



# Courts of Law Fees (Scotland) Act 1895

1895 CHAPTER 14 58 and 59 Vict

An Act to provide for the Regulation of Fees payable in the Courts of Law in Scotland. [30th May 1895]

**Modifications etc. (not altering text)**

C1 Act extended by [Foreign Judgements \(Reciprocal Enforcement\) Act 1933 \(c. 13\), s. 12\(b\)](#)

**1 Short title and extent.**

This Act may be cited as the Courts of Law Fees (Scotland) Act 1895, and shall apply to Scotland only.

**[<sup>F1</sup>2 Power of Secretary of State to regulate court fees.**

- (1) The Secretary of State may, <sup>F2</sup>. . . , by order regulate the fees payable—
- (a) to any officer of any office or department connected with the Scottish courts the expenses of which are paid wholly or partly [<sup>F3</sup>by the Scottish Ministers]; and
  - (b) to the district court.
- (2) An order under subsection (1) above—
- (a) may provide as to the times when, places where and persons to whom fees payable by virtue of this section are payable;
  - (b) may, in relation to any such fees, provide—
    - (i) for exemption from the requirement to pay them;
    - (ii) for their remission;
    - (iii) for their modification; and
    - (iv) as to the circumstances in which and persons by whom such exemptions, remissions and modifications may be made; and
  - (c) may make different provision in relation to—
    - (i) different courts; and
    - (ii) different cases or classes of case.

*Status: Point in time view as at 01/07/1999.*

*Changes to legislation: There are currently no known outstanding effects for the Courts of Law Fees (Scotland) Act 1895. (See end of Document for details)*

- (3) In subsection (1) above, “the Scottish courts” means—
- (a) the Court of Session;
  - (b) the High Court of Justiciary;
  - (c) the sheriff court;
  - (d) the court of commissioners for teinds (provision for which is made in section 8 of the Court of Session Act <sup>M1</sup>1839);
  - (e) the court for hearing appeals under subsection (8)(b) of section 45 of the Representation of the People Act 1949 (appeals relating to the registration of <sup>M2</sup>electors);
  - (f) the election court constituted under section 110 of the said Act of 1949;
  - (g) the lands valuation appeal court (provision for which is made in section 7 of the Valuation of Lands (Scotland) Amendment Act <sup>M3</sup>1879); and
  - (h) any other court specified as a Scottish court for the purposes of this section in an order made by the Secretary of State.
- (4) An order under subsection (1) or (3)(h) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Subordinate Legislation Made

- P1** S. 2 power exercised by S.I. 1991/331, 332, 333.  
S. 2: s.2 power exercised by S.I. 1991/659.
- P2** S. 2 power previously exercised by S.I. 1990/476, 475, 472, 470, 1989/1366, 1988/1893, 1892, 969, 966, 1987/39, 1986/451, 1985/2072, 827, 826, 825, 1984/256, 252, 251, 235, 234, 233, 1982/1824, 654, 653, 1981/514, 498, 1980/454, 390, 1978/113.

#### Textual Amendments

- F1** S. 2 substituted by Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12, SIF 47), s. 4
- F2** Words in s. 2(1) omitted (1.7.1999) by S.I. 1999/1820, arts. 2(1), 4, Sch. 2 Pt. 1 para. 9(a), Pt. IV
- F3** Words in s. 2(1)(a) substituted (1.7.1999) by S.I. 1999/1820, arts. 2(1), 4, Sch. 2 Pt. 1 para. 9(b), Pt. IV

#### Modifications etc. (not altering text)

- C2** S. 2 extended (S.) by Bankruptcy (Scotland) Act 1985 (c. 66, SIF 66), s. 1(6)

#### Marginal Citations

- M1** 1839 c.36 (36:1).  
**M2** 1949 c.68.  
**M3** 1879 c.42 (103:2).

### 3 Taxation of accounts in Court of Justiciary.

All accounts of expenses found due in the High Court of Justiciary, or in any inferior Court whose judgment has been brought under the review of the High Court of Justiciary, by suspension or appeal, or otherwise, unless the amount of the expenses found due shall have been determined or modified by the said High Court, shall be remitted to the auditor of the Court of Session to be examined and taxed in like manner, and subject to the same regulations, as accounts of expenses in actions in the Court of Session.

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#### **4 Power to regulate fees to keepers of London and Edinburgh Gazettes for certain notices.**

It shall be lawful for the Treasury, by warrant under their hands, to regulate, alter, and amend the table of fees payable to the keepers of the London Gazette, and of the Edinburgh Gazette, for notices under the <sup>M4</sup>Bankruptcy (Scotland) Act 1856 <sup>F4</sup> . . .

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##### **Textual Amendments**

**F4** Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

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##### **Marginal Citations**

**M4** [1856 c. 79](#).

#### **5 Repeal.**

All Acts of Parliament or Acts of Sederunt, in so far as inconsistent with the provisions of this Act, are hereby repealed.

**Status:**

Point in time view as at 01/07/1999.

**Changes to legislation:**

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