STATUTORY INSTRUMENTS

1981 No. 496 (S. 46)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 1) (Court Fees) 1981

Made - - - - *25th March* 1981

Coming into Operation *27th April* 1981

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 enabling them in that behalf, do hereby, with the approval of the Treasury, enact and declare:—

Citation and commencement

1. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 1) (Court Fees) 1981 and shall come into operation on 27 April 1981.

Amendment of Court Fees

2. In Rule 346 of the Rules of Court(**c**), as amended by the Act of Sederunt (Rules of Court Amendment No. 2) (Court Fees) 1980(**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. 2) (Court Fees) 1980(**d**) is revoked.

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

Emslie,
Lord President,
I.P.D.

Edinburgh.
25 March 1981.

(a) 1895 c. 14. (b) 1933 c. 41. (c) S.I. 1965/321. (d) S.I. 1980/388.

SCHEDULE

FEE-FUND DUES

A. SIGNETING

1.	Signeting of any writ or summons, if attendance is necessary outwith the normal office hours	£15·00

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)	£24·00
2.	Writ by which a consistorial cause is originated—inclusive fee (to comprehend signeting within normal office hours, and, if applicable, issue to the Pursuer of an Extract in terms of Item G6 (*a*) of this table, and to the Defender, if appropriate, a duplicate thereof)	£36·00
3.	Defences, Answers or other writ or step by which a party other than an originating party first makes appearance in a cause or proceeding —inclusive fee	£24·00
4.	Special Case—inclusive fee:	
	(*a*) Where two parties only	£24·00
	(*b*) For each additional party, subject to a maximum of £46 per case	£12·00
5.	Minute by either party for variation of an order in a consistorial cause	£6·00
6.	Letter of request to a foreign court...	£6·00
7.	Citation of each jury, to include outlays incurred in citing and countermanding—payable on receipt of instructions for issue of precept ...	£21·50

Note: Instructions to be received and precept to be issued not later than 14 days prior to the date fixed for the trial.

C. PETITION DEPARTMENT

1.	Petition of whatever nature presented to Inner or Outer House other than a Petition under No. 2 below, whether in respect of the first or any subsequent step of process—inclusive fee	£24·00
2.	Petition to be admitted as a Notary Public:	
	(*a*) Where there is one Applicant	£24·00
	(*b*) For each additional Applicant	£24·00
3.	Answers and objections to No. 1—inclusive fee	£24·00
4.	Caveat. (Any such caveat shall endure for 12 months on the expiry of which period a fresh caveat may be lodged)	£6·00
5.	Fiat	£6·00
6.	Registering office copies of orders of English and Irish Courts	£3·00
7.	Authentication by judge of Act and Warrant in terms of section 70 of the Bankruptcy (Scotland) Act 1913	£2·50
8.	Issue of an abbreviate in sequestration	£2·50

D. VALUATION APPEAL COURT

1.	Cases on appeal—inclusive fee	£24·00
2.	Answers—inclusive fee	£24·00

E. COURT OF TRIAL OF ELECTION PETITIONS

1.	Petitions against return of Members of Parliament	£24·00
2.	Statement of matters	£3·00
3.	Any other petitions, applications, answers or objections submitted to the judges	£7·00
4.	Certificate of judgment	£6·00

F. Taxation of Expenses

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

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

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

G. Extracts

1.	Extract Decree following upon a Summons, Petition or Appeal, after protestation of a Note, and whether in absence or otherwise	£7·00
2.	Extract of admission as a solicitor	£5·00
3.	Extract of protestation	£5·00
4.	Certificate under Judgments Extension Act 1868	£3·00
5.	Engrossment of extract, record copy and certificate, each per sheet of 250 words ... ... Figured works 50p extra per sheet.	£1·50
6.	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	
	(*b*) Certificates of Divorce in decrees pronounced prior to 23rd September 1975	All the same fee £3·50
	(*c*) Certified Copy Interlocutor in decrees pronounced prior to 23rd September 1975	
7.	Extracts from the Register of Acts and Decrees per sheet of 250 words	£2·50
8.	Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise	£2·50

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	£9·50
	In Sheriff Court appointments	£6·00
2.	For examining factor's inventory where estate—	
	(*a*) does not exceed £1,000	£6·00
	(*b*) exceeds £1,000: for first £1,000 ... ... plus an additional fee of £2·00 for each further £1,000 or part thereof, but fee not to exceed £120.	£6·00
3.	For auditing each Account:	
	(*a*) where factor's commission is £7·00 or less, or where no commission is allowable	£3·50
	(*b*) where factor's commission is above £7·00 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	£12·00 to £48·00
5.	For report on scheme of division plus £3·50 extra for each £1,000 or part thereof, to be divided amongst the preferable and ordinary creditors; but fee not to exceed £120	£6·00
6.	For certificate under Seal	£2·50

II. In Bankruptcies

7.	For registering case, and related work	£6·00
8.	For supervising proceedings in sequestration 5 per cent. on amount to be divided amongst preferable and ordinary creditors.	

9.	For report on bankrupt's petition for discharge	£9·50
10.	For concurrence in private sale of heritage if £1,000 or under plus £3·50 extra for each additional £1,000 or part thereof, but not to exceed £120	£6·00
11.	For special report	£9·50
12.	For report on appeal against trustee's commission plus 5 per cent. on the trustee's commission as fixed but not to exceed £120	£2·50
13.	For auditing the accounts and fixing the commission of trustee under voluntary trust deed, 17½ per cent. on commission allowed to trustee.	
14.	(*a*) For examining sederunt book	£9·50
	(*b*) For issuing acknowledgment for sederunt book	£3·50

III. In Consignations

15.	For lodging Consignation	£1·50
16.	For producing or delivering up ... ... plus 25p for every £100 or part thereof uplifted, but not to exceed £12·00.	£1·50

IV. Liquidations

17.	For receiving and uplifting Bond of Caution	£2·50

J. Miscellaneous (Applicable to all Departments)

1.	Certified copy of proceedings for appeal to the House of Lords ...	£24·00
2.	Certifying copy of any other document (plus copying charges if necessary)	£2·50
3.	Recording, engrossing, extracting or copying—all documents:	
	(*a*) By manuscript or typescript per page of 250 words	£1·50
	(*b*) By copying by electrical or mechanical means (per sheet) ... ... First copy	£0·50
	Subsequent copies	£0·10
4.	Searches—for any search of records or archives:	
	(*a*) For first half hour of time taken	£2·00
	(*b*) For more than one-half hour up to a maximum of two hours	£6·00
	(*c*) For each half hour or part thereof in excess of two hours ...	£1·50
	(*d*) Plus correspondence fee where applicable	£1·50
5.	Captions:	
	(*a*) Marking caption when ordered	£1·50
	(*b*) Warrant for caption when issued	£1·50
6.	Subscribing the Roll of Solicitors practising in the Supreme Court ...	£1·50

EXPLANATORY NOTE

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

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

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