

2012 No. 290

COURT OF SESSION

The Court of Session etc. Fees Amendment Order 2012

Made - - - - *30th October 2012*

Laid before the Scottish Parliament *31st October 2012*

Coming into force in accordance with article 1

The Scottish Ministers make the following Order in exercise of the powers conferred by section 2 of the Courts of Law Fees (Scotland) Act 1895(a) and all other powers enabling them to do so.

Citation, commencement and effect

1.—(1) This Order may be cited as the Court of Session etc. Fees Amendment Order 2012 and, subject to paragraphs (2) and (3), comes into force on 10th December 2012.

(2) Article 5(b) and Schedule 2 come into force, and article 5(a) and Schedule 1 cease to have effect, on 1st April 2013.

(3) Article 5(c) and Schedule 3 come into force, and article 5(b) and Schedule 2 cease to have effect, on 1st April 2014.

Amendment of the Court of Session etc. Fees Order 1997

2. The Court of Session etc. Fees Order 1997(b) is amended in accordance with articles 3 to 6.

3. After article 3(2) (offices to which this Order applies and officers to whom fees are payable) insert—

“(3) No act is required of any officer or person specified in paragraph (2) in connection with a matter specified in relation to any fee prior to the payment of that fee or an arrangement being entered into for payment of that fee.”

4. In articles 5A(2) (exemption of certain motions from fees) and 5B (calculation of fees payable), for “B26 and C24” where it occurs substitute “B21 and C17”.

5. In article 5B(2) for “C10” substitute “C9”.

6. The Table of Fees in Schedule 1 is substituted by—

(a) the Table of Fees in Schedule 1 to this Order on 10th December 2012;

(a) 1895 c.14; section 2 was amended by the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c.12), section 4, modified by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), articles 2(1) and 4 and Schedule 2 Part I, paragraph 9, and Part IV and the Judiciary and Courts (Scotland) Act 2008 (asp 6), schedule 5, paragraph 1. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1997/688 as amended by S.I. 1999/755 and S.S.I. 2002/270, 2007/319, 2008/236 and 2009/88.

- (b) the Table of Fees in Schedule 2 to this Order on 1st April 2013;
- (c) the Table of Fees in Schedule 3 to this Order on 1st April 2014.

St Andrew's House,
Edinburgh
30th October 2012

KENNY MACASKILL
A member of the Scottish Government

SCHEDULE 1

Article 6(a)

TABLE OF FEES

Fees payable from 10th December 2012

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable(a)) £</i>
PART I – FEES IN THE CENTRAL OFFICE OF THE COURT		
A. SIGNETING		
Signeting of any writ or summons if attendance is necessary outwith normal office hours	111	105
B. GENERAL DEPARTMENT		
1. Appeal, application for leave to appeal, summons or other writ or step by which any cause or proceeding, other than a family action, is originated in either the Inner or Outer House (to include signeting in normal office hours)	191	180
2. Defences, answers or other writ (including a joint minute) or step in process or enrolment or opposition to a motion in a pending process by which a party other than an originating party first makes an appearance in a course or proceeding, other than a family action	191	180
3. Writ by which a family action is originated (other than a simplified divorce or dissolution of a civil partnership application) – inclusive fee (to include signeting within normal office hours and, if applicable, issue to the pursuer of an extract in terms of item G5(a) of this Table and to the defender, if appropriate, of a duplicate extract)	148	140
4. Simplified divorce or dissolution of a civil partnership application (inclusive of all procedure other than that specified in item B5 of this Table)	111	105
5. In relation to a simplified divorce or dissolution of a civil partnership application, citation of any persons under rule 16.1(1)(a)(i), (ii) or (iii), as applied by rule 49.76, of the Rules of Court, or intimation to any person or persons under rule 16.1(1)(a)(i), (ii) or (iii), as applied by rule 49.76, of those Rules, where such intimation is required	Messenger at arms fee to serve document plus £11	Messenger at arms fee to serve document plus £10

(a) Column 3 shows the fees which were payable under S.I. 1997/688 immediately before the coming into force of this Schedule. Where there is no entry in column 3 but an entry in column 2, the matter is new or has been amended so that no direct comparison can be made with the fee formerly payable.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable(a)) £</i>
6. Defences, answers or other writ (including a joint minute) or step in process or enrolment of or opposition to a motion in a pending process by which a party other than an originating party first makes appearance in a family action	148	140
7. Initial lodging of affidavits in a family action where proof by affidavit evidence has been allowed	64	60
8. Special case— for each party	95	90
maximum fee payable per case	387	365
9. Application by minute or motion for variation of an order in a family action	32	30
10. Answers or opposition to an application under item B9 of this Table	32	30
11. Letter of request to a foreign court	48	45
12. Citation of each jury, to include outlays incurred in citing and countermanding - payable on receipt of instruments for issue of precept	265	250
13. Reclaiming motion - payable by party enrolling motion	191	180
14. Closed record – payable by each party on the lodging of the closed record or, where no closed record is lodged, when mode of enquiry is determined	95	90
15. Allowing proof, etc. - payable by each party on diet of proof, jury trial, procedure roll or summar roll hearing being allowed	53	50
16. Court hearing (other than motion roll or single bill) (in normal hours) before a single judge – payable by each party for every 30 minutes or part thereof	85	45(a)
17. Court hearing (in normal hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof	212	100(b)
18. Court hearing (other than motion roll or single bill) (out of hours) before a single judge – payable by each party for every 30 minutes or part thereof	102	55(c)
19. Court hearing (out of hours) before three or more judges – payable by each party for every 30 minutes or part thereof	254	125(a)

(a) The fee formerly payable relates to matters B17. (Proof or Procedure Roll), B18. (Summar roll), B19. (Jury Trial) and B20. (Outer House Hearing) in Schedule 1 to S.I. 1997/688 immediately before the coming into force of this Schedule.

(b) The fee formerly payable relates to matter B21. (Inner House hearing) in Schedule 1 to S.I. 1997/688 immediately before the coming into force of this Schedule.

(c) The fee formerly payable relates to matter B24. (Outer House hearings out of hours) in Schedule 1 to S.I. 1997/688 immediately before the coming into force of this Schedule.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable(a)) £</i>
20. Cancellation of court hearing before three or more judges, by a party or parties, within 28 days of court hearing date – fee payable is shared equally between parties	50% of fee that would have been payable under this Table had the court hearing taken place as planned	n/a
21. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion	48	45
C. PETITION DEPARTMENT		
1. Petition of whatever nature presented to the Inner or Outer House other than a petition under item C3 or C4 of this Table, whether in respect of the first or any subsequent step of process, and any application for registration or recognition of a judgment under the Civil Jurisdiction and Judgments Act 1982 (b)	191	180
2. Additional fee payable when a petition in terms of item C1 of this Table is presented outwith normal office hours	111	105
3. Petition to be admitted as a notary public— for each applicant	143	135
4. Petition to be admitted as a solicitor— for each applicant	143	135
5. Answers, objection or other writ (including a joint minute) or step in process or enrolment or opposition to a motion in a pending process by which a party other than an originating party first makes appearance in a proceeding to which item C1 of this Table applies	191	180
6. Caveat	45	45
7. Fiat	48	45
8. Registering official copies of orders of courts in England and Wales or Northern Ireland	16	15
9. Reclaiming motion – payable by party enrolling motion	191	180
10. Closed record – payable by each party on the lodging of the closed record or, when no closed record is lodged, when mode of enquiry is determined	95	90

(a) The fee formerly payable relates to matter B25. (Inner House hearings out of hours) in Schedule 1 to S.I. 1997/688 immediately before the coming into force of this Schedule.

(b) 1982 c.27.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable(a)) £</i>
11. Allowing proof, etc. – payable by each party on diet of proof, procedure roll, summar roll or judicial review hearing being allowed	53	50
12. Court hearing (other than a motion roll or single bill) (in normal hours) before a single judge – payable by each party for every 30 minutes or part thereof	85	45(a)
13. Court hearing (in normal hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof	212	100(b)
14. Court hearing (other than a motion roll or single bill) (out of hours) before a single judge – payable by each party for every 30 minutes or part thereof	102	55(c)
15. Court hearing (out of hours) before 3 or more judges – fee payable by each party for every 30 minutes or part thereof	254	125(d)
16. Cancellation of court hearing before 3 or more judges, by a party or parties, within 28 days of court hearing date – fee payable is shared equally between parties	50% of fee that would have been payable under this Table had the court hearing taken place as planned	n/a
17. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion	48	45
18. Lodging of notice of appointment or intention to appoint an administrator out of court under the Insolvency Act 1986(e)	191	180
D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS		
Appeal – inclusive fee	191	180
E. ELECTION COURT		
1. Parliamentary election petition	191	180
2. Statement of matters	16	15
3. Any other petition, application, answers or objections submitted to the court	48	45
4. Certificate of judgement	48	45

- (a) The fee formerly payable relates to matters C15. (Proof or Procedure Roll), C16. (Summar roll), C17. (Jury Trial) and C18. (Outer House Hearing) in Schedule 1 to S.I. 1997/688 immediately before the coming into force of this Schedule.
- (b) The fee formerly payable relates to matter C19. (Inner House hearing) in Schedule 1 to S.I. 1997/688 immediately before the coming into force of this Schedule.
- (c) The fee formerly payable relates to matter C22. (Outer House hearings out of hours) in Schedule 1 to S.I. 1997/688 immediately before the coming into force of this Schedule.
- (d) The fee formerly payable relates to matter C23. (Inner House hearings out of hours) in Schedule 1 to S.I. 1997/688 immediately before the coming into force of this Schedule.
- (e) 1986 c.45.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable(a)) £</i>
F. LANDS VALUATION APPEAL COURT		
1. Appeal - inclusive fee	191	180
2. Answers - inclusive fee	191	180
G. EXTRACTS DEPARTMENT		
1. Extract decree following upon a summons, petition or appeal, or after protestation of a note, whether in absence or otherwise	53	50
2. Extract of admission as a solicitor	48	45
3. Extract of protestation	48	45
4. Certificate under the Civil Jurisdiction and Judgments Act 1982	48	45
5. Documentation evidencing divorce, nullity or dissolution of marriage or civil partnership—		
(a) extract from Consistorial Register of Decrees of decree pronounced on or after 23rd September 1975 if not issued in terms of item B3 or B4 of this Table	27	25
(b) certificate of divorce in decree pronounced prior to 23rd September 1975	27	25
(c) certified copy interlocutor in decree pronounced prior to 23rd September 1975	27	25
6. Extract from the Register of Acts and Decrees – per sheet or part thereof	27	25
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise	27	25
8. Acknowledgement of receipt of a notice under section 19(6) or 21(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970(a)	48	45
PART II – FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT		
H. OFFICE OF THE ACCOUNTANT OF COURT		
<i>I. In Factories</i>		
1. Registering case and receiving and delivering up bond of caution	20	2035(b)

(a) 1970 c.35.

(b) The previous fee for registering a case and delivering up a bond of caution was £20 in relation to Sheriff Court appointments and £35 in relation to Court of Session appointments. The new fee of £20 is now to be charged in relation to appointment in either court.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable(a)) £</i>
2. Examining factor's inventory – 0.333% of the value of the estate as disclosed		
(a) minimum fee payable	26	25
(b) maximum fee payable	641	610
3. Auditing each account, based on estate value		15 plus 17.5% of factor's commission
(a) £0 - £30,000	100	
(b) £30,001 - £50,000	200	
(c) £50,001 - £250,000	500	
(d) £250,001 - £500,000	750	
(e) £500,001 and over	1,000	
4. Reporting with regard to discharge, special powers, other special matters, surplus estate or scheme of division	50	110
5. Certificate under seal	15	25
<i>II. In Consignations</i>		
6. Lodging consignment	30	20
7. Producing or delivering up consignment, based on consignment value—		
(a) consignment value £0 - £50 and less than 7 years since lodged	No charge	20
(b) consignment value over £51 and less than 7 years since lodged	30	20
(c) consignment value £0 - £70 and over 7 years since lodge	No Charge	20
Consignment value over £71 and over 7 years since lodged	50	20
PART III – FEES IN THE OFFICE OF THE AUDITOR OF THE COURT OF SESSION		
I. 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—		
(a) Lodging account for taxation	37	35
(b) Taxing accounts for expenses etc.		
(i) up to £400	20	20
(ii) for every additional £100 or part thereof	5	5
<i>Note: fee to be determined by the Auditor of the Court of Session on amount of account as submitted</i>		

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly payable(a)) £</i>
2. Assessing account remitted to the Auditor to determine whether an additional fee should be paid	254	240
3. Cancellation of diet of taxation— (a) where written notice of cancellation received by receiving party after 4.00 pm on the fourth working day prior to the diet of taxation (b) where written notice of cancellation received by receiving party after 4.00 pm on the working day before or the day of the diet of taxation	50% of fee that would have been payable under item I1(b) of this Table 75% of fee that would have been payable under item I1(b) of this Table	50% of fee that would have been payable under item I1(b) of this Table 75% of fee that would have been payable under item I1(b) of this Table
PART IV – FEES COMMON TO ALL OFFICES J. MISCELLANEOUS		
1. Certified copy of proceedings for appeal to the Supreme Court	191	180
2. Certifying of any other document (plus copying charges if necessary)	16	15
3. Recording, extracting, engrossing or copying- all documents (exclusive of search fee)— (a) copying of each document, up to 10 pages (b) copying of each further page or part thereof (c) copying of each document in electronic form	5 0.50 5	5 0.50 5
4. Any search of records or archives— (a) up to 30 minutes (b) more than 30 minutes up to 2 hours (c) each additional 30 minutes in excess of 2 hours (d) in addition, correspondence fee where applicable	16 37 11 11	15 35 10 10
5. Captions— (a) marking caption when ordered (b) warrant for caption when issued	11 11	10 10
6. Change of party name where more than 10 cases are registered – per case	2	n/a

SCHEDULE 2

Article 6(b)

TABLE OF FEES

Fees payable from 1st April 2013

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable(a)) £</i>
PART I – FEES IN THE CENTRAL OFFICE OF THE COURT		
A. SIGNETING		
Signeting of any writ or summons if attendance is necessary outwith normal office hours	115	111
B. GENERAL DEPARTMENT		
1. Appeal, application for leave to appeal, summons or other writ or step by which any cause or proceeding, other than a family action, is originated in either the Inner or Outer House (to include signeting in normal office hours)	197	191
2. Defences, answers or other writ (including a joint minute) or step in process or enrolment or opposition to a motion in a pending process by which a party other than an originating party first makes an appearance in a course or proceeding, other than a family action	197	191
3. Writ by which a family action is originated (other than a simplified divorce or dissolution of a civil partnership application) – inclusive fee (to include signeting within normal office hours and, if applicable, issue to the pursuer of an extract in terms of item G5(a) of this Table, and to the defender, if appropriate, of a duplicate extract)	153	148
4. Simplified divorce or dissolution of a civil partnership application (inclusive of all procedure other than that specified in item B5 of this Table)	115	111
5. In relation to a simplified divorce or dissolution of a civil partnership application, citation of any persons under rule 16.1(1)(a)(i), (ii) or (iii), as applied by rule 49.76, of the Rules of Court, or intimation to any person or persons under rule 16.1(1)(a)(i), (ii) or (iii), as applied by rule 49.76, of those Rules, where such intimation is required	Messenger at arms fee to serve document plus £11	Messenger at arms fee to serve document plus £11

(a) Column 3 shows the fees which were payable by virtue of Schedule 1 to this Order immediately before the coming into force of this Schedule.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable(a)) £</i>
6. Defences, answers or other writ (including a joint minute) or step in process or enrolment of or opposition to a motion in a pending process by which a party other than an originating party first makes appearance in a family action	153	148
7. Initial lodging of affidavits in a family action where proof by affidavit evidence has been allowed	66	64
8. Special case— for each party	98	95
maximum fee payable per case	399	387
9. Application by minute or motion for variation of an order in a family action	33	32
10. Answers or opposition to an application under item B9 of this Table	33	32
11. Letter of request to a foreign court	49	48
12. Citation of each jury, to include outlays incurred in citing and countermanding - payable on receipt of instruments for issue of precept	273	265
13. Reclaiming motion - payable by party enrolling motion	197	191
14. Closed record – payable by each party on the lodging of the closed record or, where no closed record is lodged, when mode of enquiry is determined	98	95
15. Allowing proof, etc. - payable by each party on diet of proof, jury trial, procedure roll or summar roll hearing being allowed	55	53
16. Court hearing (other than motion roll or single bill) (in normal hours) before a single judge – payable by each party for every 30 minutes or part thereof	87	85
17. Court hearing (in normal hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof	218	212
18. Court hearing (other than motion roll or single bill) (out of hours) before a single judge – payable by each party for every 30 minutes or part thereof	105	102
19. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof	262	254
20. Cancellation of court hearing before 3 or more judges, party or parties, within 28 days of court hearing date – fee payable is shared equally between parties	50% of fee that would have been payable under this Table had the court hearing taken place as planned	50% of fee that would have been payable under this Table had the court hearing taken place as planned

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable(a)) £</i>
21. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion	49	48
C. PETITION DEPARTMENT		
1. Petition of whatever nature presented to the Inner or Outer House other than a petition under item C3 or C4 of this Table, whether in respect of the first or any subsequent step of process, and any application for registration or recognition of a judgment under the Civil Jurisdiction and Judgments Act 1982(a)	197	191
2. Additional fee payable when a petition in terms of item C1 of this Table is presented outwith normal office hours	115	111
3. Petition to be admitted as a notary public— for each applicant	147	143
4. Petition to be admitted as a solicitor— for each applicant	147	143
5. Answers, objection or other writ (including a joint minute) or step in process or enrolment or opposition to a motion in a pending process by which a party other than an originating party first makes appearance in a proceeding to which item C1 of this Table applies	197	191
6. Caveat	45	45
7. Fiat	49	48
8. Registering official copies of orders of courts in England and Wales or Northern Ireland	16	16
9. Reclaiming motion – payable by party enrolling motion	197	191
10. Closed record – payable by each party on the lodging of the closed record or, when no closed record is lodged, when mode of enquiry is determined	98	95
11. Allowing proof, etc. – payable by each party on diet of proof, procedure roll, summar roll or judicial review hearing being allowed	55	53
12. Court hearing (other than motion roll or single bill) (in normal hours) before a single judge – payable by each party for every 30 minutes or part thereof	87	85
13. Court hearing (in normal hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof	218	212

(a) 1982 c.27.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable(a)) £</i>
14. Court hearing (out of hours) before a single judge – payable by each party for every 30 minutes of part thereof	105	102
15. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof	262	254
16. Cancellation of court hearing before 3 or more judges, by a party or parties, within 28 days of court hearing date – fee payable is shared equally between parties	50% of fee that would have been payable under this Table had the court hearing taken place as planned	50% of fee that would have been payable under this Table had the court hearing taken place as planned
17. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion	49	48
18. Lodging of notice of appointment or intention to appoint an administrator out of court under the Insolvency Act 1986(a)	197	191
D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS		
Appeal – inclusive fee	197	191
E. ELECTION COURT		
1. Parliamentary election petition	197	191
2. Statement of matters	16	16
3. Any other petition, application, answers or objections submitted to the court	49	48
4. Certificate of judgement	49	48
F. LANDS VALUATION APPEAL COURT		
1. Appeal - inclusive fee	197	191
2. Answers - inclusive fee	197	191
G. EXTRACTS DEPARTMENT		
1. Extract decree following upon a summons, petition or appeal, or after protestation of a note, whether in absence or otherwise	55	53
2. Extract of admission as a solicitor	49	48
3. Extract of protestation	49	48
4. Certificate under the Civil Jurisdiction and Judgments Act 1982	49	48

(a) 1986 c.45.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable(a)) £</i>
5. Documentation evidencing divorce, nullity or dissolution of marriage or civil partnership—		
(a) extract from Consistorial Register of Decrees of decree pronounced on or after 23rd September 1975 if not issued in terms of item B3 or B4 of this Table	27	27
(b) certificate of divorce in decree pronounced prior to 23rd September 1975	27	27
(c) certified copy interlocutor in decree pronounced prior to 23rd September 1975	27	27
6. Extract from the Register of Acts and Decrees – per sheet or part thereof	27	27
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise	27	27
8. Acknowledgement of receipt of a notice under section 19(6) or 21(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970(a)	49	48
PART II – FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT		
H. OFFICE OF THE ACCOUNTANT OF COURT		
<i>I. In Factories</i>		
1. Registering case and receiving and delivering up bond of caution	21	20
2. Examining factor's inventory – 0.333% of the value of the estate as disclosed		
(a) minimum fee payable	27	26
(b) maximum fee payable	660	641
3. Auditing each account, based on estate value		
(a) £0 - £30,000	103	100
(b) £30,001 - £50,000	206	200
(c) £50,001 - £250,000	515	500
(d) £250,001 - £500,000	773	750
(e) £500,001 and over	1,030	1,000
4. Reporting with regard to discharge, special powers, other special matters, surplus estate or scheme of division	52	50
5. Certificate under seal	15	15

(a) 1970 c.35.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable(a)) £</i>
<i>II. In Consignations</i>		
6. Lodging consignment	30	30
7. Producing or delivering up consignment, based on consignment value—		
(a) consignment value £0 - £50 and less than 7 years since lodged	No charge	No charge
(b) consignment value over £51 and less than 7 years since lodged	30	30
(c) consignment value £0 - £70 and over 7 years since lodged	No charge	No charge
(d) consignment value over £71 and over 7 years since lodged	50	50
PART III – FEES IN THE OFFICE OF THE AUDITOR OF THE COURT OF SESSION		
I. 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:		
(a) Lodging account for taxation	38	37
(b) Taxing accounts for expenses etc.		
(i) up to £400	20	20
(ii) for every additional £100 or part thereof	5	5
<i>Note: fee to be determined by the Auditor of the Court of Session on amount of account as submitted</i>		
2. Fee for assessing account remitted to the Auditor to determine whether an additional fee should be paid	262	254
3. Cancellation of diet of taxation—		
(a) where written notice of cancellation received by receiving party after 4.00 pm on the fourth working day prior to the diet of taxation	50% of fee that would have been payable under item I1(b) of this Table	50% of fee that would have been payable under item I1(b) of this Table
(b) where written notice of cancellation received by receiving party after 4.00 pm on the working day before or the day of the diet of taxation	75% of fee that would have been payable under item I1(b) of this Table	75% of fee that would have been payable under item I1(b) of this Table

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable(a)) £</i>
PART IV – FEES COMMON TO ALL OFFICES		
J. MISCELLANEOUS		
1. Certified copy of proceedings for appeal to the Supreme Court	197	191
2. Certifying of any other document (plus copying charges if necessary)	16	16
3. Recording, extracting, engrossing or copying- all documents (exclusive of search fee)—		
(a) copying of each document, up to 10 pages	5	5
(b) copying of each further page or part thereof	0.50	0.50
(c) copying of each document in electronic form	5	5
4. Any search of records or archives—		
(a) up to 30 minutes	16	16
(b) more than 30 minutes up to 2 hours	38	37
(c) each additional 30 minutes in excess of 2 hours	11	11
(d) in addition, correspondence fee where applicable	11	11
5. Captions—		
(a) marking caption when ordered	11	11
(b) warrant for caption when issued	11	11
6. Change of party name where more than 10 cases are registered – per case	2	2

SCHEDULE 3

Article 6(c)

TABLE OF FEES

Fees payable from 1st April 2014

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable(a)) £</i>
PART I – FEES IN THE CENTRAL OFFICE OF THE COURT		
A. SIGNETING		
Signeting of any writ or summons if attendance is necessary outwith normal office hours	118	115
B. GENERAL DEPARTMENT		
1. Appeal, application for leave to appeal, summons, or other writ or step by which any cause or proceeding, other than a family action, is originated in either the Inner or Outer House (to include signeting in normal office hours)	202	197
2. Defences, answers or other writ (including a joint minute) or step in process or enrolment or opposition to a motion in a pending process by which a party other than an originating party first makes an appearance in a course or proceeding, other than a family action	202	197
3. Writ by which a family action is originated (other than a simplified divorce or dissolution of a civil partnership application) – inclusive fee (to include signeting within normal office hours and, if applicable, issue to the pursuer of an extract in terms of item G5(a) of this Table, and to the defender, if appropriate, of a duplicate extract)	157	153
4. Simplified divorce or dissolution of a civil partnership application (inclusive of all procedure other than that specified in item B5 of this Table)	118	115

(a) Column 3 shows the fees which were payable by virtue of Schedule 2 to this Order immediately before the coming into force of this Schedule.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
5. In relation to a simplified divorce or dissolution of a civil partnership application, citation of any persons under rule 16.1(1)(a)(i), (ii) or (iii), as applied by rule 49.76, of the Rules of Court, or intimation to any person or persons under rule 16.1(1)(a)(i), (ii) or (iii), as applied by rule 49.76, of those Rules, where such intimation is required	Messenger at arms fee to serve document plus £11	Messenger at arms fee to serve document plus £11
6. Defences, answers or other writ (including a joint minute) or step in process or enrolment of or opposition to a motion in a pending process by which a party other than an originating party first makes appearance in a family action	157	153
7. Initial lodging of affidavits in a family action where proof by affidavit evidence has been allowed	67	66
8. Special case— for each party maximum fee payable per case	101 410	98 399
9. Application by minute or motion for variation of an order in a family action	34	33
10. Answers or opposition to an application under item B9 of this Table	34	33
11. Letter of request to a foreign court	51	49
12. Citation of each jury, to include outlays incurred in citing and countermanding - payable on receipt of instruments for issue of precept	281	273
13. Reclaiming motion - payable by party enrolling motion	202	197
14. Closed record – payable by each party on the lodging of the closed record or, where no closed record is lodged, when mode of enquiry is determined	101	98
15. Allowing proof, etc. - payable by each party on diet of proof, jury trial, procedure roll or summar roll hearing being allowed	56	55
16. Court hearing (other than motion roll or single bill) (in normal hours) before a single judge – payable by each party for every 30 minutes or part thereof	90	87
17. Court hearing (in normal hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof	225	218
18. Court hearing (other than motion roll or single bill) (out of hours) before a single judge – payable by each party for every 30 minutes or part thereof	108	105

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
19. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof	270	262
20. Cancellation of court hearing before 3 or more judges, by a party or parties, within 28 days of court hearing date – fee payable is shared equally between the parties	50% of fee that would have been payable under this Table had the court hearing taken place as planned	50% of fee that would have been payable under this Table had the court hearing taken place as planned
21. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion	51	49
C. PETITION DEPARTMENT		
1. Petition of whatever nature presented to the Inner or Outer House other than a petition under item C3 or C4 of this Table, whether in respect of the first or any subsequent step of process, and any application for registration or recognition of a judgment under the Civil Jurisdiction and Judgments Act 1982(a)	202	197
2. Additional fee payable when a petition in terms of item C1 of this Table is presented outwith normal office hours	118	115
3. Petition to be admitted as a notary public— for each applicant	152	147
4. Petition to be admitted as a solicitor— for each applicant	152	147
5. Answers, objection or other writ (including a joint minute) or step in process or enrolment or opposition to a motion in a pending process by which a party other than an originating party first makes appearance in a proceeding to which item C1 of this Table applies	202	197
6. Caveat	45	45
7. Fiat	51	49
8. Registering official copies of orders of courts in England and Wales or Northern Ireland	17	16
9. Reclaiming motion – payable by party enrolling motion	202	197
10. Closed record – payable by each party on the lodging of the closed record or, when no closed record is lodged, when mode of enquiry is determined	101	98

(a) 1982 c.27.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
11. Allowing proof, etc. – payable by each party on diet of proof, procedure roll, summary roll or judicial review hearing being allowed	56	55
12. Court hearing (other than motion roll or single bill) (in normal hours) before a single judge – payable by each party for every 30 minutes or part thereof	90	87
13. Court hearing (in normal hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof	225	218
14. Court hearing (other than motion roll or single bill) (out of hours) before a single judge – payable by each party for every 30 minutes or part thereof	108	105
15. Court hearing (out of hours) before 3 or more judges – payable by each party for every 30 minutes or part thereof	270	262
16. Cancellation of court hearing before 3 or more judges, by a party or parties, within 28 days of court hearing date – fee payable is shared equally between parties	50% of fee that would have been payable under this Table had the court hearing taken place as planned	50% of fee that would have been payable under this Table had the court hearing taken place as planned
17. Fee payable by any party enrolling a motion or making a motion orally at the bar and any party opposing any such motion	51	49
18. Lodging of notice of appointment or intention to appoint an administrator out of court under the Insolvency Act 1986(a)	202	197
D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS		
Appeal – inclusive fee	202	197
E. ELECTION COURT		
1. Parliamentary election petition	202	197
2. Statement of matters	17	16
3. Any other petition, application, answers or objections submitted to the court	51	49
4. Certificate of judgement	51	49
F. LANDS VALUATION APPEAL COURT		
1. Appeal - inclusive fee	202	197
2. Answers - inclusive fee	202	197

(a) 1986 c.45.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
G. EXTRACTS DEPARTMENT		
1. Extract decree following upon a summons, petition or appeal, or after protestation of a note, whether in absence or otherwise	56	55
2. Extract of admission as a solicitor	51	49
3. Extract of protestation	51	49
4. Certificate under the Civil Jurisdiction and Judgments Act 1982	51	49
5. Documentation evidencing divorce, nullity or dissolution of marriage or civil partnership—		
(a) extract from Consistorial Register of Decrees of decree pronounced on or after 23rd September 1975 if not issued in terms of item B3 or B4 of this Table	28	27
(b) certificate of divorce in decree pronounced prior to 23rd September 1975	28	27
(c) certified copy interlocutor in decree pronounced prior to 23rd September 1975	28	27
6. Extract from the Register of Acts and Decrees – per sheet or part thereof	28	27
7. Sealing and certifying any document for exhibition in a foreign jurisdiction or otherwise	28	27
8. Acknowledgement of receipt of a notice under section 19(6) or 21(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970(a)	51	49
PART II – FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT		
H. OFFICE OF THE ACCOUNTANT OF COURT		
<i>I. In Factories</i>		
1. Registering case and receiving and delivering up bond of caution	21	21
2. Examining factor's inventory – 0.333% of the value of the estate as disclosed		
(a) minimum fee payable	28	27
(b) maximum fee payable	680	660
3. Auditing each account, based on estate value		
(a) £0 - £30,000	106	103

(a) 1970 c.35.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
(b) £30,001 - £50,000	212	206
(c) £50,001 - £250,000	530	515
(d) £250,001 - £500,000	796	773
(e) £500,001 and over	1,061	1,030
4. Reporting with regard to discharge, special powers, other special matters, surplus estate or scheme of division	53	52
5. For certificate under seal	16	15
<i>II. In Consignations</i>		
6. Lodging consignment	30	30
7. Producing or delivering up consignment, based on consignment value—		
(a) consignment value £0 - £50 and less than 7 years since lodged	No charge	No charge
(b) consignment value over £51 and less than 7 years since lodged	30	30
(c) consignment value £0 - £70 and over 7 years since lodged	No charge	No charge
(d) consignment value over £71 and over 7 years since lodged	50	50
PART III – FEES IN THE OFFICE OF THE AUDITOR OF THE COURT OF SESSION		
I. 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:		
(a) Lodging account for taxation	39	38
(b) Taxing accounts for expenses etc.		
(i) up to £400	20	20
(ii) for every additional £100 or part thereof	5	5
<i>Note: fee to be determined by the Auditor of the Court of Session on amount of account as submitted</i>		
2. Fee for assessing account remitted to the Auditor to determine whether an additional fee should be paid	270	262
3. Fee for cancellation of diet of taxation—		
(a) where written notice of cancellation received by receiving party after 4.00 pm on the fourth working day prior to the diet of taxation	50% of fee that would have been payable under item I1(b) of this Table	50% of fee that would have been payable under item II(b) of this Table

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable) £</i>	<i>Column 3 (Fee formerly Payable) £</i>
(b) where written notice of cancellation received by receiving party after 4.00 pm on the working day before or the day of the diet of taxation	75% of fee that would have been payable under item I1(b) of this Table	75% of fee that would have been payable under item I1(b) of this Table
PART IV – FEES COMMON TO ALL OFFICES		
J. MISCELLANEOUS		
1. Certified copy of proceedings for appeal to the Supreme Court	202	197
2. Certifying of any other document (plus copying charges if necessary)	17	16
3. Recording, extracting, engrossing or copying- all documents (exclusive of search fee)—		
(a) copying of each document, up to 10 pages	5	5
(b) copying of each further page or part thereof	0.50	0.50
(c) Copying of each document in electronic form	5	5
4. Any search of records or archives—		
(a) up to 30 minutes	17	16
(b) more than 30 minutes up to 2 hours	39	38
(c) each additional 30 minutes in excess of 2 hours	11	11
(d) in addition, correspondence fee where applicable	11	11
5. Captions—		
(a) marking caption when ordered	11	11
(b) warrant for caption when issued	11	11
6. Change of party name where more than 10 cases are registered – per case	2	2

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Court of Session etc. Fees Order 1997 (“the 1997 Order”).

Article 3 inserts a new article 3(3) into the 1997 Order which has the effect of providing that a person to whom a fee is payable is not required to do any act in connection with the matter specified in relation to that fee without either prior payment of the fee or entering into an arrangement for payment for the fee.

Articles 4 and 5 make amendments to articles 5A and 5B of the 1997 Order making changes consequential upon the renumbering of certain matters specified in column 1 of the Table of Fees substituted into the 1997 Order by article 5 and Schedules 1 to 3 of this Order.

Article 6 and Schedules 1 to 3 specify new fee levels payable in the Office of Court, the office of the Accountant of Court and the office of the Auditor of the Court of Session, introducing new charges for some matters and abolishing charges for other matters.

The fee levels for the period from 10th December 2012 until 31st March 2013 are given effect by substituting the Table of Fees in Schedule 1 to the 1997 Order with the Table of Fees in Schedule 1.

The fee levels for the period from 1st April 2013 until 31st March 2014 are given effect by substituting the Table of Fees in Schedule 1 with the Table of Fees in Schedule 2.

The fee levels from 1st April 2014 onwards are given effect by substituting the Table of Fees in Schedule 2 with the Table of Fees in Schedule 3.

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