

2008 No. 236

COURT OF SESSION

The Court of Session etc. Fees Amendment Order 2008

Made - - - - - *6th June 2008*

Laid before the Scottish Parliament *6th June 2008*

Coming into force in accordance with article 1

The Scottish Ministers make the following Order in exercise of the powers conferred by section 2 of the Courts of Law Fees (Scotland) Act 1895(a) and all other powers enabling them to do so.

Citation and commencement

1.—(1) This Order may be cited as the Court of Session etc. Fees Amendment Order 2008 and, subject to paragraphs (2) and (3), shall come into force on 1st August 2008.

(2) Article 2(2)(b) and Schedule 2 shall come into force, and article 2(2)(a) and Schedule 1 shall cease to have effect, on 1st April 2009.

(3) Article 2(2)(c) and Schedule 3 shall come into force, and article 2(2)(b) and Schedule 2 shall cease to have effect, on 1st April 2010.

Amendment of the Court of Session etc. Fees Order 1997

2.—(1) The Court of Session etc. Fees Order 1997(b) shall be amended in accordance with the following paragraph.

(2) The Table of Fees in Schedule 1(c) shall be substituted by—

- (a) the Table of Fees in Schedule 1 to this Order on 1st August 2008;
- (b) the Table of Fees in Schedule 2 to this Order on 1st April 2009; and
- (c) the Table of Fees in Schedule 3 to this Order on 1st April 2010.

KENNY MACASKILL

A member of the Scottish Executive

St Andrew's House,
Edinburgh
6th June 2008

(a) 1895 c.14; section 2 was amended by the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c.12), section 4, and modified by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), articles 2(1) and 4 and Schedule 2 Part I, paragraph 9, and Part IV. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1997/688 as amended by S.I. 1999/755 and S.S.I. 2002/270 and 2007/319.

(c) Schedule 1 to the Court of Session etc. Fees Order 1997 was substituted by S.S.I. 2002/270, article 2(3) and 2007/319, article 2(4).

SCHEDULE 1

Article 2(2)(a), as read with
article 1

TABLE OF FEES

Fees payable from 1st August 2008

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable(a)) £</i>
<p>PART I – FEES IN THE CENTRAL OFFICE OF THE COURT</p> <p>A. SIGNETING</p> <p>Signeting of any writ or summons, if attendance is necessary outwith the normal office hours</p>	100	70
<p>B. GENERAL DEPARTMENT</p> <p>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)</p>	170	120
<p>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 course or proceeding other than a family action</p>	170	120
<p>3. Writ by which a family action is originated (other than a simplified divorce or dissolution of a civil partnership 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)</p>	130	92

(a) Column 3 shows the fees which were payable under S.S.I. 2007/319 immediately before the coming into force of this Schedule. Where there is no entry in column 3 but an entry in column 2, the matter is new or has been amended such that no direct comparison can be made with the fee formerly payable.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
4. Simplified divorce or dissolution of a civil partnership application (inclusive of all procedure other than that specified in item B5 of this Table)	100	70
5. In relation to a simplified divorce or dissolution of a civil partnership application, citation of any persons under rule 16.1(1)(a)(i), (ii) or (iii), as applied by rule 49.76, of the Rules of Court, 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.	Charge of the sheriff officer to serve document plus £10	Charge of the sheriff officer to serve document plus £10
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	130	92
7. Fee for initial lodging of affidavits in a family action where proof by affidavit evidence has been allowed	55	40
8. Special case– For each party Maximum fee payable per case	85 345	60 243
9. Application by minute or motion for variation of an order in a family action	30	21
10. Answers or opposition to an application under item B9 of this Table	30	21
11. Letter of request to a foreign court	45	31
12. Citation of each jury, to include outlays incurred in citing and countermanding - payable on receipt of instruments for issue of precept	240	168
13. Reclaiming motion - fee payable by party enrolling motion	170	120

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
14. 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	85	60
15. Allowing proof, etc. - fee payable by each party on diet of proof, jury trial, procedure roll or summar roll hearing being allowed	45	32
16. For the items in B17 to B25 the fee is payable by each party appearing at the hearing after first 30 minutes or part thereof– - For every 30 minutes or part thereof		
17. Proof or Procedure Roll (B16 applies)	40	18
18. Summar Roll (B16 applies)	40	18
19. Jury Trial (B16 applies)	40	18
20. Outer House hearing (other than Proof or Procedure Roll, Jury Trial, Motion Roll hearing or hearings out of hours) (B16 applies)	40	18
21. Inner House hearing (other than Summar Roll, Single Bills hearing or hearings out of hours) (B16 applies)	95	37
22. Motion Roll hearing (B16 applies)	40	18
23. Single Bills hearing (B16 applies)	95	37
24. Outer House hearings out of hours (B16 applies)	55	37
25. Inner House hearings out of hours (B16 applies)	120	37
26. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion	45	31

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
C. PETITION DEPARTMENT		
1. Petition of whatever nature presented to Inner or Outer House other than a petition under item C3 or C4 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(a)	170	120
2. Additional fee payable when a petition in terms of item C1 of this Table is presented outwith normal office hours	100	70
3. Petition to be admitted as a notary public: For each applicant	130	90
4. Petition to be admitted as a solicitor: For each applicant	130	90
5. Answers, objection 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	170	120
6. Caveat	45	31
7. Fiat	45	31
8. Registering official copies of orders of courts in England and Wales or Northern Ireland	15	11
9. Issue of an abbreviate in sequestration	15	11
10. Reclaiming motion – fee payable by party enrolling motion	170	120
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	85	60

(a) 1982 c.27.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
12. Allowing proof, etc. – fee payable by each party on diet of proof, procedure roll, summar roll or judicial review hearing being allowed	45	32
13. Registering orders for enforcement under section 426 of the Insolvency Act 1986(a)	15	11
14. For the items in C15 to C23 the fee is payable by each party appearing at the hearing after first 30 minutes or part thereof– - For every 30 minutes or part thereof	40	18
15. Proof or Procedure Roll (C14 applies)	40	18
16. Summar Roll (C14 applies)	40	18
17. Jury Trial (C14 applies)	40	18
18. Outer House hearing (other than Proof or Procedure Roll, Jury Trial, Motion Roll hearing or hearings out of hours) (C14 applies)	40	18
19. Inner House hearing (other than Summar Roll, Single Bills hearing or hearings out of hours) (C14 applies)	95	37
20. Motion Roll hearing (C14 applies)	55	18
21. Single Bills hearing (C14 applies)	95	37
22. Outer House hearings out of hours (C14 applies)	55	37
23. Inner House hearings out of hours (C14 applies)	120	37
24. Fee payable by any party enrolling a motion or making a motion orally at the bar; and any party opposing any such motion	45	31
25. Lodging of notice of appointment or intention to appoint an administrator out of court under the Insolvency Act 1986	170	120

(a) 1986 c.45.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS		
Appeal – inclusive fee	170	120
E. ELECTION COURT		
1. Parliamentary election petition	170	120
2. Statement of matters	15	11
3. Any other petition, application, answers or objections submitted to the court	45	31
4. Certificate of judgement	45	31
F. LANDS VALUATION APPEAL COURT		
1. Appeal - inclusive fee	170	120
2. Answers - inclusive fee	170	120
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	45	33
2. Extract of admission as a solicitor	40	29
3. Extract of protestation	40	29
4. Certificate under the Civil Jurisdiction and Judgments Act 1982	40	29
5. Documentation evidencing divorce, nullity or dissolution of marriage or civil partnership:		
(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	25	17
(b) Certificate of divorce in decree pronounced prior to 23rd September 1975	25	17

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
(c) Certified copy interlocutor in decree pronounced prior to 23rd September 1975	25	17
6. Extract from the Register of Acts and Decrees – per sheet or part thereof	25	17
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise	25	17
8. Acknowledgement of receipt of a notice under section 19(6) or 21(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970(a)	40	29
9. Acknowledgement of receipt of an offer under section 9 of the Conveyancing Amendment (Scotland) Act 1938(b)	40	29
PART II – FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT		
H. OFFICE OF THE ACCOUNTANT OF COURT		
<i>I. In Factories</i>		
1. For registering case and receiving and delivering up bond of caution–		
(a) in Court of Session appointments	30	29
(b) in Sheriff Court appointments	20	19
2. For examining factor's inventory – 0.333% of the value of the estate as disclosed		
(a) minimum fee payable	20	21
(b) maximum fee payable	575	530

(a) 1970 c.35.

(b) 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 (c.38), section 13.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
3. For auditing each account– (a) basic fee (b) 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)	10 17.5%	11 17.5%
4. For reporting <i>re</i> discharge, special powers or on other special matters	105	95
5. For report on scheme of division	105	95
6. For certificate under seal	25	21
<i>II. In Consignations</i>		
7. For lodging consignment	15	16
8. For producing or delivering up consignment– (a) basic fee (b) additional fee for every £100 or part thereof uplifted (c) maximum fee payable	15 1 60	16 1 55
<i>III. Liquidations</i>		
9. For uplifting bond of caution	5	5
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:		
(a) Auditor's fee on lodging account for taxation	34	34

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
(b) Auditor's fee for taxing accounts for expenses etc. (i) up to £400 (ii) for every additional £100 or part thereof <i>Note: fee to be determined by the Auditor of the Court of Session on amount of account as submitted</i>	18 5	18 5
2. Fee for assessing account remitted to the Auditor to determine whether an additional fee should be paid	226	226
3. Fee for cancellation of diet of taxation— (a) where written notice of cancellation received by receiving party after 4.00 pm on the fourth working day prior to the diet of taxation (b) where written notice of cancellation received by receiving party after 4.00 pm on the working day before or the day of the diet of taxation	50% of fee that would have been payable under item I1(b) of this Table 75% of fee that would have been payable under item I1(b) of this Table	50% of fee that would have been payable under item I1(b) of this Table 75% of fee that would have been payable under item I1(b) of this Table
PART IV – FEES COMMON TO ALL OFFICES J. MISCELLANEOUS		
1. Certified copy of proceedings for appeal to the House of Lords	170	120
2. Certifying of any other document (plus copying charges if necessary)	15	11
3. Recording, extracting, engrossing or copying- all documents (exclusive of search fee)— (a) Copying of each document up to 10 pages for each page or part thereof (in excess of 10 pages)	5 0.50	- 0.20

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
(b) Copy of each document copied to CD or in electronic form	5	3
4. Searches – for any search of records or archives:		
(a) Up to 30 minutes	15	11
(b) For more than 30 minutes up to 2 hours	35	29
(c) For each additional 30 minutes (in excess of 2 hours)	10	8
(d) In addition, correspondence fee where applicable	10	8
5. Captions:		
(a) Marking caption when ordered	10	6
(b) Warrant for caption when issued	10	6

SCHEDULE 2

Article 2(2)(b), as read with
article 1

TABLE OF FEES

Fees payable from 1st April 2009

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable(a)) £</i>
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	100	100
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)	175	170
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 course or proceeding other than a family action	175	170
3. Writ by which a family action is originated (other than a simplified divorce or dissolution of a civil partnership 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)	135	130

(a) Column 3 shows the fees which were payable in Schedule 1 to this Order immediately before the coming into force of this Schedule. Where there is no entry in column 3 but an entry in column 2, the matter is new or has been amended such that no direct comparison can be made with the fee formerly payable.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable) £</i>
4. Simplified divorce or dissolution of a civil partnership application (inclusive of all procedure other than that specified in item B5 of this Table)	100	100
5. In relation to a simplified divorce or dissolution of a civil partnership application, citation of any persons under rule 16.1(1)(a)(i), (ii) or (iii), as applied by rule 49.76, of the Rules of Court, 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.	Charge of the sheriff officer to serve document plus £10	Charge of the sheriff officer to serve document plus £10
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	135	130
7. Fee for initial lodging of affidavits in a family action where proof by affidavit evidence has been allowed	60	55
8. Special case– For each party Maximum fee payable per case	 90 355	 85 345
9. Application by minute or motion for variation of an order in a family action	30	30
10. Answers or opposition to an application under item B9 of this Table	30	30
11. Letter of request to a foreign court	45	45
12. Citation of each jury, to include outlays incurred in citing and countermanding - payable on receipt of instruments for issue of precept	245	240
13. Reclaiming motion - fee payable by party enrolling motion	175	170

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable) £</i>
14. 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	85	85
15. Allowing proof, etc. - fee payable by each party on diet of proof, jury trial, procedure roll or summar roll hearing being allowed	45	45
16. For the items in B17 to B25 the fee is payable by each party appearing at the hearing after first 30 minutes or part thereof– - For every 30 minutes or part thereof		
17. Proof or Procedure Roll (B16 applies)	45	40
18. Summar Roll (B16 applies)	45	40
19. Jury Trial (B16 applies)	45	40
20. Outer House hearing (other than Proof or Procedure Roll, Jury Trial, Motion Roll hearing or hearings out of hours) (B16 applies)	45	40
21. Inner House hearing (other than Summar Roll, Single Bills hearing or hearings out of hours) (B16 applies)	95	95
22. Motion Roll hearing (B16 applies)	45	40
23. Single Bills hearing (B16 applies)	95	95
24. Outer House hearings out of hours (B16 applies)	55	55
25. Inner House hearings out of hours (B16 applies)	120	120
26. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion	45	45

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable) £</i>
C. PETITION DEPARTMENT		
1. Petition of whatever nature presented to Inner or Outer House other than a petition under item C3 or C4 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(a)	175	170
2. Additional fee payable when a petition in terms of item C1 of this Table is presented outwith normal office hours	100	100
3. Petition to be admitted as a notary public: For each applicant	130	130
4. Petition to be admitted as a solicitor: For each applicant	130	130
5. Answers, objection 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	175	170
6. Caveat	45	45
7. Fiat	45	45
8. Registering official copies of orders of courts in England and Wales or Northern Ireland	15	15
9. Issue of an abbreviate in sequestration	15	15
10. Reclaiming motion – fee payable by party enrolling motion	175	170
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	85	85

(a) 1982 c.27.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable) £</i>
12. Allowing proof, etc. – fee payable by each party on diet of proof, procedure roll, summar roll or judicial review hearing being allowed	45	45
13. Registering orders for enforcement under section 426 of the Insolvency Act 1986(a)	15	15
14. For the items in C15 to C23 the fee is payable by each party appearing at the hearing after first 30 minutes or part thereof– - For every 30 minutes or part thereof	45	40
15. Proof or Procedure Roll (C14 applies)	45	40
16. Summar Roll (C14 applies)	45	40
17. Jury Trial (C14 applies)	45	40
18. Outer House hearing (other than Proof or Procedure Roll, Jury Trial, Motion Roll hearing or hearings out of hours) (C14 applies)	45	40
19. Inner House hearing (other than Summar Roll, Single Bills hearing or hearings out of hours) (C14 applies)	95	95
20. Motion Roll hearing (C14 applies)	55	55
21. Single Bills hearing (C14 applies)	95	95
22. Outer House hearings out of hours (C14 applies)	55	55
23. Inner House hearings out of hours (C14 applies)	120	120
24. Fee payable by any party enrolling a motion or making a motion orally at the bar; and any party opposing any such motion	45	45
25. Lodging of notice of appointment or intention to appoint an administrator out of court under the Insolvency Act 1986	175	170

(a) 1986 c.45.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable) £</i>
D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS		
Appeal – inclusive fee	175	170
E. ELECTION COURT		
1. Parliamentary election petition	175	170
2. Statement of matters	15	15
3. Any other petition, application, answers or objections submitted to the court	45	45
4. Certificate of judgement	45	45
F. LANDS VALUATION APPEAL COURT		
1. Appeal - inclusive fee	175	170
2. Answers - inclusive fee	175	170
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	50	45
2. Extract of admission as a solicitor	40	40
3. Extract of protestation	40	40
4. Certificate under the Civil Jurisdiction and Judgments Act 1982	40	40
5. Documentation evidencing divorce, nullity or dissolution of marriage or civil partnership:		
(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	25	25
(b) Certificate of divorce in decree pronounced prior to 23rd September 1975	25	25

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable) £</i>
(c) Certified copy interlocutor in decree pronounced prior to 23rd September 1975	25	25
6. Extract from the Register of Acts and Decrees – per sheet or part thereof	25	25
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise	25	25
8. Acknowledgement of receipt of a notice under section 19(6) or 21(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970(a)	40	40
9. Acknowledgement of receipt of an offer under section 9 of the Conveyancing Amendment (Scotland) Act 1938(b)	40	40
PART II – FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT		
H. OFFICE OF THE ACCOUNTANT OF COURT		
<i>I. In Factories</i>		
1. For registering case and receiving and delivering up bond of caution–		
(a) in Court of Session appointments	30	30
(b) in Sheriff Court appointments	20	20
2. For examining factor's inventory – 0.333% of the value of the estate as disclosed		
(a) minimum fee payable	20	20
(b) maximum fee payable	590	575

(a) 1970 c.35.

(b) 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 (c.38), section 13.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable) £</i>
3. For auditing each account– (a) basic fee (b) 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)	10 17.5%	10 17.5%
4. For reporting <i>re</i> discharge, special powers or on other special matters	105	105
5. For report on scheme of division	105	105
6. For certificate under seal	25	25
<i>II. In Consignations</i>		
7. For lodging consignment	20	15
8. For producing or delivering up consignment– (a) basic fee (b) additional fee for every £100 or part thereof uplifted (c) maximum fee payable	20 1 60	15 1 60
<i>III. Liquidations</i>		
9. For uplifting bond of caution	5	5
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:		
(a) Auditor's fee on lodging account for taxation	35	34

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable) £</i>
<p>(b) Auditor's fee for taxing accounts for expenses etc.</p> <p>(i) up to £400</p> <p>(ii) for every additional £100 or part thereof</p> <p><i>Note: fee to be determined by the Auditor of the Court of Session on amount of account as submitted</i></p>	<p>20</p> <p>5</p>	<p>18</p> <p>5</p>
2. Fee for assessing account remitted to the Auditor to determine whether an additional fee should be paid	230	226
3. Fee for cancellation of diet of taxation–		
<p>(a) where written notice of cancellation received by receiving party after 4.00 pm on the fourth working day prior to the diet of taxation</p> <p>(b) where written notice of cancellation received by receiving party after 4.00 pm on the working day before or the day of the diet of taxation</p>	<p>50% of fee that would have been payable under item I1(b) of this Table</p> <p>75% of fee that would have been payable under item I1(b) of this Table</p>	<p>50% of fee that would have been payable under item I1(b) of this Table</p> <p>75% of fee that would have been payable under item I1(b) of this Table</p>
PART IV – FEES COMMON TO ALL OFFICES		
J. MISCELLANEOUS		
1. Certified copy of proceedings for appeal to the House of Lords	175	170
2. Certifying of any other document (plus copying charges if necessary)	15	15
3. Recording, extracting, engrossing or copying- all documents (exclusive of search fee)–		
<p>(a) Copying of each document up to 10 pages</p> <p>for each page or part thereof (in excess of 10 pages)</p>	<p>5</p> <p>0.50</p>	<p>5</p> <p>0.50</p>

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable) £</i>
(b) Copy of each document copied to CD or in electronic form	5	5
4. Searches – for any search of records or archives:		
(a) Up to 30 minutes	15	15
(b) For more than 30 minutes up to 2 hours	35	35
(c) For each additional 30 minutes (in excess of 2 hours)	10	10
(d) In addition, correspondence fee where applicable	10	10
5. Captions:		
(a) Marking caption when ordered	10	10
(b) Warrant for caption when issued	10	10

SCHEDULE 3

Article 2(2)(c), as read with
article 1

TABLE OF FEES

Fees payable from 1st April 2010

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable(a)) £</i>
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	105	100
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)	180	175
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 course or proceeding other than a family action	180	175
3. Writ by which a family action is originated (other than a simplified divorce or dissolution of a civil partnership 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)	140	135

(a) Column 3 shows the fees which were payable in Schedule 2 to this Order immediately before the coming into force of this Schedule. Where there is no entry in column 3 but an entry in column 2, the matter is new or has been amended such that no direct comparison can be made with the fee formerly payable.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable) £</i>
4. Simplified divorce or dissolution of a civil partnership application (inclusive of all procedure other than that specified in item B5 of this Table)	105	100
5. In relation to a simplified divorce or dissolution of a civil partnership application, citation of any persons under rule 16.1(1)(a)(i), (ii) or (iii), as applied by rule 49.76, of the Rules of Court, 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.	Charge of the sheriff officer to serve document plus £10	Charge of the sheriff officer to serve document plus £10
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	140	135
7. Fee for initial lodging of affidavits in a family action where proof by affidavit evidence has been allowed	60	60
8. Special case– For each party Maximum fee payable per case	90 365	90 355
9. Application by minute or motion for variation of an order in a family action	30	30
10. Answers or opposition to an application under item B9 of this Table	30	30
11. Letter of request to a foreign court	45	45
12. Citation of each jury, to include outlays incurred in citing and countermanding - payable on receipt of instruments for issue of precept	250	245
13. Reclaiming motion - fee payable by party enrolling motion	180	175

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable) £</i>
14. 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	90	85
15. Allowing proof, etc. - fee payable by each party on diet of proof, jury trial, procedure roll or summar roll hearing being allowed	50	45
16. For the items in B17 to B25 the fee is payable by each party appearing at the hearing after first 30 minutes or part thereof– - For every 30 minutes or part thereof		
17. Proof or Procedure Roll (B16 applies)	45	45
18. Summar Roll (B16 applies)	45	45
19. Jury Trial (B16 applies)	45	45
20. Outer House hearing (other than Proof or Procedure Roll, Jury Trial, Motion Roll hearing or hearings out of hours) (B16 applies)	45	45
21. Inner House hearing (other than Summar Roll, Single Bills hearing or hearings out of hours) (B16 applies)	100	95
22. Motion Roll hearing (B16 applies)	45	45
23. Single Bills hearing (B16 applies)	100	95
24. Outer House hearings out of hours (B16 applies)	55	55
25. Inner House hearings out of hours (B16 applies)	125	120
26. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion	45	45

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable) £</i>
C. PETITION DEPARTMENT		
1. Petition of whatever nature presented to Inner or Outer House other than a petition under item C3 or C4 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(a)	180	175
2. Additional fee payable when a petition in terms of item C1 of this Table is presented outwith normal office hours	105	100
3. Petition to be admitted as a notary public: For each applicant	135	130
4. Petition to be admitted as a solicitor: For each applicant	135	130
5. Answers, objection 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	180	175
6. Caveat	45	45
7. Fiat	45	45
8. Registering official copies of orders of courts in England and Wales or Northern Ireland	15	15
9. Issue of an abbreviate in sequestration	15	15
10. Reclaiming motion – fee payable by party enrolling motion	180	175
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	90	85

(a) 1982 c.27.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable) £</i>
12. Allowing proof, etc. – fee payable by each party on diet of proof, procedure roll, summar roll or judicial review hearing being allowed	50	45
13. Registering orders for enforcement under section 426 of the Insolvency Act 1986(a)	15	15
14. For the items in C15 to C23 the fee is payable by each party appearing at the hearing after first 30 minutes or part thereof– - For every 30 minutes or part thereof	45	45
15. Proof or Procedure Roll (C14 applies)	45	45
16. Summar Roll (C14 applies)	45	45
17. Jury Trial (C14 applies)	45	45
18. Outer House hearing (other than Proof or Procedure Roll, Jury Trial, Motion Roll hearing or hearings out of hours) (C14 applies)	45	45
19. Inner House hearing (other than Summar Roll, Single Bills hearing or hearings out of hours) (C14 applies)	100	95
20. Motion Roll hearing (C14 applies)	55	55
21. Single Bills hearing (C14 applies)	100	95
22. Outer House hearings out of hours (C14 applies)	55	55
23. Inner House hearings out of hours (C14 applies)	125	120
24. Fee payable by any party enrolling a motion or making a motion orally at the bar; and any party opposing any such motion	45	45
25. Lodging of notice of appointment or intention to appoint an administrator out of court under the Insolvency Act 1986	180	175

(a) 1986 c.45.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable) £</i>
D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS		
Appeal – inclusive fee	180	175
E. ELECTION COURT		
1. Parliamentary election petition	180	175
2. Statement of matters	15	15
3. Any other petition, application, answers or objections submitted to the court	45	45
4. Certificate of judgement	45	45
F. LANDS VALUATION APPEAL COURT		
1. Appeal - inclusive fee	180	175
2. Answers - inclusive fee	180	175
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	50	50
2. Extract of admission as a solicitor	45	40
3. Extract of protestation	45	40
4. Certificate under the Civil Jurisdiction and Judgments Act 1982	45	40
5. Documentation evidencing divorce, nullity or dissolution of marriage or civil partnership:		
(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	25	25
(b) Certificate of divorce in decree pronounced prior to 23rd September 1975	25	25

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable) £</i>
(c) Certified copy interlocutor in decree pronounced prior to 23rd September 1975	25	25
6. Extract from the Register of Acts and Decrees – per sheet or part thereof	25	25
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise	25	25
8. Acknowledgement of receipt of a notice under section 19(6) or 21(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970(a)	45	40
9. Acknowledgement of receipt of an offer under section 9 of the Conveyancing Amendment (Scotland) Act 1938(b)	45	40
PART II – FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT		
H. OFFICE OF THE ACCOUNTANT OF COURT		
<i>I. In Factories</i>		
1. For registering case and receiving and delivering up bond of caution–		
(a) in Court of Session appointments	35	30
(b) in Sheriff Court appointments	20	20
2. For examining factor's inventory – 0.333% of the value of the estate as disclosed		
(a) minimum fee payable	25	20
(b) maximum fee payable	610	590

(a) 1970 c.35.

(b) 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 (c.38), section 13.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable) £</i>
3. For auditing each account– (a) basic fee (b) 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)	15 17.5%	10 17.5%
4. For reporting <i>re</i> discharge, special powers or on other special matters	110	105
5. For report on scheme of division	110	105
6. For certificate under seal	25	25
<i>II. In Consignations</i>		
7. For lodging consignment	20	20
8. For producing or delivering up consignment– (a) basic fee (b) additional fee for every £100 or part thereof uplifted (c) maximum fee payable	20 1 65	20 1 60
<i>III. Liquidations</i>		
9. For uplifting bond of caution	5	5
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:		

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable) £</i>
(a) Auditor's fee on lodging account for taxation	35	35
(b) Auditor's fee for taxing accounts for expenses etc.		
(i) up to £400	20	20
(ii) for every additional £100 or part thereof	5	5
<i>Note: fee to be determined by the Auditor of the Court of Session on amount of account as submitted</i>		
2. Fee for assessing account remitted to the Auditor to determine whether an additional fee should be paid	240	230
3. Fee for cancellation of diet of taxation–		
(a) where written notice of cancellation received by receiving party after 4.00 pm on the fourth working day prior to the diet of taxation	50% of fee that would have been payable under item I1(b) of this Table	50% of fee that would have been payable under item I1(b) of this Table
(b) where written notice of cancellation received by receiving party after 4.00 pm on the working day before or the day of the diet of taxation	75% of fee that would have been payable under item I1(b) of this Table	75% of fee that would have been payable under item I1(b) of this Table
PART IV – FEES COMMON TO ALL OFFICES		
J. MISCELLANEOUS		
1. Certified copy of proceedings for appeal to the House of Lords	180	175
2. Certifying of any other document (plus copying charges if necessary)	15	15
3. Recording, extracting, engrossing or copying- all documents (exclusive of search fee)–		
(a) Copying of each document up to 10 pages	5	5

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable) £</i>
for each page or part thereof (in excess of 10 pages)	0.50	0.50
(b) Copy of each document copied to CD or in electronic form	5	5
4. Searches – for any search of records or archives:		
(a) Up to 30 minutes	15	15
(b) For more than 30 minutes up to 2 hours	35	35
(c) For each additional 30 minutes (in excess of 2 hours)	10	10
(d) In addition, correspondence fee where applicable	10	10
5. Captions:		
(a) Marking caption when ordered	10	10
(b) Warrant for caption when issued	10	10

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Court of Session etc. Fees Order 1997, which was last amended on 16th July 2007 by the Court of Session etc. Fees Amendment Order 2007 (S.S.I. 2007/319).

The Order specifies new fee levels 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 in relation to proceedings in the Court of Session.

The average increase in the level of fees in 2008 is 49%, and in 2009 and 2010 is 3% in each of those years. The fees in the Table of Fees in Schedule 1 to this Order are payable from 1st August 2008 and replace fees applicable from 16th July 2007. The fees in the Table of Fees in Schedule 2 to this Order are payable from 1st April 2009 and replace the fees applicable from 1st August 2008. The fees in the Table of Fees in Schedule 3 to this Order are payable from 1st April 2010 and replace the fees applicable from 1st April 2009.

£5.50

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