
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Court of Session etc. Fees Order 1997 (“the 1997 Order”).

The Order amends article 5 of the 1997 Order (exemption of certain persons from fees in simplified divorce actions) so as to provide exemption from the fees payable under the Order for persons in receipt of certain forms of benefits and legal aid (article 2(2)). The exemption is also extended to proceedings generally.

The Order also specifies for fees payable to the Principal Clerk of Session, to the Accountant of Court and to the Auditor of Court of Session or to any officer acting for any of them respectively in relation to proceedings in the Court of Session, new fee levels in substitution for those applicable since the 1997 Order was last amended on 1st April 1999. The increases represent an average of approximately 9% except—

- (a) for fees payable in relation to a hearing before a Judge (where the increase is 25%);
- (b) the lodging fee to be paid to the Auditor of Court increases from £12 to £30; and
- (c) the Auditor’s fee for taxing the first £400 (formerly £300) of an account increases from £12 to £16 (article 2(3) and the Schedule).

Finally, the Order simplifies the fees payable in relation to recording, engrossing and copying documents and makes new provision for fees payable in connection with the cancellation of a diet of taxation or a remit to the Auditor to determine whether an additional fee should be paid (article 2(3) and the Schedule, in particular items I2, I3 and J3).