1971 No. 67 (S.4)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Fees in the Court of Teinds) 1971

Made - - - 12*th January* 1971

Coming into Operation 15*th February* 1971

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 11(3) of the Church of Scotland (Property and Endowments) Act 1925(**b**) and of all other powers competent to them in that behalf, with the approval of the Treasury, do hereby enact and declare as follows :—

1. The Act of Sederunt dated 22nd July 1922(**c**) is hereby repealed.

2. The fees payable to the Clerk of Teinds shall be those prescribed in the Schedule hereto.

3. This Act of Sederunt may be cited as the Act of Sederunt (Fees in the Court of Teinds) 1971, and shall come into operation on 15th February 1971.

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

J. L. Clyde,
I.P.D.

Edinburgh.

12th January 1971.

SCHEDULE

1. Original petition	£4·00
2. Answers to original petition	£4·00
3. Certified copy interlocutors, each	£0·50
4. Reports by accountants, men of business, or persons of skill, under remits by the Court	£1·00
5. Copies of pleadings certified by clerk	£0·50
6. Searches in teind records for extracted processes...	£0·50

(**a**) 1895 c. 14. (**b**) 1925 c. 33
(**c**) S.R. & O. 1922/846 (Rev. XXII, p. 306:1922 p. 988).

7. Framing teind rolls—

For first ten calculations	£2·10
For each calculation thereafter	£0·10
In addition for each sheet of writing	£0·30

NOTE:—The printing of the teind rolls will be undertaken by H.M. Stationery Office, and the cost (including the cost of copies for distribution), which will be additional to the above fees, will be payable therewith to the Clerk of Teinds, who shall collect same on behalf of H.M. Stationery Office.

8. Apportionment of expenses among heritors—
(Same charge as for framing teind rolls)

9. Amending teind rolls or making alterations under order from the Court—
(Same charge as for framing teind rolls)

10. Copy locality, small folio, per sheet, figs.	£0·50
Copy locality, large folio	£0·60
11. Certifying copy production, e.g. form of feu-charter	£1·00
12. Searching old register and examining decree	£0·50
13. Searching augmentation register and examining books other than extracts	£0·25
14. Making (and converting from Imperial to Standard) statutory list of fiars' prices and certifying same, *vide* Act, 1808, (a).	
For each kind of grain	£0·25
15. Extract and record copy of ordinary copying, per sheet	£0·25
16. Certifying copy locality, one sheet	£0·25
If longer	£0·50
17. Certificates of Valuation	£4·00
18. Extract of decree *in foro*	£3·00
19. Notes for searches—(unextracted processes)	
If under ten years from the date of the order, each search	£0·25
Ten years and under twenty-five	£0·75
Twenty-five years and upwards	£1·25
20. Every other step or pleading not here enumerated	£1·00
21. Making up from official returns of fiars' prices 1873-1922 an "average value" of victual, certifying and intimating same *vide* 2nd Schedule, 15 & 16 Geo. V c. 33. For each kind of victual	£1·00
22. Making (and converting from Imperial to Standard) list of fiars' prices and certifying same *vide* 4th Schedule, 15 & 16 Geo. V c. 33. For each kind of victual	£0·25
23. Entry in teind roll of redemption of standard charge	£0·50
24. Entry in teind roll of change of ownership of lands over which a standard charge has been constituted	£0·50
25. Entry in teind roll of allocation of standard charge (£0·50 in respect of first five entries in an allocation and £0·10 in respect of each additional entry).	
26. Excerpt from teind roll, per sheet, figs.	£0·50
27. Certifying excerpt, one sheet	£0·25
If longer	£0·50
28. Exhibitions and inspection of final teind roll, each search	£0·25
29. Valuation of Teinds—	
Lodging valuer's certificate	£1·00
Note of Appeal to Lord Ordinary	£2·00
Objections, Defences, or Answers thereto, if first step by party	£2·00
Registration of Valuer's certificate, and issuing certificate of valuation (same charge as certificates of valuation No. 17).	

(a) 48 Geo 3 c. 138.

30. Surrender of Teinds—
(*a*) Where no process of teind roll—
Minute of other document of surrender, for the teind surrendered of each item of a locality ... ... £2·00
Objections thereto ... ... £2·00
(*b*) Where process of teind roll—
Minute of Surrender if first step by party in process ... ... £2·00
Condescendence *re* extra judicial surrender in process ... ... £2·00

31. Certifying inventory of statutory properties and endowments of each *quoad sacra* parish ... ... £1·00

32. Delivering to the General Trustees under any order of Scottish Ecclesiastical Commissioners so far as in the custody of Clerk of Teinds—
(*a*) titles to church and manse and any securities for the endowment of stipend of any parish contained in the 8th Schedule of the Act 15 & 16 Geo. V c. 33,
(*b*) title to church and manse contained in the 9th Schedule of the Act 15 & 16 Geo. V c. 33,
(*c*) title to church and manse contained in the 10th Schedule of the Act 15 & 16 Geo. V c. 33,
(*d*) any securities for investments representing the price or consideration received for any glebe or part thereof, sold under section 17th of the Glebe Lands (Scotland) Act, 1866(a).
Fee for delivery under each order, and checking receipt therefor including searching records ... ... £1·00

EXPLANATORY NOTE

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

This Act of Sederunt prescribes a new table of Fees in the Court of Teinds.

(a) 1866 c. 71.