STATUTORY INSTRUMENTS

1977 No. 71 (S.14)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 1) (Court Fees) 1977

Made - - - - 14*th January* 1977

Coming into Operation 7*th February* 1977

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, do hereby, with the approval of the Treasury, enact and declare:

Citation, commencement and interpretation

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 1) (Court Fees) 1977 and shall come into operation on 7th February 1977.

(2) The Interpretation Act 1889(**c**) shall apply to the interpretation of this Act of Sederunt as it applies to the interpretation of an Act of Parliament.

Amendment of Court Fees

2. In Rule 346 of the Rules of Court(**d**), for the table of fees is substituted the table of fees set out in the Schedule to this Act, and the fees so substituted shall be payable in respect of the matters to which they relate from the date this Act of Sederunt comes into operation.

Revocation

3. The Act of Sederunt (Rules of Court Amendment No. 4) 1975(**e**) is revoked.

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

G. C. Emslie,
I.P.D.

Edinburgh.
14th January 1977.

(**a**) 1895 c. 14.
(**b**) 1933 c. 41.
(**c**) 1889 c. 63.
(**d**) S.I. 1965/321 (1965 I, p. 803).
(**e**) S.I. 1975/1850 (1975 III, p. 6976).

SCHEDULE

FEE-FUND DUES

A. SIGNETTING

1. Signetting of any writ or summons, if attendance is necessary outwith the normal office hours	£3·00

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 signetting in normal office hours)	£10·00
2. Writ by which a consistorial cause is originated—inclusive fee (to comprehend signetting within normal office hours, and, if applicable, issue to the Pursuer of an Extract in terms of Item G7(*a*) of this table, and to the Defender, if appropriate, a duplicate thereof)	£15·00
3. Defences, Answers or other writ or step by which a party other than an originating party first makes appearance in a cause or proceedings—inclusive fee	£10·00
4. Special Case—inclusive fee—	
(*a*) Where two parties only	£15·00
(*b*) For each additional party, subject to a maximum of £25 per case ...	£5·00
5. Minute by either party for variation of an order in a consistorial cause	£2·00
6. Letter of request to a foreign court	£2·00
7. Citation of each jury, to include outlays incurred in citing and countermanding—payable on receipt of instructions for issue of precept ...	£10·00

Note: Instructions to be received and precept to be issued not later than fourteen days prior to the date fixed for the trial.

C. PETITION DEPARTMENT

1. Petition of whatever nature presented to Inner or Outer House, being first step of process—inclusive fee	£10·00
2. Answers and objections to No. 1—inclusive fee	£10·00
3. Petition of whatever nature not being first step of process—inclusive fee	£1·00
4. Answers to No. 3—inclusive fee	£1·00
5. Caveat, to endure for twelve months but not renewable	£3·00
6. Fiat	£2·50
7. Registering office copies of orders of English and Irish Courts—	
(*a*) For the first four sheets	£2·00
(*b*) For each sheet beyond the fourth	£0·50
8. Authentication by judge of Act and Warrant in terms of section 70 of the Bankruptcy (Scotland) Act 1913	£1·00
9. Issue of an abbreviate in sequestration	£1·00

D. VALUATION APPEAL COURT

1. Cases on appeal, inclusive fee	£10·00
2. Answers, inclusive fee	£10·00

E. COURT OF TRIAL OF ELECTION PETITIONS

1. Petitions against return of Members of Parliament	£10·00
2. Statement of matters	£2·00
3. Any other petitions, applications, answers or objections submitted to the judges	£5·00
4. Certificate of judgment	£3·50

F. TAXATION OF EXPENSES

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

Under £50	£1·00
For every additional sum of £50, or part of £50	£1·00

Fee to be determined by Auditor of Court on amount of account as taxed.

G. EXTRACTS

1. Extract Decree in absence in ordinary and admiralty actions	£2·50
2. All other extract decrees after presentation of a Note following upon a Summons, Petition or Appeal	£3·50
3. Extract of admission as a solicitor	£2·00
4. Extract of protestation	£2·00
5. Certificate under Judgments Extension Act 1868	£1·00
6. Engrossment of extract, record copy and certificate, each per sheet of 250 words	£0·50

Figured works 10p extra per sheet.

7. Documents evidencing Divorce, Nullity or Dissolution of Marriage—

(*a*) Extract from Consistorial Register of Decrees subsequent to 23rd September 1975 if not issued in terms of item B2	All the same fee	£1·00
(*b*) Certificates of Divorce in decrees pronounced prior to 23rd September 1975		
(*c*) Certified Copy Interlocutor in decrees pronounced prior to 23rd September 1975		

8. Extracts from the Register of Acts and Decrees per sheet of 250 words	£1·00

H. ACCOUNTANT OF COURT'S DEPARTMENT

I.—*In Factories and Curatories*

1. For registering case and receiving and delivering up Bond of Caution:	
In Court of Session appointments...	£5·00
In Sheriff Court appointments	£3·50
2. For examining factor's inventory where estate—	
(*a*) does not exceed £500	£2·00
(*b*) exceeds £500: for first £500	£2·00

plus an additional fee of £2·00 for each further £1,000 or part thereof, but fee not to exceed £40.

3. For auditing each Account—	
(*a*) where factor's commission is £4·00 or less, or where no commission is allowable	£2·00
(*b*) where factor's commission is above £4·00 the fee shall be plus 17½ per cent. on the factor's commission as fixed (or what would have been the factor's full commission if chargeable or fully allowed).	
4. For reporting re Discharge, Special Powers or on other special matters	£2·00 to £25·00
5. For report on scheme of division plus £2·00 extra for each £1,000, or part thereof, to be divided amongst the preferable and ordinary creditors; but fee not to exceed £60	£5·00
6. For certificate under Seal...	£1·00
II.—*In Bankruptcies*	
7. For registering case, and related work	£2·00
8. For supervising proceedings in sequestration 3 per cent. on amount to be divided amongst preferable and ordinary creditors	
9. For report on bankrupt's petition for discharge	£5·00
10. For concurrence in private sale of heritage if £1,000 or under plus £2·00 extra for each additional £1,000 or part thereof, but not to exceed £30	£5·00
11. For special report	£5·00
12. For report on appeal against trustee's commission plus 3 per cent. on the trustee's commission as fixed but not to exceed £45	£2·00
13. For auditing the accounts and fixing the commission of trustee under voluntary trust deed, 15 per cent. on commission allowed to trustee	
14. For examining and issuing acknowledgement for sederunt book ...	£7·00
III.—*In Consignations*	
15. For lodging Consignation	£0·50
16. For producing or delivering up ... ... plus 15p for every £100 or part thereof uplifted, but not to exceed £6·00	£0·50
IV.—*Liquidations*	
17. For receiving and uplifting Bond of Caution	£1·00
J. MISCELLANEOUS (APPLICABLE TO ALL DEPARTMENTS)	
1. Certified copy of proceedings for appeal to the House of Lords ...	£10·00
2. Certified copy of any other document	£1·00
3. Copying—all documents—	
(*a*) By manuscript or typescript per page of 250 words...	£0·75
(*b*) By duplicating per copy page of 250 words ... } First page	£0·30
(*c*) By photocopying per copy page ... ... } Subsequent pages	£0·05
4. Searches—for any search of records or archives—	
(*a*) Involving one-half hour of time	£0·75
(*b*) Involving more than one-half hour of time...	£3·00
(*c*) Plus correspondence fee where applicable	£0·50
5. Captions—	
(*a*) Marking caption when ordered	£0·50
(*b*) Warrant for caption when issued	£0·50

EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of Court by making new provision in respect of fee-fund dues in the Court of Session.

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