 of the Bankruptcy (Scotland) Act 1913(7)	£9.00	£9.00
9. Issue of an abbreviate in sequestration	£9.00	£9.00

(4) Column 3 shows the fees which were payable under S.I. 1984/256 as amended by S.I. 1994/3265 before the coming into force of the Court of Session etc. Fees Amendment Order 1996 (S.I. 1996/514) on 1st April 1996.

(6) 1982 c. 27.

(7) 1913 c. 20.

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)(4)
10. Reclaiming motion— fee payable by party enrolling motion	£93.00	£89.00
11. Closed record— fee payable by each party on the lodging of the closed record or, when no closed record is lodged, when mode of enquiry is determined	£47.00	£44.50
12. Fixing proof— fee payable by each party on diet of proof being fixed	£24.00	£23.00
13. Application by Minute or Motion for variation of an order in a petition for custody, aliment or access	£18.00	£17.00
14. Answers or opposition to a motion under item C13 of this Table	£18.00	£17.00
15. Registering orders for enforcement under section 426 of the Insolvency Act 1986(8)	£9.00	£9.00
16. Proof, Procedure Roll, Summar Roll— fee payable by each party appearing at the proof or hearing for every 30 minutes or part thereof	£13.00	£12.00
17. Hearing other than items C16, C18 and C19 of this Table — fee payable by each party appearing at the hearing for every 30 minutes or part thereof	£13.00	£12.00
18. Motion Roll Hearing— fee payable by each party appearing at the hearing <i>after first 30 minutes</i> — for every 30 minutes or part thereof	£13.00	£12.00
19. Hearing out of hours — fee payable by each party appearing at the hearing for every 30 minutes or part thereof	£24.00	£23.00

(4) Column 3 shows the fees which were payable under S.I. 1984/256 as amended by S.I. 1994/3265 before the coming into force of the Court of Session etc. Fees Amendment Order 1996 (S.I. 1996/514) on 1st April 1996.

(8) 1986 c. 45.

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)(4)
D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS		
Appeal— inclusive fee	£93.00	£89.00
E. ELECTION COURT		
1. Parliamentary election petition	£93.00	£89.00
2. Statement of matters	£9.00	£9.00
3. Any other petition, application, answers or objections submitted to the court	£23.00	£22.00
4. Certificate of judgement	£23.00	£22.00
F. LANDS VALUATION APPEAL COURT		
1. Appeal— inclusive fee	£93.00	£89.00
2. Answers— inclusive fee	£93.00	£89.00
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	£25.00	£21.00
2. Extract of admission as a solicitor	£22.00	£21.00
3. Extract of protestation	£22.00	£21.00
4. Certificate under the Civil Jurisdiction and Judgments Act 1982	£22.00	£21.00
5. Documentation evidencing divorce, nullity or dissolution of marriage:	£14.00	£13.00
(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	£14.00	£13.00

(4) Column 3 shows the fees which were payable under S.I. 1984/256 as amended by S.I. 1994/3265 before the coming into force of the Court of Session etc. Fees Amendment Order 1996 (S.I. 1996/514) on 1st April 1996.

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)(4)
(c) (c) Certified copy interlocutor in decree pronounced prior to 23rd September 1975	£14.00	£13.00
6. Extract from the Register of Acts and Decrees— per sheet or part thereof	£14.00	£13.00
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise	£14.00	£13.00
8. Acknowledgement of receipt of a notice under section 19(6) or 21(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970(9)	£22.00	£21.00
9. Acknowledgement of receipt of an offer under section 9 of the Conveyancing Amendment (Scotland) Act 1938(10)	£22.00	£21.00
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	£22.00	£21.00
in Sheriff Court appointments	£16.00	£15.00
2. For examining factor's inventory— 0.333% of the value of the estate as disclosed minimum fee payable	£17.00	£16.00
maximum fee payable	£410.00	£390.00
3. For auditing each account— basic fee	£9.00	£9.00

(4) Column 3 shows the fees which were payable under S.I. 1984/256 as amended by S.I. 1994/3265 before the coming into force of the Court of Session etc. Fees Amendment Order 1996 (S.I. 1996/514) on 1st April 1996.

(9) 1970 c. 35.

(10) 1938 c. 24; section 9, was amended by the Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35), section 46, and by the Land Tenure Reform (Scotland) Act 1974 (.38), section 13.

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)(4)
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%	17.5%
4. For reporting <i>re</i> discharge, special powers or other special matters	£27.00 to £126.00	£26.00 to £120.00
4A. For granting consent in terms of section 2(4) of the Trusts (Scotland) Act 1961(11) and rule 61.14 of the Rules of the Court of Session 1994	£66.00	£63.00
5. For report on scheme of division— basic fee	£16.00	£15.00
additional fee for each £1,000 (excluding the first £1,000) or part thereof of value of estate to be divided	£9.00	£9.00
maximum fee payable	£287.00	£273.00
6. For certificate under seal	£17.00	£16.00
II. In Consignations		
7. For lodging consignment	£13.00	£12.00
8. For producing or delivering up— basic fee	£13.00	£12.00
additional fee for every £100 or part thereof uplifted	£1.00	£1.00
maximum fee payable	£43.00	£41.00
III. Liquidations		
9. For receiving and uplifting bond of caution	£4.00	£4.00
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	£12.00	£12.00

(4) Column 3 shows the fees which were payable under S.I. 1984/256 as amended by S.I. 1994/3265 before the coming into force of the Court of Session etc. Fees Amendment Order 1996 (S.I. 1996/514) on 1st April 1996.

(11) 1961 c. 57; section 2 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55), section 8.

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)(4)
proceedings in the High Court of Justiciary) remitted to the Auditor of the Court of Session for taxation:		
(a) Auditor's fee on lodging account for taxation		
(b) (b) Auditor's fee for taxing accounts of expenses etc.	£12.00	£12.00
(i) under £300		
(ii) for every additional £100 or part thereof	£4.00	£4.00
<i>Note:</i> 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	£93.00	£89.00
2. Certifying of any other document (plus copying charges if necessary)	£9.00	£9.00
3. Recording, engrossing, extracting or copying— all documents:	£6.00	£6.00
(a) By manuscript or typescript— per sheet or part thereof		
(b) (b) By copying by any other means—	£1.00	£1.00
first copy: each of first 10 pages		
each page after first 10	£0.30	£0.30
subsequent copies: each page	£0.30	£0.30
4. Searches— for any search of records or archives:	£9.00	£9.00

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(a) For first half hour of time taken		
(b) (b) For more than one half hour up to a maximum of two hours	£22.00	£21.00
(c) (c) For each half hour or part thereof in excess of two hours	£6.00	£6.00
(d) (d) Correspondence fee where applicable	£6.00	£6.00
5. Captions:	£5.00	£5.00
(a) Marking caption when ordered		
(b) (b) Warrant for caption when issued	£5.00	£5.00
6. Rolls of Court— annual subscription fee per copy including delivery of same	£600.00	£600.00

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases from 1st April 1996 most of the fees payable to the Principal Clerk of Session, to the Accountant of Court and to the Auditor of the Court of Session or to any officer acting for any of them respectively in relation to proceedings in the Court of Session and specialised courts and offices. The increases average 4 %.

(4) Column 3 shows the fees which were payable under S.I. 1984/256 as amended by S.I. 1994/3265 before the coming into force of the Court of Session etc. Fees Amendment Order 1996 (S.I. 1996/514) on 1st April 1996.