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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 301**

**COURT OF SESSION**

**Act of Sederunt (Rules of the Court of Session Amendment)  
(Fees of Solicitors, Shorthand Writers and Witnesses) 2002**

*Made* - - - - *18th June 2002*  
*Coming into force* - - *1st July 2002*

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 5 of the Court of Session Act 1988(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 (Rules of the Court of Session Amendment) (Fees of Solicitors, Shorthand Writers and Witnesses) 2002 and shall come into force on 1st July 2002.

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

**Increase in fees of solicitors and shorthand writers**

2.—(1) The Table of Fees in rule 42.16(3) of the Rules of the Court of Session(2) shall be amended in accordance with the following sub-paragraph.

(2) In the provisions mentioned in column 1 of Schedule 1 to this Act of Sederunt, for the amounts specified in column 2 of that Schedule, there shall be substituted the amounts specified in column 3.

**Fees of witnesses**

3. Schedule 2 to this Act of Sederunt shall have effect to regulate the fees charged and outlays incurred, by a witness in civil proceedings in the Court of Session.

**Saving and revocation**

4.—(1) Paragraphs 2 and 3 shall not affect fees chargeable for work done, or outlays incurred before 1 July 2002.

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(1) 1988 c. 36. Section 5 was amended by section 2(3) of the Civil Evidence (Scotland) Act 1988 (c. 32) and by paragraph 45 of Schedule 4 to the Children (Scotland) Act 1995 (c. 36).  
(2) S.I.1994/1443, last amended by S.I. 2001/441.

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(2) Chapter II of the Table of Fees set out in rule 42.16(3) of the Act of Sederunt (Rules of the Court of Session) 1994<sup>(3)</sup> is revoked, but shall continue to have effect in respect of fees chargeable and outlays incurred before the date on which this Act of Sederunt comes into force.

Edinburgh  
18th June 2002

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

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(3) S.I. [1994/1443](#); chapter II last amended by S.I. [1999/187](#).

## SCHEDULE 1

<i>(1)</i> <i>(provision)</i>	<i>(2)</i> <i>(old fee) £</i>	<i>(3)</i> <i>(new fee) £</i>
Chapter I:		
1(a)	11.80	12.30
(b)	4.90	5.10
(c)	17.40	18.10
3	4.90	5.10
4(a)	11.80	12.30
(b)	11.80	12.30
(c)	11.80	12.30
5(a)	23.50	24.50
(b)	23.50	24.50
(c)	23.50	24.50
(e)(i)	11.80	12.30
(ii)	11.80	12.30
(iii)	4.90	5.10
6(a)	11.80	12.30
(b)	2.40	2.50
(c)	4.90	5.10
Chapter III Part I:		
1(a)	211.30	220.40
Chapter III Part II:		
1	296.70	309.50
2	169.70	177.00
3(a)	43.50	45.40
(b)	62.90	65.60
(c)	78.10	81.50
4(a)	76.30	79.60
(b)	23.50	24.50
(c)	13.00	13.60
5(a)	70.60	73.60
(b)	23.50	24.50
7	211.30	220.40
8	65.10	67.90

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<i>(1)</i> <i>(provision)</i>	<i>(2)</i> <i>(old fee) £</i>	<i>(3)</i> <i>(new fee) £</i>
Chapter III Part III:		
Table A:		
1	428.80	447.20
	489.60	510.70
2	304.80	317.90
	370.10	386.00
3	93.60	97.60
	137.40	143.30
4	827.10	862.70
	997.00	1,039.90
Table B:		
1	352.70	367.90
	413.60	431.40
2	169.70	177.00
	215.50	224.80
3	93.60	97.60
	137.40	143.30
4	615.90	642.40
	766.30	799.30
Table C:		
1	87.10	90.80
2	97.70	101.90
3	184.70	192.60
Chapter III Part IV:		
1(a)	439.80	458.70
(b)	609.30	635.50
2(a)	298.10	310.90
3(a)	53.30	55.60
4	50.30	52.50
Chapter III Part V:		
1(a)	413.60	431.40
(b)	44.60	46.50
(c)	87.10	90.80
1A	265.00	276.40

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<i>(1)</i> <i>(provision)</i>	<i>(2)</i> <i>(old fee) £</i>	<i>(3)</i> <i>(new fee) £</i>
2(a)	439.80	458.70
(b)	272.00	283.70
(c)(i)	44.60	46.50
(ii)	23.50	24.50
(d)	130.50	136.10
(e)	193.70	202.00
3(a)	87.10	90.80
(b)	23.50	24.50
(c)	65.10	67.90
4(a)	82.70	86.30
(b)	23.50	24.50
(c)	11.80	12.30
(d)	82.70	86.30
(e)	23.50	24.50
(f)	11.80	12.30
5	43.70	45.60
6(a)	93.70	97.70
(b)	13.00	13.60
7(a)	87.10	90.80
(b)	42.30	44.10
(c)	23.50	24.50
(d)	34.80	136.30
8(a)	176.30	83.90
(b)	141.50	147.60
(c)	52.30	54.50
(d)	13.00	13.60
9(a)	193.70	202.00
(b)	87.10	90.80
(c)	23.50	24.50
10(a)	23.50	24.50
(b)	65.10	67.90
(c)	23.50	24.50
(d)	65.10	67.90
(e)	23.50	24.50

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<i>(1)</i> <i>(provision)</i>	<i>(2)</i> <i>(old fee) £</i>	<i>(3)</i> <i>(new fee) £</i>
11	246.10	256.70
12(a)	65.10	67.90
(b)	23.50	24.50
(c)	95.70	99.80
(d)	44.00	45.90
(e)	222.80	232.40
(f)	124.00	129.30
13(a)	598.50	624.20
(b)	53.30	55.60
(c)	109.00	113.70
(d)	23.50	24.50
15(a)(i)	130.50	136.10
(ii)	87.10	90.80
(iii)	87.10	90.80
(b)	217.70	227.00
(c)	370.00	385.90
16	462.60	482.50
17	23.50	24.50
18	157.70	164.50
19	34.80	36.30
20(a)	176.30	183.90
	53.30	55.60
Chapter III Part VI:		
1(a)	130.50	136.10
(b)	65.10	67.90
(c)	54.60	56.90
2(a)	157.70	164.50
(b)	78.10	81.50
(c)	53.30	55.60
3(a)	130.50	136.10
(b)	23.50	24.50
6	53.30	55.60
Chapter IV		
1	28.82	29.76

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<i>(1)</i> <i>(provision)</i>	<i>(2)</i> <i>(old fee) £</i>	<i>(3)</i> <i>(new fee) £</i>
2(a)	4.72	4.87
(b)	5.77	5.96
(c)	0.39	0.40

## SCHEDULE 2

### 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 Act of Sederunt)*

Paragraph 2 of this Act of Sederunt increases the fees payable to solicitors in the Court of Session by about 4.3%. The last increase was in the Act of Sederunt (Rules of the Court of Session Amendment No. 5) (Fees of Solicitors) 2001 ([S.S.I. 2001/441](#)).

Paragraph 2 also increases the fees payable to shorthand writers in the Court of Session by about 3.25%. The last increases were in the Act of Sederunt (Rules of the Court of Session Amendment No. 2) (Fees of Shorthand Writers) 2001 ([S.S.I. 2001/135](#)).

Paragraph 3 provides a new table of fees for witnesses in the Court of Session. Chapter II of the Table of Fees in rule 42.16(3) of the Act of Sederunt (Rules of the Court of Session) 1994 is revoked. The Act does not apply to fees chargeable, or outlays incurred, before it comes into force.