

1969 No. 475 (S.41)

## COURT OF SESSION, SCOTLAND

## Act of Sederunt (Rules of Court Amendment No. 2) 1969

Made - - - 25th March 1969

Coming into Operation 1st April 1969

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 2 of the Courts of Law Fees (Scotland) Act 1895(a) and section 16 of the Administration of Justice (Scotland) Act 1933(b) and of all other powers competent to them in that behalf, with the approval of the Treasury for the exercise of the said powers under section 2 of the Courts of Law Fees (Scotland) Act 1895(a), do hereby enact and declare as follows:—

1. In the case of any Summons lodged on or after 1st April 1969, or of any Petition lodged on or after the said date, or of any proceedings commenced on or after the said date by a Minute lodged in a process in which leave to apply to the Court has been reserved by the Court or by virtue of an Act of Parliament, or of any other action commenced on or after the said date, the Rules of Court(c) shall apply subject to the following amendments:—

(1) In Rule of Court 169 the words “and on payment of a fee of seven shillings and six pence” shall be deleted and a comma shall be substituted therefor.

(2) Rule of Court 346 shall be deleted and a new Rule 346 shall be substituted therefor as set forth in the Schedule annexed hereto.

(3) In Rule of Court 347 as substituted by the Act of Sederunt (Rules of Court Amendment No. 1) 1966(d), Chapter III, Part I, the figure “£15 15s.” shall be deleted and “£18 15s.” shall be substituted.

(4) In each of Forms 22, 24 and 26 appended to the Rules the words “seven shillings and sixpence” shall be deleted and the words “fifteen shillings” shall be substituted.

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 2) 1969, and shall come into operation on 1st April 1969.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. Clyde,

I.P.D.

Edinburgh,  
25th March 1969.

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(a) 1895 c. 14.  
(c) S.I. 1965/321 (1965 I, p. 803).

(b) 1933 c. 41.  
(d) S.I. 1966/335 (1966 I, p. 778).

## SCHEDULE

## FEE-FUND DUES

*Table of Fees Payable in the Court of Session  
and Offices Connected therewith*

346. Fees payable in the Court of Session and Offices connected therewith regulated by the Lords of Council and Session under the Act 58 and 59 Vict. cap. 14 with the approval of the Lords Commissioners of Her Majesty's Treasury.

## A. GENERAL DEPARTMENT

## I. INNER HOUSE

	£	s.	d.
1. Appeals, or any other writ or step by which a clause or proceeding is originated, inclusive fee .. .. .	4	0	0
2. Special cases, inclusive fee—			
(a) Where two parties only .. .. .	6	0	0
(b) Each additional party, Subject to a maximum of £10 per case .. .. .	2	0	0
3. Answers or other step by which a party first makes appearance in a cause or proceeding, inclusive fee .. .. .	2	0	0
4. Certified copy interlocutor, each copy .. .. .	0	10	0
5. Copies of Pleadings when certified by Clerk of Court .. .. .	0	10	0
6. Certified copy of proceedings for appeal to the House of Lords .. .. .	4	0	0
7. Captions—			
Making caption when ordered .. .. .	0	5	0
Warrant for caption when issued .. .. .	0	5	0
8. Letters of request to foreign Courts .. .. .	1	0	0
9. Judges' opinions per sheet of writing or part thereof -			
(a) First copies .. .. .	0	4	0
(b) Second and subsequent copies .. .. .	0	2	0

NOTE. The inclusive fee will cover every other step of process not enumerated above.

## II. OUTER HOUSE

1. Summons or other writ or step by which a cause or proceeding is originated, inclusive fee .. .. .	4	0	0
2. Defences, answers or other writ by which a party first makes appearance in a cause, inclusive fee .. .. .	4	0	0
3. Minute by defender in consistorial cause .. .. .	1	0	0
4. Certified copy interlocutor, each copy .. .. .	0	10	0
5. Copies of pleadings certified by Clerk of Court .. .. .	0	10	0
6. Captions—			
Marking caption when ordered .. .. .	0	5	0
Warrant for caption when issued .. .. .	0	5	0
7. Citation of each jury, to include outlays of sheriff-clerk in citing and countermanding .. .. .	1	0	0

NOTE. The fee stamps to be affixed to precept before transmission to be sheriff-clerk. The precept to be issued not later than ten days previous to date fixed for trial.

	£	s.	d.
8. Letters of request to foreign Courts .. .. .	1	0	0
9. Judges' opinions per sheet of writing or part thereof—			
(a) First copies .. .. .	0	4	0
(b) Second and subsequent copies .. .. .	0	2	0
10. Certificate of divorce .. .. .	0	15	0

NOTE. The inclusive fee will cover every other step of process not enumerated above.

### III. EXCHEQUER CAUSES

1. Petition, Case, Appeal or Answers (Any other writ or step of procedure enumerated under Nos. I and II to be charged accordingly). .. .. .	4	0	0
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### B. PETITION DEPARTMENT

1. Petitions, petitions and complaints presented to Inner House, inclusive fee .. .. .	4	0	0
2. Petitions in Inner House, not being first steps of process and Answers thereto .. .. .	1	0	0
3. Petitions for sequestration .. .. .	2	0	0
4. Answers or objections to No. 1 inclusive fee .. .. .	4	0	0
5. Certified copies of petitions for sequestration and relative interlocutors, each .. .. .	0	10	0
6. Every extract or certified copy of proceedings in or connected with sequestrations other than certified copies under No. 5, per sheet of writing or part thereof .. .. .	0	4	0
7. Petitions and notes presented to the Outer House, being first steps of process and answers thereto inclusive fee .. .. .	4	0	0
8. Petitions and notes in Outer House, not being first steps of process, and answers thereto .. .. .	0	10	0
9. Petitions for suspension, suspension and interdict, or suspension and liberation, and answers thereto, inclusive fee .. .. .	4	0	0
10. Caveats when lodged or renewed .. .. .	0	5	0
11. Fiats .. .. .	1	0	0
12. Petitions for loosing arrestments or recall of inhibitions, and answers thereto .. .. .	0	10	0
13. Registering office copies of orders of English and Irish Courts .. .. .	1	0	0
14. And, in addition, for each sheet of writing beyond four sheets .. .. .	0	5	0
15. Authentication by judge of act and warrant, in terms of section 70 of the Bankruptcy (Scotland) Act, 1913 .. .. .	0	10	0
16. Certified copy interlocutors, each .. .. .	0	10	0
17. Copies of proceedings other than those above specified certified by Clerk of Court .. .. .	0	10	0
18. Extracts of decrees, and of bonds of caution .. .. .	1	0	0
19. And, in addition, for each sheet of writing beyond four sheets .. .. .	0	5	0
20. Certified copy of proceedings for appeal to the House of Lords .. .. .	4	0	0
21. Captions—			
Marking caption when ordered .. .. .	0	5	0
Warrant for caption when issued .. .. .	0	5	0

**C. REGISTRATION APPEAL COURT AND  
VALUATION APPEAL COURT**

	£	s.	d.
1. Cases on appeal, inclusive fee .. .. .	4	0	0
2. Answers, - do - .. .. .	4	0	0

**D. COURT OF TRIAL OF ELECTION PETITIONS**

1. Petitions against return of Members of Parliament ..	4	0	0
2. Statement of matters .. .. .	1	0	0
3. Any other petitions, applications, answers or objections submitted to the judges .. .. .	2	0	0
4. Certificate of judgment .. .. .	1	10	0

**E. TAXATION OF EXPENSES**

For taxing accounts of expenses incurred in judicial proceedings remitted to the Auditor for taxation—

Under £50 .. .. .	1	0	0
For every additional sum of £50, or part of £50 ..	1	0	0

NOTE. These fees to be collected by Clerks of Court.

**F. EXTRACTS**

1. Extract of decree in absence—			
(a) Pronounced on consideration of summons or petition without any prior remit, or proof, or other procedure .. .. .	1	0	0
(b) Pronounced on consideration of summons or petition after proof, remit or other procedure ..	1	10	0
(c) Pronounced in proceedings under Entail Acts, or in liquidations under Companies Acts, or in application for power to complete title, or borrow money, or sell heritable or moveable estate, or to exercise other special powers .. .. .	1	10	0
2. Extract of decree <i>in foro</i> , .. .. .	1	10	0

NOTE. The above fees are payable only on the first extract issued. When decree is extracted in duplicate, triplicate, etc. only copying fees under No. 6 of this part of the Table of Fees shall be charged.

3. Extract of admission as a solicitor .. .. .	1	0	0
4. Extract of protestation .. .. .	1	0	0
5. Certificate under Judgments Extension Act, 1868 ..	0	10	0
6. Engrossment of extract, record copy, and certificate, each per sheet of 250 words .. .. .	0	4	0
Figured work 2s. extra per sheet.			

## G. SIGNET OFFICE

## 1. To signet any writ

(a) Presented during office hours, viz. from 2.15 to 3.30 daily, except Saturday, on which day, from 10.30 to 11.00, the office being shut on public holidays	0	10	0
(b) Presented out of office hours, viz. on Monday, Tuesday, Wednesday, Thursday and Friday, even though holidays—			
From 10.00 a.m. to 2.15 p.m. .. ..	1	0	0
From 7.00 p.m. to 8.00 p.m. .. ..	1	10	0
On Saturday, even though holiday -			
From 2.00 p.m. to 3.00 p.m. .. ..	1	10	0

(NOTE. The above fees are prescribed by the Court, but the extra hours, during which the officers of the Signet are allowed to signet any writ, are fixed, and may be varied at any time, by the Keeper of the Signet. In the event of such variation, the fees charged shall be as herein prescribed for hours before and after the ordinary office hours respectively.)

## H. EDICTAL CITATIONS

1. For access to and liberty to make excerpts or copies of writs, etc., from any record, for each year of record inspected	0	5	0
2. For extracts or copies, per sheet of 250 words .. ..	0	5	0

## EXPLANATORY NOTE

*(This Note is not part of the Act of Sederunt.)*

This Act of Sederunt prescribes a new table of Fee-fund Dues in the Court of Session and makes consequential amendments to the Rules of Court. It applies only to actions commenced on or after 1st April 1969.