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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 280**

**SHERIFF COURT**

**Act of Sederunt (Fees of Witnesses and Shorthand Writers in the Sheriff Court) (Amendment) 2002**

<i>Made</i>	- - - -	<i>7th June 2002</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>10th June 2002</i>
<i>Coming into force</i>	- -	<i>1st July 2002</i>

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 40 of the Sheriff Courts (Scotland) Act 1907(1) and of all other powers enabling them in that behalf, do hereby enact and declare:

**Citation and commencement**

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Fees of Witnesses and Shorthand Writers in the Sheriff Court) (Amendment) 2002 and shall come into force on 1 July 2002.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

**Amendment of tables of fees**

2.—(1) The tables of fees set out in the Act of Sederunt (Fees of Witnesses and Shorthand Writers in the Sheriff Court) 1992(2) shall be amended in accordance with the following sub-paragraphs.

(2) For Schedule 1 (witnesses' fees) there shall be substituted the table of fees in the Schedule to this Act of Sederunt.

(3) In Schedule 2 (shorthand writers' fees)—

in paragraph 1 (attendance), for the amounts of £28.82 and £115.25 there shall be substituted the amounts of £29.76 and £119.00 respectively;

(a) in paragraph 1 (attendance), for the amounts of £28.82 and £115.25 there shall be substituted the amounts of £29.76 and £119.00 respectively;

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(1) 1907 c. 51; section 40 was amended by the Sheriff Courts (Scotland) Act 1913 c. 28, Schedule 1; the Secretaries of State Act 1926 c. 18, section 1(3); the Administration of Justice (Scotland) Act 1933 c. 41, Schedule; the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 c. 12, Schedule 1, paragraph 7 and Schedule 2; and the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 c. 40, Schedule 9.

(2) S.I.1992/1878; the most recent amendment was by S.S.I. 2001/136.

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- (b) in paragraph 4 (transcripts), for the amounts of £4.72 and £5.77 there shall be substituted the amounts of £4.87 and £5.96 respectively;
- (c) in paragraph 5 (copies), for the amount of £0.39 there shall be substituted the amount of £0.40.

**Saving**

3. Paragraph 2 shall not affect fees chargeable for work done, or outlays incurred, before 1 July 2002.

Edinburgh  
7th June 2002

*W DOUGLAS CULLEN*  
Lord President, I.P.D.

## SCHEDULE

### SCHEDULE 1

#### WITNESSES' FEES

##### 1. Skilled Persons

Where it is necessary to employ a skilled person to make investigation in order to qualify that person to report and/or give evidence in any action, charges for such investigations and for attendance at any hearing in the action shall be allowed at a rate which the Auditor of Court shall determine is fair and reasonable.

##### 2. Witnesses

A person who is cited to give evidence and in consequence incurs financial loss shall be allowed reimbursement, being such reasonable sum as the Auditor may determine to have been reasonably and necessarily incurred by the witness, but not exceeding £250 per day.

##### 3. Travelling Allowance

In respect of any witness there shall be allowed a travelling allowance, being such sum as the Auditor may determine to have been reasonably and necessarily incurred by the witness in the travelling from and to the witnesses' residence or place of business and the Court.

##### 4. Subsistence Allowance

In respect of any witness there shall be allowed a subsistence allowance, being such sum as the Auditor may determine to have been reasonably incurred by the witness for the extra cost of subsistence during the witnesses' absence from the witnesses' home or place of business for the purpose of giving evidence, and where the witness reasonably requires to stay overnight, for the reasonable cost of board and lodging.

##### 5. Value Added Tax

Where any witness is a taxable person in terms of the Value Added Tax Act 1983, the amount of value added tax may be added by the witness to the witnesses' note of fee, and may be paid to the witness by the Solicitor.

##### 6. Receipts and Vouchers

Receipts and detailed vouchers for all payments claimed in respect of a witness shall be produced to the party found liable in expenses, prior to the taxation of the Account of Expenses, and to the Auditor, if the Auditor requires.

##### 7. Account of fees of Witnesses

The fees charged for any witness shall be stated in the Account of Expenses in a lump sum and the details of the charges shall be entered in a separate schedule appended to the Account as follows:

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<i>Name &amp; Designation</i>	<i>Where From</i>	<i>Days Charged</i>	<i>Rate Per Day</i>	<i>Travelling &amp; Subsistence Allowance</i>	<i>Total</i>	<i>Taxed Off</i>

**EXPLANATORY NOTE**

*(This note is not part of the order)*

This Act of Sederunt substitutes a new table of witnesses' fees in the Sheriff Court. The Act also increases the fees payable to shorthand writers in the Sheriff Court by about 3.25%. The last increases were in the Act of Sederunt (Fees of Shorthand Writers in the Sheriff Court) (Amendment) 2001 ([S.S.I. 2001/136](#)).

This Act of Sederunt does not apply as respects fees chargeable for work done, or outlays incurred, before it comes into force.