

**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;

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(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**  
**TABLE OF FEES**

Article 6(a)

**Fees payable from 10th December 2012**

| <i>Column 1<br/>(Matters)</i>   | <i>Column 2<br/>(Fee payable)<br/>£</i>          | <i>Column 3<br/>(Fee formerly<br/>payable(a))<br/>£</i> |
|---|--|---|
| <b>PART I – FEES IN THE CENTRAL OFFICE OF THE COURT</b>   |  |   |
| <b>A. SIGNETING</b>   |  |   |
| Signeting of any writ or summons if attendance is necessary outwith normal office hours   | 111  | 105   |
| <b>B. GENERAL DEPARTMENT</b>  |  |   |
| 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<br/>(Matters)</i>  | <i>Column 2<br/>(Fee payable)<br/>£</i> | <i>Column 3<br/>(Fee formerly<br/>payable(a))<br/>£</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—<br>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<br/>(Matters)</i>   | <i>Column 2<br/>(Fee payable)<br/>£</i>   | <i>Column 3<br/>(Fee formerly<br/>payable(a))<br/>£</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  |
| <b>C. PETITION DEPARTMENT</b>   |   |   |
| 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>(b)</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—<br>for each applicant  | 143   | 135   |
| 4. Petition to be admitted as a solicitor—<br>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<br/>(Matters)</i>  | <i>Column 2<br/>(Fee payable)<br/>£</i>   | <i>Column 3<br/>(Fee formerly<br/>payable(a))<br/>£</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   |
| <b>D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS</b>   |   |   |
| Appeal – inclusive fee   | 191   | 180   |
| <b>E. ELECTION COURT</b>   |   |   |
| 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<br/>(Matters)</i>  | <i>Column 2<br/>(Fee payable)<br/>£</i> | <i>Column 3<br/>(Fee formerly<br/>payable(a))<br/>£</i> |
|--|---|---|
| <b>F. LANDS VALUATION APPEAL COURT</b>   |   |   |
| 1. Appeal - inclusive fee  | 191                                     | 180   |
| 2. Answers - inclusive fee   | 191                                     | 180   |
| <b>G. EXTRACTS DEPARTMENT</b>  |   |   |
| 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  |
| <b>PART II – FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT</b>   |   |   |
| <b>H. OFFICE OF THE ACCOUNTANT OF COURT</b>  |   |   |
| <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<br/>(Matters)</i>   | <i>Column 2<br/>(Fee payable)<br/>£</i> | <i>Column 3<br/>(Fee formerly<br/>payable(a))<br/>£</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  |
| <b>PART III – FEES IN THE OFFICE OF THE AUDITOR OF THE COURT OF SESSION</b>   |   |   |
| <b>I. OFFICE OF THE AUDITOR OF THE COURT OF SESSION</b>   |   |   |
| 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<br/>(Matters)</i>   | <i>Column 2<br/>(Fee payable)<br/>£</i>  | <i>Column 3<br/>(Fee formerly<br/>payable(a))<br/>£</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—<br>(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<br><br>(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<br><br>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<br><br>75% of fee that would have been payable under item I1(b) of this Table |
| <b>PART IV – FEES COMMON TO ALL OFFICES</b><br><b>J. MISCELLANEOUS</b>  |  |  |
| 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)—<br>(a) copying of each document, up to 10 pages<br>(b) copying of each further page or part thereof<br>(c) copying of each document in electronic form  | 5<br><br>0.50<br><br>5   | 5<br><br>0.50<br><br>5   |
| 4. Any search of records or archives—<br>(a) up to 30 minutes<br>(b) more than 30 minutes up to 2 hours<br>(c) each additional 30 minutes in excess of 2 hours<br>(d) in addition, correspondence fee where applicable  | 16<br>37<br>11<br>11   | 15<br>35<br>10<br>10   |
| 5. Captions—<br>(a) marking caption when ordered<br>(b) warrant for caption when issued   | 11<br>11   | 10<br>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<br/>(Matters)</i>   | <i>Column 2<br/>(Fee payable)<br/>£</i>                | <i>Column 3<br/>(Fee formerly<br/>Payable(a))<br/>£</i> |
|---|--|---|
| <b>PART I – FEES IN THE CENTRAL OFFICE OF THE COURT</b>   |  |   |
| <b>A. SIGNETING</b>   |  |   |
| Signeting of any writ or summons if attendance is necessary outwith normal office hours   | 115  | 111   |
| <b>B. GENERAL DEPARTMENT</b>  |  |   |
| 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<br>fee to serve document<br>plus £11 | Messenger at arms<br>fee to serve document<br>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<br/>(Matters)</i>  | <i>Column 2<br/>(Fee payable)<br/>£</i>   | <i>Column 3<br/>(Fee formerly<br/>Payable(a))<br/>£</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—<br>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<br/>(Matters)</i>   | <i>Column 2<br/>(Fee payable)<br/>£</i> | <i>Column 3<br/>(Fee formerly<br/>Payable(a))<br/>£</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  |
| <b>C. PETITION DEPARTMENT</b>   |   |   |
| 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—<br>for each applicant  | 147                                     | 143   |
| 4. Petition to be admitted as a solicitor—<br>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   |

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(a) 1982 c.27.

| <i>Column 1<br/>(Matters)</i>  | <i>Column 2<br/>(Fee payable)<br/>£</i>   | <i>Column 3<br/>(Fee formerly<br/>Payable(a))<br/>£</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   |
| <b>D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS</b>   |   |   |
| Appeal – inclusive fee   | 197   | 191   |
| <b>E. ELECTION COURT</b>   |   |   |
| 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  |
| <b>F. LANDS VALUATION APPEAL COURT</b>   |   |   |
| 1. Appeal - inclusive fee  | 197   | 191   |
| 2. Answers - inclusive fee   | 197   | 191   |
| <b>G. EXTRACTS DEPARTMENT</b>  |   |   |
| 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  |

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(a) 1986 c.45.

| <i>Column 1<br/>(Matters)</i>  | <i>Column 2<br/>(Fee payable)<br/>£</i> | <i>Column 3<br/>(Fee formerly<br/>Payable(a))<br/>£</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  |
| <b>PART II – FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT</b>   |   |   |
| <b>H. OFFICE OF THE ACCOUNTANT OF COURT</b>  |   |   |
| <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<br/>(Matters)</i>   | <i>Column 2<br/>(Fee payable)<br/>£</i>                                | <i>Column 3<br/>(Fee formerly<br/>Payable(a))<br/>£</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   |
| <b>PART III – FEES IN THE OFFICE OF THE AUDITOR OF THE COURT OF SESSION</b>   |  |  |
| <b>I. OFFICE OF THE AUDITOR OF THE COURT OF SESSION</b>   |  |  |
| 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<br/>(Matters)</i>   | <i>Column 2<br/>(Fee payable)<br/>£</i> | <i>Column 3<br/>(Fee formerly<br/>Payable(a))<br/>£</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<br/>(Matters)</i>   | <i>Column 2<br/>(Fee payable)<br/>£</i> | <i>Column 3<br/>(Fee formerly<br/>Payable(a))<br/>£</i> |
|---|---|---|
| <b>PART I – FEES IN THE CENTRAL OFFICE OF THE COURT</b>   |   |   |
| <b>A. SIGNETING</b>   |   |   |
| Signeting of any writ or summons if attendance is necessary outwith normal office hours   | 118                                     | 115   |
| <b>B. GENERAL DEPARTMENT</b>  |   |   |
| 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   |

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(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<br/>(Matters)</i>   | <i>Column 2<br/>(Fee payable)<br/>£</i>          | <i>Column 3<br/>(Fee formerly<br/>Payable)<br/>£</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—<br>for each party<br>maximum fee payable per case  | 101<br>410                                       | 98<br>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<br/>(Matters)</i>   | <i>Column 2<br/>(Fee payable)<br/>£</i>   | <i>Column 3<br/>(Fee formerly<br/>Payable)<br/>£</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  |
| <b>C. PETITION DEPARTMENT</b>   |   |   |
| 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—<br>for each applicant  | 152   | 147   |
| 4. Petition to be admitted as a solicitor—<br>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<br/>(Matters)</i>  | <i>Column 2<br/>(Fee payable)<br/>£</i>   | <i>Column 3<br/>(Fee formerly<br/>Payable)<br/>£</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   |
| <b>D. COURT FOR HEARING APPEALS RELATING TO THE REGISTRATION OF ELECTORS</b>   |   |   |
| Appeal – inclusive fee   | 202   | 197   |
| <b>E. ELECTION COURT</b>   |   |   |
| 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  |
| <b>F. LANDS VALUATION APPEAL COURT</b>   |   |   |
| 1. Appeal - inclusive fee  | 202   | 197   |
| 2. Answers - inclusive fee   | 202   | 197   |

(a) 1986 c.45.

| <i>Column 1<br/>(Matters)</i>  | <i>Column 2<br/>(Fee payable)<br/>£</i> | <i>Column 3<br/>(Fee formerly<br/>Payable)<br/>£</i> |
|--|---|--|
| <b>G. EXTRACTS DEPARTMENT</b>  |   |  |
| 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   |
| <b>PART II – FEES IN THE OFFICE OF THE ACCOUNTANT OF COURT</b>   |   |  |
| <b>H. OFFICE OF THE ACCOUNTANT OF COURT</b>  |   |  |
| <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<br/>(Matters)</i>   | <i>Column 2<br/>(Fee payable)<br/>£</i>                                | <i>Column 3<br/>(Fee formerly<br/>Payable)<br/>£</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   |
| <b>PART III – FEES IN THE OFFICE OF THE AUDITOR OF THE COURT OF SESSION</b>   |  |  |
| <b>I. OFFICE OF THE AUDITOR OF THE COURT OF SESSION</b>   |  |  |
| 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 I1(b) of this Table |

| <i>Column 1<br/>(Matters)</i>   | <i>Column 2<br/>(Fee payable)<br/>£</i>                                | <i>Column 3<br/>(Fee formerly<br/>Payable)<br/>£</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 |
| <b>PART IV – FEES COMMON TO ALL OFFICES</b>   |  |  |
| <b>J. MISCELLANEOUS</b>   |  |  |
| 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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