
STATUTORY INSTRUMENTS

1993 No. 427 (S.47)

COURT OF SESSION, SCOTLAND

The Court of Session etc. Fees Amendment Order 1993

<i>Made</i>	- - - -	<i>2nd March 1993</i>
<i>Laid before Parliament</i>		<i>11th March 1993</i>
<i>Coming into force</i>	- -	<i>1st April 1993</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((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 1993 and shall come into force on 1st April 1993.
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 1992((3)) and the Court of Session etc. Fees Amendment (No. 2) Order 1992((4)) are hereby revoked.

St. Andrew's House,
Edinburgh
24th February 1993

Fraser of Carmyllie
Minister of State, Scottish Office

(1) 1895 c. 14; section 2 was substituted by section 4 of the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12).
(2) S.I. 1984/256, amended by S.I. 1992/414 and S.I. 1992/1230.
(3) S.I. 1992/414.
(4) S.I. 1992/1230.

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We concur,

2nd March 1993

T.J.R. Wood
Nicholas Baker
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) (5)
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	£ 45.00	£ 43.00
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 — fee (to comprehend signeting in normal office hours)	£ 77.00	£ 73.00
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 consistorial cause	£ 77.00	£ 73.00
3. 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

(5) Column 3 shows the fees which were payable under S.I. 1984/256 as amended by S.I. 1992/414 and S.I. 1992/1230 before the coming into force of the Court of Session etc. Fees Amendment Order 1993 (S.I. 1993/427) on 1st April 1993.

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)((5))
4. Simplified divorce application (inclusive of all procedure other than that specified in item B5 of this Table)	£ 40.00	£ 40.00
5. 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	£ 31.00	£ 29.50
6. 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 appearance in a consistorial cause	£ 40.00	£ 40.00
7. Special case—	£ 77.00	£ 73.00
(a) Where two parties only		
(b) (b) For each additional party	£ 38.50	£ 36.50
Maximum fee payable per case	£154.00	£145.00
8. Application by Minute or Motion for variation of an order in a consistorial cause	£ 15.00	£ 14.00
8A. Answers or opposition to an application under item B8 of this Table	£ 15.00	£ 14.00
9. Letter of request to a foreign court	£ 19.00	£ 18.00
10. Citation of each jury to include outlays incurred in	£100.00	£ 95.00

(5) Column 3 shows the fees which were payable under S.I. 1984/256 as amended by S.I. 1992/414 and S.I. 1992/1230 before the coming into force of the Court of Session etc. Fees Amendment Order 1993 (S.I. 1993/427) on 1st April 1993.

Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable) ⁽⁵⁾
citing and countermanding — payable on receipt of instructions for issue of precept		
11. Reclaiming motion — fee payable by party enrolling motion	£ 77.00	£ 73.00
12. Closed record — fee payable by each party on the lodging of the closed record	£ 38.50	£ 36.50
13. Fixing proof — fee payable by each party on diet of proof or jury trial being fixed	£ 20.00	—
C. PETITION DEPARTMENT		
1. Petition of whatever nature presented to Inner or Outer House other than a petition under item C3 and 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⁾	£ 77.00	£ 73.00
2. Additional fee payable when a petition in terms of item C1 of this Table is presented outwith normal office hours	£ 45.00	£ 43.00
3. Petition to be admitted as a notary public:	£ 57.00	£ 54.00
(a) Where there is one applicant		
(b) (b) For each additional applicant	£ 57.00	£ 54.00
3A. Petition to be admitted as a solicitor:	£ 57.00	£ 54.00
(a) Where there is one applicant		
(b) (b) For each additional applicant	£ 57.00	£ 54.00

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(6) 1982 c. 27.

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable) ⁽⁵⁾
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	£ 77.00	£ 73.00
5. Caveat	£ 19.00	£ 18.00
6. Fiat	£ 19.00	£ 18.00
7. Registering office copies of orders of courts in England and Wales or Northern Ireland	£ 8.00	£ 8.00
8. Authentication by judge of act of warrant in terms of section 70 of the Bankruptcy (Scotland) Act 1913 ⁽⁷⁾	£ 8.00	£ 8.00
9. Issue of an abbreviate in sequestration	£ 8.00	£ 8.00
10. Reclaiming motion — fee payable by party enrolling motion	£ 77.00	£ 73.00
11. Closed record — fee payable by each party on the lodging of the closed record	£ 38.50	£ 36.50
12. Fixing proof — fee payable by each party on diet of proof being fixed	£ 20.00	—
13. Application by Minute or Motion for variation of an order in a Petition for custody, aliment or access	£ 15.00	£ 14.00
14. Answers or opposition to a Motion under item C13 of this Table	£ 15.00	£ 14.00
15. Registering orders for enforcement under section 426 of the Insolvency Act 1986 ⁽⁸⁾	£ 8.00	£ 8.00

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(7) 1913 c. 20.

(8) 1986 c. 45.

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable) ⁽⁵⁾
D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS		
Appeal — inclusive fee	£ 77.00	£ 73.00
E. ELECTION COURT		
1. Parliamentary election petition	£ 77.00	£ 73.00
2. Statement of matters	£ 8.00	£ 8.00
3. Any other petition, application, answers or objections submitted to the court	£ 19.00	£ 18.00
4. Certificate of judgement	£ 19.00	£ 18.00
F. LANDS VALUATION APPEAL COURT		
1. Appeal — inclusive fee	£ 77.00	£ 73.00
2. Answers — inclusive fee	£ 77.00	£ 73.00
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	£ 18.00	£ 17.00
2. Extract of admission as a solicitor	£ 18.00	£ 17.00
3. Extract of protestation	£ 18.00	£ 17.00
4. Certificate under the Civil Jurisdiction and Judgments Act 1982	£ 18.00	£ 17.00
5. Documentation evidencing divorce, nullity or dissolution of marriage:	£ 11.00	£ 10.00
(a) Extract from Consistorial Register of Decrees of decree pronounced on or after 23rd September 1975 if not issued in		

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable) ((5))
terms of item B3 or B4 of this Table		
(b) (b) Certificate of divorce in decree pronounced prior to 23rd September 1975	£ 11.00	£ 10.00
(c) (c) Certified copy interlocutor in decree pronounced prior to 23rd September 1975	£ 11.00	£ 10.00
6. Extract from the Register of Acts and Decrees — per sheet or part thereof	£ 11.00	£ 10.00
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise	£ 11.00	£ 10.00
8. Acknowledgement of receipt of a notice under section 19(6) or 21(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970 ((9))	£ 18.00	£ 17.00
9. Acknowledgement of receipt of an offer under section 9 of the Conveyancing Amendment (Scotland) Act 1938 ((10)) .	£ 18.00	£ 17.00
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	£ 18.00	£ 17.00
in Sheriff Court appointments	£ 13.00	£ 12.00

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(9) 1970 c. 35.

(10) 1938 c. 24.

Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable) ((5))
2. For examining factor's inventory— 0.333% of the value of the estate as disclosed		
minimum fee payable	£ 14.00	£ 13.00
maximum fee payable	£340.00	£324.00
3. For auditing each account—		
basic fee	£ 8.00	£ 7.00
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 re discharge, special powers or other special matters	£23.00 to £105.00	£21.00 to £97.00
4A. For granting consent in terms of section 2(4) of the Trusts (Scotland) Act 1961 ((11)) and the Act of Sederunt (Rules of the Court of Session — Amendment No 1) (Miscellaneous) 1990 ((12))	£ 55.00	£ 52.00
5. For report on scheme of division—		
basic fee	£ 13.00	£ 12.00
additional fee for each £1,000 (excluding the first £1,000) or part thereof of value of estate to be divided	£ 8.00	£ 7.00
maximum fee payable	£237.00	£226.00
6. For certificate under seal	£ 14.00	£ 13.00
II. In Consignations		
7. For lodging consignment	£ 10.00	£ 4.00
8. For producing or delivering up—		

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

(12) S.I. 1990/705.

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Column 1 (Matters)	Column 2 (Fee payable)	Column 3 (Fee formerly payable)((5))
basic fee	£ 10.00	£ 7.00
additional fee for every £100 or part thereof uplifted	£ 1.00	£ 1.00
maximum fee payable	£ 36.00	£ 32.00
III. Liquidations		
9. 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		
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	£ 77.00	£ 73.00
2. Certifying of any other document (plus copying charges if necessary)	£ 8.00	£ 8.00
3. Recording, engrossing, extracting or copying-all documents:	£ 5.00	£ 5.00
(a) By manuscript or typescript — per sheet or part thereof		

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(b) (b) By copying by electrical or mechanical means—		
first copy: each of first 10 pages	£ 1.00	£ 1.00
each page after first 10	£ 0.25	£ 0.25
subsequent copies: each page	£ 0.25	£ 0.25
4. Searches-for any search of records or archives:	£ 8.00	£ 8.00
(a) For first half hour of time taken		
(b) (b) For more than one half hour up to a maximum of two hours	£ 18.00	£ 17.00
(c) (c) For each half hour or part thereof in excess of two hours	£ 5.00	£ 5.00
(d) (d) Plus correspondence fee where applicable	£ 5.00	£ 5.00
5. Captions:	£ 4.00	£ 4.00
(a) Marking caption when ordered		
(b) (b) Warrant for caption when issued	£ 4.00	£ 4.00
6. Rolls of Court — annual subscription fee per copy including delivery of same	£600.00	£595.00

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases from 1st April 1993 most of the fees payable to the Principal Clerk of Session and Justiciary, or any officer acting for him, in relation to proceedings in the Court of Session and the specialised courts. It also introduces a new fee at items B13 and C12 payable by each party on a

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diet of proof or jury trial being fixed, and extends the scope of the existing fee at item C3A (petition to be admitted as a Solicitor) for additional applicants.

There are omitted from this Order fees payable in respect of matters relating to the Accountant in Bankruptcy. These will be dealt with separately.