
STATUTORY INSTRUMENTS

1997 No. 688

The Court of Session etc. Fees Order 1997

Citation and commencement

1. This Order may be cited as the Court of Session etc. Fees Order 1997 and shall come into force on 1st April 1997.

Interpretation

2.—(1) In this Order—

“Office of Court” has the same meaning as in rule 3.1(1) of the Rules of Court;

“Rules of Court” mean the Rules of the Court of Session 1994(1);

“Table of Fees” means the Table of Fees specified in Schedule 1 to this Order.

(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 Office of 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 Office of Court, to the Principal Clerk of Session or any officer acting for him;

(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.—(1) Subject to paragraph (2) and article 5 below, the fees payable in respect of the matters specified in column 1 of the Table of Fees 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).

(2) No fees shall be payable by a debtor in connection with any proceedings under the Debtors (Scotland) Act 1987(2).

(1) See Schedule 2 to S.I.1994/1443.

(2) 1987 c. 18.

Exemption of certain persons from fees in simplified divorce applications

5. The fees specified in items B4 and B5 of the Table of Fees shall not be payable by a person making a simplified divorce application who is in receipt of—

- (a) income support or family credit under Part VII of the Social Security Contributions and Benefits Act 1992⁽³⁾;
- (b) an income-based jobseeker's allowance (payable under the Jobseekers Act 1995⁽⁴⁾); or
- (c) advice and assistance from a solicitor under the Legal Aid (Scotland) Act 1986⁽⁵⁾ in respect of the simplified divorce application.

Revocations

6. The Orders specified in Schedule 2 to this Order are hereby revoked.

St Andrew's House,
Edinburgh
27th February 1997

James Douglas-Hamilton
Minister of State, Scottish Office

We concur,

4th March 1997

Patrick McLoughlin
Bowen Wells
Two of the Lords Commissioners of Her
Majesty's Treasury

(3) 1992 c. 4.
(4) 1995 c. 18.
(5) 1986 c. 47.