

## STATUTORY INSTRUMENTS

1984 No. 256 (S. 28)

COURT OF SESSION, SCOTLAND  
TEINDS

## The Court of Session etc. Fees Order 1984

<i>Made</i>	- - - -	28th February 1984
<i>Laid before Parliament</i>		9th March 1984
<i>Coming into Operation</i>		1st April 1984

In exercise of the powers conferred on me by section 2 of the Courts of Law Fees (Scotland) Act 1895(a) and of all other powers enabling me in that behalf, and with the concurrence of the Treasury, I hereby make the following order:—

*Citation and commencement*

1. This order may be cited as the Court of Session etc. Fees Order 1984 and shall come into operation on 1st April 1984.

*Interpretation*

2.—(1) In this order “Central Office of the Court” means the Central Office of the Court as defined in rule 12 of the Rules annexed to the Act of Sederunt (Rules of Court, consolidation and amendment) 1965(b).

(2) For the purposes of any reference in this order to a party

- (a) except in relation to a special case, a set of persons with the same interest, for whom one and the same first paper is or has been lodged, shall be treated as a single party; and
- (b) in relation to a special case, each person or set of persons who appear as one of the separate parties to the case shall be treated as a party.

*Offices to which order applies and officers to whom fees are payable*

3.—(1) This order shall regulate the fees payable in the Central Office of the Court, the office of the Accountant of Court and the office of the Auditor of the Court of Session.

(2) The fees regulated by this order shall be payable—

- (a) in relation to the Central Office of the Court, to the Principal Clerk of Session or any officer acting for him;

(a) 1895 c. 14; section 2 was substituted by section 4 of the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12).

(b) S.I. 1965/321; the relevant amending instruments are S.I. 1982/654, 1679, 1824.

- (b) in relation to the office of the Accountant of Court, to the Accountant of Court or any officer acting for him; and
- (c) in relation to the office of the Auditor of the Court of Session, to the Auditor of the Court of Session or any officer acting for him.

*Fees payable*

4. Subject to articles 5 and 6 of this order the fees payable in respect of the matters specified in column 1 of the Table of Fees in the Schedule to this order shall be the fees specified in relation to those matters in column 2 of that Table (the fees previously payable being shown in column 3 of that Table).

*Exemption from fees for the Crown*

5.— (1) Subject to paragraph (2) of this article the fees regulated by this order shall not be payable by the Crown.

(2) When in any proceedings to which the Crown is a party another party is found liable to the Crown in expenses, any fees regulated by this order shall be included in the account of expenses and, if recovered, shall be paid by the Crown.

(3) For the purposes of this article the Crown includes any officer of the Crown as such or government department.

*Exemption from fees for simplified divorce procedure for certain categories of person*

6. The fees specified in items B3 and B4 of the Schedule to this order shall not be payable by a person making a simplified divorce application who is in receipt of—

- (a) a supplementary pension or an allowance under Part I of the Supplementary Benefits Act 1976(a);
- (b) a family income supplement under section 1 of the Family Income Supplements Act 1970(b); or
- (c) advice and assistance from a solicitor under the Legal Advice and Assistance Act 1972(c) in respect of the simplified divorce application.

*George Younger,*  
One of Her Majesty's Principal  
Secretaries of State.

New St Andrew's House,  
Edinburgh.  
24th February 1984.

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(a) 1976 c. 71.  
(b) 1970 c. 55.  
(c) 1972 c. 50.

We concur.

*T. Garel-Jones,*  
*Alistair Goodlad,*  
Two of the Lords Commissioners of  
Her Majesty's Treasury.

28th February 1984.

## SCHEDULE

## Article 4

## TABLE OF FEES

Column 1 <i>Item</i>	Column 2 <i>Fee payable</i>	Column 3 <i>Fee which was formerly payable(a)</i>
PART I—FEES IN THE CENTRAL OFFICE OF THE COURT		
A. SIGNETING		
1. Signeting of any writ or summons, if attendance is necessary outwith the normal office hours	£18.00	£17.00
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—inclusive fee (to comprehend signeting in normal office hours)	£30.00	£28.00
2. 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 H5(a) of this table, and to the defender, if appropriate, of a duplicate thereof)	£40.00	£42.00
3. Simplified divorce application (inclusive of all procedure other than that specified in item B4 of this table)	£40.00	£40.00
4. 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	£5.00	£4.00
5. Defences, answers or other writ or step in process by which a party other than an originating party first makes appearance in a cause or proceeding—inclusive fee	£30.00	£28.00
6. Special case—		
(a) Where two parties only	£30.00	£28.00

(a) This column shows the fees which were formerly payable under rule 346 of the Act of Sederunt (Rules of Court, consolidation and amendment) 1965 (S.I. 1965/321, amended by S.I. 1982/654, 1824) or (as regards items D1 to D13 of this Schedule) under the Act of Sederunt (Fees in the Court of Teinds) 1977 (S.I. 1977/73).

TABLE OF FEES (*continued*)

Column 1 <i>Item</i>	Column 2 <i>Fee payable</i>	Column 3 <i>Fee which was formerly payable</i>
(b) For each additional party	£15.00	£14.00
Maximum fee payable per case	£60.00	£46.00
7. Minute by either party for variation of an order in a consistorial cause	£8.00	£7.00
8. Letter of request to a foreign court	£8.00	£7.00
9. Citation of each jury, to include outlays incurred in citing and countermanding—payable on receipt of instructions for issue of precept	£27.00	£25.00
C. PETITION DEPARTMENT		
1. Petition of whatever nature presented to Inner or Outer House other than a petition under item C2 of this table, whether in respect of the first or any subsequent step of process—inclusive fee	£30.00	£28.00
2. Petition to be admitted as a notary public:		
(a) Where there is one applicant	£30.00	£28.00
(b) For each additional applicant	£30.00	£28.00
3. Answers and objections to petitions to which item C1 of this table applies—inclusive fee	£30.00	£28.00
4. Caveat	£8.00	£7.00
5. Fiat	£8.00	£7.00
6. Registering office copies of orders of courts in England and Wales or Northern Ireland	£4.00	£4.00
7. Authentication by judge of act of warrant in terms of section 70 of the Bankruptcy (Scotland) Act 1913(a)	£3.00	£3.00
8. Issue of an abbreviate in sequestration	£3.00	£3.00
D. COURT OF COMMISSIONERS OF TEINDS		
1. Original petition	£10.00	£10.00
2. Answers to original petition	£10.00	£10.00

(a) 1913 c. 20.

TABLE OF FEES (*continued*)

Column 1 <i>Item</i>	Column 2 <i>Fee payable</i>	Column 3 <i>Fee which was formerly payable</i>
3. Reports by accountants, men of business, or persons of skill, under remits by the court	£2.00	£2.00
4. Framing teind rolls, apportionment of expenses among heritors, amending teind rolls or making alterations under order from the court—		
For first ten calculations	£5.00	£5.00
For each calculation thereafter	£0.20	£0.20
In addition for each sheet of writing	£0.75	£0.75
5. Making statutory list of fiars prices and certifying same, for purposes of the Teinds Act 1808(a). For each kind of grain	£0.50	£0.50
6. Certificate of valuation	£10.00	£10.00
7. Every other step or pleading not here enumerated	£2.00	£2.00
8. Making up from official returns of fiars prices 1873–1922 an “average value” of victual, certifying and intimating same, under the Church of Scotland (Property and Endowments) Act 1925(b), Schedule 2. For each kind of victual	£2.00	£2.00
9. Entry in teind roll of redemption of standard charge	£1.00	£1.00
10. Entry in teind roll of change of ownership of lands over which a standard charge has been constituted	£1.00	£1.00
11. Entry in teind roll of allocation of standard charge—		
(a) In respect of first five entries	£0.75	£0.85
(b) In respect of each additional entry	£0.15	£0.15
12. Valuation of teinds—		
Lodging valuer’s certificate	£2.00	£2.00
Note of appeal to Lord Ordinary	£5.00	£5.00
Objections, defences or answers thereto, if first step by party	£5.00	£5.00
Registration of valuer’s certificate, and issuing certificate of valuation	£10.00	£10.00

(a) 1808 c. 138.

(b) 1925 c. 33.

TABLE OF FEES (*continued*)

Column 1 <i>Item</i>	Column 2 <i>Fee payable</i>	Column 3 <i>Fee which was formerly payable</i>
13. Delivering to the General Trustees under any order of Scottish Ecclesiastical Commissioners any title deeds or securities so far as in the custody of the Teind Clerk and checking receipt therefor, including searching records	£2.00	£2.00
E. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS		
1. Appeal—inclusive fee	£30.00	—
F. ELECTION COURT		
1. Parliamentary election petition	£30.00	£28.00
2. Statement of matters	£4.00	£4.00
3. Any other petition, application, answers or objections submitted to the court	£9.00	£8.00
4. Certificate of judgment	£8.00	£7.00
G. LANDS VALUATION APPEAL COURT		
1. Appeal—inclusive fee	£30.00	£28.00
2. Answers—inclusive fee	£30.00	£28.00
H. EXTRACTS DEPARTMENT		
1. Extract decree following upon a summons, petition or appeal, or after protestation of a note, and whether in absence or otherwise	£9.00	£8.00
2. Extract of admission as a solicitor	£7.00	£6.00
3. Extract of protestation	£7.00	£6.00
4. Certificate under Judgments Extension Act 1868(a)	£4.00	£4.00
5. Documents evidencing divorce, nullity or dissolution of marriage:		
(a) Extract from Consistorial Register of Decrees of decree pronounced on or after 23rd September 1975 if not issued in terms of item B2 or B3 of this table	£4.00	£4.00

(a) 1868 c. 54.

TABLE OF FEES (*continued*)

Column 1 <i>Item</i>	Column 2 <i>Fee payable</i>	Column 3 <i>Fee which was formerly payable</i>
(b) Certificate of divorce in decree pronounced prior to 23rd September 1975	£4.00	£4.00
(c) Certified copy interlocutor in decree pronounced prior to 23rd September 1975	£4.00	£4.00
6. Extract from the Register of Acts and Decrees per sheet of 250 words	£3.00	£3.00
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise	£3.00	£3.00
 PART II—FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT  		
I. OFFICE OF THE ACCOUNTANT OF COURT		
<i>I. In Factories and Curatories</i>		
1. For registering case and receiving and delivering up bond of caution:		
In Court of Session appointments	£12.00	£11.00
In Sheriff Court appointments	£8.00	£7.00
2. For examining factor's inventory—		
Basic fee	£8.00	£7.00
Additional fee for each £1,000 (excluding the first £1,000) or part thereof of value of estate	£4.00	£3.00
Maximum fee payable	£160.00	£140.00
3. For auditing each Account:		
(a) where factor's commission is £8.00 or less, or where no commission is allowable	£4.00	£4.00
(b) where factor's commission is above £8.00—		
Basic fee	£4.00	£4.00
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%



TABLE OF FEES (*continued*)

Column 1 <i>Item</i>	Column 2 <i>Fee payable</i>	Column 3 <i>Fee which was formerly payable</i>
4. For reporting <i>re</i> Discharge, Special Powers or on other special matters	£15.00 to £60.00	£14.00 to £56.00
5. For report on scheme of division:		
Basic fee	£8.00	£7.00
Additional fee for each £1,000 or part thereof of value of estate to be divided	£4.00	£4.00
Maximum fee payable	£160.00	£140.00
(Note: Fee to be divided equally <i>per capita</i> amongst the preferable and ordinary creditors)		
6. For certificate under seal	£3.00	£3.00
<i>II. In Bankruptcies</i>		
7. For registering case, and related work	£8.00	£7.00
8. For supervising proceedings in sequestration:		
Percentage fee on amount to be divided amongst preferable and ordinary creditors	5%	5%
9. For report on bankrupt's petition for discharge	£12.00	£11.00
10. For concurrence in private sale of heritage:		
Basic Fee	£8.00	£7.00
Additional fee for each £1,000 or part thereof (excluding the first £1,000) of value of heritage	£4.00	£4.00
Maximum fee payable	£160.00	£140.00
11. For special report	£12.00	£11.00
12. For report on appeal against trustee's commission:		
Basic fee	£3.00	3.00
Additional percentage fee on the trustee's commission as fixed	5%	5%
Maximum fee payable	£160.00	£140.00
13. For auditing the accounts and fixing the commission of trustee under voluntary trust deed:		

TABLE OF FEES (*continued*)

Column 1 <i>Item</i>	Column 2 <i>Fee payable</i>	Column 3 <i>Fee which was formerly payable</i>
Percentage fee on commission allowed to trustee	17½%	17½%
14. (a) For examining sederunt book	£12.00	£11.00
(b) For issuing acknowledgment for sederunt book	£4.00	£4.00
<i>III. In consignations</i>		
15. For lodging consignment	£2.00	£2.00
16. For producing or delivering up:		
Basic fee	£2.00	£2.00
Additional fee for every £100 or part thereof uplifted	£0.50	£0.50
Maximum fee payable	£16.00	£15.00
<i>IV. Liquidations</i>		
17. 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		
J. 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		
K. MISCELLANEOUS		
1. Certified copy of proceedings for appeal to the House of Lords	£30.00	£28.00

TABLE OF FEES (*continued*)

Column 1 <i>Item</i>	Column 2 <i>Fee payable</i>	Column 3 <i>Fee which was formerly payable</i>
2. Certifying of any other document (plus copying charges if necessary)	£3.00	£3.00
3. Recording, engrossing, extracting or copying—all documents:		
(a) By manuscript or typescript per sheet of 250 words	£2.00	£2.00
(b) By copying by electrical or me- chanical means per page:		
first copy	£1.00	£1.00
subsequent copies	£0.20	£0.20
4. Searches—for any search of records or archives:		
(a) For first half hour of time taken	£3.00	£3.00
(b) For more than one hour up to a maximum of two hours	£7.00	£7.00
(c) For each half hour or part thereof in excess of two hours	£2.00	£2.00
(d) Plus correspondence fee where applicable	£2.00	£2.00
5. Captions:		
(a) Marking caption when ordered	£2.00	£2.00
(b) Warrant for caption when issued	£2.00	£2.00

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order regulates the fees of court which may be charged in the offices of the Court of Session in relation to proceedings in the Court of Session and certain related specialised courts, namely the Court of Commissioners of Teinds, the Court for hearing appeals relating to the registration of electors, the Election Court and the Lands Valuation Appeal Court.

The power to regulate these fees was previously vested in the Court of Session and was transferred to the Secretary of State by section 4 of the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c.12). The fees were previously regulated by rules 340 to 346 of the Court of Session, contained in the Act of Sederunt (Rules of Court, consolidation and amendment) 1965 (S.I. 1965/321, amended by S.I. 1970/1058, 1976/282, 1982/654, 1824), and as regards the Court of Commissioners of Teinds by the Act of Sederunt (Fees in the Court of Teinds) 1977 (S.I. 1977/73).

The fees payable are in most cases increased. The fees payable in the Court of Commissioners of Teinds are not in general increased, but the fees for extracting and copying chargeable in the Court of Session and other related courts are extended to the Court of Commissioners of Teinds for consistency and are in most cases higher than the corresponding fees previously payable there. A fee is provided for appeals to the Court for hearing appeals relating to the registration of electors, which was not specifically dealt with in previous instruments regulating fees.

The Order does not contain provisions for modification or remission of fees in certain types of proceedings corresponding to those previously made in rules 343 and 344 of the Court of Session (set out in the Act of Sederunt (Rules of Court, consolidation and amendment) 1965).

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