

**2006 No. 294**

**COURT OF SESSION**

**Act of Sederunt (Rules of the Court of Session Amendment  
No. 4) (Fees of Solicitors) 2006**

*Made* - - - - - *26th May 2006*

*Coming into force* - - - - - *1st July 2006*

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(a) 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 No. 4) (Fees of Solicitors) 2006 and shall come into force on 1st July 2006.

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

**Amendment to Rules of the Court of Session**

**2.** In rule 42.13 (charges for witnesses)—

(a) for paragraph (2) there shall be substituted—

“(2) Subject to paragraph (3), where it was reasonable in any cause to employ a skilled person to make investigations or to report for any purpose, any charges for such investigations and report and for any attendance at any proof or jury trial shall be allowed in addition to the ordinary witness fee of such person at such rate as the Auditor shall determine is fair and reasonable.”;

(b) in paragraph (3)—

(i) in subparagraph (a), “and” shall be omitted; and

(ii) after subparagraph (a), there shall be inserted—

“(aa) certified that it was reasonable to employ that person to make investigations or to report; and”.

**Amendment to Table of Fees**

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

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(a) 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).  
(b) S.I. 1994/1443, last amended by S.S.I. 2006/206.

(2) In the provisions mentioned in column 1 of the Schedule 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 of that Schedule.

(3) In Part V of Chapter III, in paragraph 1A, for “lesser” there shall be substituted “other”.

(4) In Part VA of Chapter III, in paragraph 9, after “process,” there shall be inserted “and all other work prior to the”.

### **Saving**

4. Paragraphs 2 and 3 shall not affect fees chargeable for work done, or outlays incurred before 1st July 2006.

Edinburgh  
26th May 2006

*BRIAN GILL*  
Lord Justice Clerk,  
I.P.D.

## SCHEDULE

| <i>(1)</i><br><i>(provision)</i> | <i>(2)</i><br><i>Old Fee £</i> | <i>(3)</i><br><i>New Fee £</i> |
|----------------------------------|--------------------------------|--------------------------------|
| Chapter I:                       |                                |                                |
| 1(a)                             | 14.90                          | 15.50                          |
| (b)                              | 6.20                           | 6.45                           |
| (c)                              | 21.90                          | 22.80                          |
| 3                                | 6.20                           | 6.45                           |
| 4(a)                             | 14.90                          | 15.50                          |
| (b)                              | 14.90                          | 15.50                          |
| (c)                              | 14.90                          | 15.50                          |
| 5(a)                             | 29.55                          | 30.75                          |
| (b)                              | 29.55                          | 30.75                          |
| (c)                              | 29.55                          | 30.75                          |
| (e)(i)                           | 14.90                          | 15.50                          |
| (ii)                             | 14.90                          | 15.50                          |
| (iii)                            | 6.20                           | 6.45                           |
| 6(a)                             | 14.90                          | 15.50                          |
| (b)                              | 3.05                           | 3.15                           |
| (c)                              | 6.20                           | 6.45                           |
| Chapter III Part I:              |                                |                                |
| 1(a)                             | 266.30                         | 276.95                         |
| (b)                              | 337.90                         | 351.40                         |
| Chapter III Part II:             |                                |                                |
| 1                                | 373.90                         | 388.85                         |
| 2                                | 213.90                         | 222.45                         |
| 3(a)                             | 54.90                          | 57.10                          |
| (b)                              | 79.25                          | 82.40                          |
| (c)                              | 98.50                          | 102.45                         |
| 4(a)                             | 96.20                          | 100.05                         |
| (b)                              | 29.55                          | 30.75                          |
| (c)                              | 16.45                          | 17.10                          |
| 5(a)                             | 88.90                          | 92.45                          |
| (b)                              | 29.55                          | 30.75                          |
| 7                                | 266.30                         | 276.95                         |
| 8                                | 82.05                          | 85.35                          |
| Chapter III Part III:            |                                |                                |
| Table A:                         |                                |                                |
| 1 (column 2)                     | 587.50                         | 611.00                         |
| (column 3)                       | 670.95                         | 697.80                         |
| 2 (column 2)                     | 417.75                         | 434.45                         |
| (column 3)                       | 507.15                         | 527.45                         |
| 3 (column 2)                     | 128.15                         | 133.30                         |
| (column 3)                       | 188.20                         | 195.75                         |
| 4 (column 2)                     | 1133.40                        | 1178.75                        |
| (column 3)                       | 1366.80                        | 1421.45                        |
| Table B:                         |                                |                                |
| 1 (column 2)                     | 483.35                         | 502.70                         |
| (column 3)                       | 566.80                         | 589.45                         |

| <i>(1)</i><br><i>(provision)</i> | <i>(2)</i><br><i>Old Fee £</i> | <i>(3)</i><br><i>New Fee £</i> |
|----------------------------------|--------------------------------|--------------------------------|
| 2 (column 2)                     | 232.55                         | 241.85                         |
| (column 3)                       | 295.35                         | 307.15                         |
| 3 (column 2)                     | 128.15                         | 133.30                         |
| (column 3)                       | 188.20                         | 195.75                         |
| 4 (column 2)                     | 844.00                         | 877.75                         |
| (column 3)                       | 1050.10                        | 1092.10                        |
| Table C:                         |                                |                                |
| 1                                | 109.75                         | 114.15                         |
| 2                                | 123.15                         | 128.10                         |
| 3                                | 232.65                         | 241.95                         |
| Chapter III Part IV:             |                                |                                |
| 1(a)                             | 554.20                         | 576.35                         |
| (b)                              | 767.75                         | 798.45                         |
| 2(a)                             | 408.50                         | 424.85                         |
| 3(a)                             | 62.20                          | 64.70                          |
| 4                                | 63.40                          | 65.95                          |
| Chapter III Part V:              |                                |                                |
| 1(a)                             | 566.75                         | 589.40                         |
| (b)                              | 61.10                          | 63.55                          |
| (c)                              | 119.25                         | 124.00                         |
| 1A                               | 363.15                         | 377.70                         |
| 2(a)                             | 602.60                         | 626.70                         |
| (b)                              | 372.80                         | 387.70                         |
| (c)(i)                           | 61.10                          | 63.55                          |
| (ii)                             | 32.15                          | 33.45                          |
| (d)                              | 178.80                         | 185.95                         |
| (e)                              | 265.45                         | 276.05                         |
| 2A(a)                            | 118.20                         | 122.95                         |
| (b)                              | 64.35                          | 66.90                          |
| (c)                              | 64.35                          | 66.90                          |
| 3(a)                             | 119.25                         | 124.00                         |
| (b)                              | 32.15                          | 33.45                          |
| (c)                              | 89.20                          | 92.75                          |
| 4(a)                             | 113.30                         | 117.85                         |
| (b)                              | 32.15                          | 33.45                          |
| (c)                              | 16.15                          | 16.80                          |
| (d)                              | 113.30                         | 117.85                         |
| (e)                              | 32.15                          | 33.45                          |
| (f)                              | 16.15                          | 16.80                          |
| 5                                | 59.95                          | 62.35                          |
| 6(a)                             | 128.40                         | 133.55                         |
| (b)                              | 17.90                          | 18.60                          |
| 7(a)                             | 119.30                         | 124.05                         |
| (b)                              | 57.95                          | 60.25                          |
| (ba)                             | 112.55                         | 117.05                         |
| (c)                              | 32.15                          | 33.45                          |
| (d)                              | 47.70                          | 49.60                          |
| (e)                              | 32.15                          | 33.45                          |
| 8(a)                             | 222.15                         | 231.05                         |
| (b)                              | 194.00                         | 201.75                         |
| (c)                              | 71.60                          | 74.45                          |

| <i>(1)</i><br><i>(provision)</i> | <i>(2)</i><br><i>Old Fee £</i> | <i>(3)</i><br><i>New Fee £</i> |
|----------------------------------|--------------------------------|--------------------------------|
| (d)                              | 17.90                          | 18.60                          |
| 9(a)                             | 265.45                         | 276.05                         |
| (b)                              | 119.25                         | 124.00                         |
| (c)                              | 32.15                          | 33.45                          |
| 10(a)                            | 32.15                          | 33.45                          |
| (b)                              | 89.20                          | 92.75                          |
| (c)                              | 32.20                          | 33.50                          |
| (d)                              | 89.20                          | 92.75                          |
| (e)                              | 32.15                          | 33.45                          |
| 11                               | 337.25                         | 350.75                         |
| 12(a)                            | 89.20                          | 92.75                          |
| (b)                              | 32.15                          | 33.45                          |
| (c)                              | 131.10                         | 136.35                         |
| (d)                              | 60.25                          | 62.65                          |
| (e)                              | 305.40                         | 317.60                         |
| (f)                              | 169.90                         | 176.70                         |
| 13(a)                            | 820.00                         | 852.80                         |
| (b)                              | 73.05                          | 75.95                          |
| (c)                              | 149.45                         | 155.45                         |
| (d)                              | 32.15                          | 33.45                          |
| 15(a)(i)                         | 178.80                         | 185.95                         |
| (ii)                             | 119.25                         | 124.00                         |
| (iii)                            | 119.25                         | 124.00                         |
| (b)                              | 298.25                         | 310.20                         |
| (c)                              | 507.00                         | 527.30                         |
| (d)                              | 32.15                          | 33.45                          |
| 16                               | 633.95                         | 659.30                         |
| 17                               | 32.15                          | 33.45                          |
| 18(a)                            | 193.05                         | 200.75                         |
| (b)                              | 193.05                         | 200.75                         |
| (c)                              | 32.15                          | 33.45                          |
| 19                               | 47.70                          | 49.60                          |
| 20(a)                            | 241.65                         | 251.30                         |
| (b)                              | 73.05                          | 75.95                          |
| Chapter III part VA              |                                |                                |
| 1(a)                             | 59.85                          | 62.25                          |
| (b)                              | 29.95                          | 31.15                          |
| 2                                | 362.40                         | 376.90                         |
| 3(a)                             | 565.60                         | 588.20                         |
| (b)                              | 79.45                          | 82.65                          |
| (c)                              | 192.75                         | 200.45                         |
| (d)                              | 61.00                          | 63.45                          |
| (e)                              | 192.75                         | 200.45                         |
| (f)                              | 107.65                         | 111.95                         |
| (g)                              | 32.15                          | 33.45                          |
| (h)                              | 47.60                          | 49.50                          |
| (i)                              | 32.15                          | 33.45                          |
| 4(a)                             | 601.35                         | 625.40                         |
| (b)                              | 372.00                         | 386.90                         |
| (c)(i)                           | 61.00                          | 63.45                          |
| (ii)                             | 32.15                          | 33.45                          |

| <i>(1)</i><br><i>(provision)</i> | <i>(2)</i><br><i>Old Fee £</i> | <i>(3)</i><br><i>New Fee £</i> |
|----------------------------------|--------------------------------|--------------------------------|
| (d)                              | 178.45                         | 185.60                         |
| (e)                              | 265.00                         | 275.60                         |
| 5(a)                             | 385.55                         | 400.95                         |
| (b)                              | 192.75                         | 200.45                         |
| (c)                              | 32.15                          | 33.45                          |
| 6(a)                             | 113.10                         | 117.60                         |
| (b)                              | 32.15                          | 33.45                          |
| 7(a)                             | 89.00                          | 92.55                          |
| (b)                              | 32.15                          | 33.45                          |
| (c)                              | 89.00                          | 92.55                          |
| 8(a)                             | 128.05                         | 133.15                         |
| (b)                              | 17.90                          | 18.60                          |
| 9                                | 336.50                         | 349.95                         |
| 10(a)                            | 119.05                         | 123.80                         |
| (b)                              | 57.85                          | 60.15                          |
| (c)                              | 107.65                         | 111.95                         |
| (d)                              | 32.15                          | 33.45                          |
| (e)                              | 47.60                          | 49.50                          |
| (f)                              | 32.15                          | 33.45                          |
| 11(a)                            | 241.15                         | 250.80                         |
| (b)                              | 193.55                         | 201.30                         |
| (c)                              | 72.10                          | 75.00                          |
| (d)                              | 17.90                          | 18.60                          |
| 12(a)                            | 265.00                         | 275.60                         |
| (b)                              | 119.05                         | 123.80                         |
| (c)                              | 32.15                          | 33.45                          |
| 13(a)                            | 32.15                          | 33.45                          |
| (b)                              | 91.70                          | 95.35                          |
| (c)                              | 32.15                          | 33.45                          |
| (d)                              | 89.00                          | 92.55                          |
| (e)                              | 32.15                          | 33.45                          |
| 14(a)                            | 89.00                          | 92.55                          |
| (b)                              | 32.15                          | 33.45                          |
| (c)                              | 130.90                         | 136.15                         |
| (d)                              | 60.15                          | 62.55                          |
| (e)                              | 304.65                         | 316.85                         |
| (f)                              | 169.55                         | 176.35                         |
| 16(a)                            | 818.30                         | 851.05                         |
| (b)                              | 72.85                          | 75.75                          |
| (c)                              | 149.00                         | 154.95                         |
| (d)                              | 32.15                          | 33.45                          |
| 17(a)                            | 61.00                          | 63.45                          |
| (b)                              | 321.30                         | 334.15                         |
| (c)                              | 32.15                          | 33.45                          |
| (d)(i)                           | 99.25                          | 103.20                         |
| (ii)                             | 198.40                         | 206.35                         |
| (iii)                            | 230.55                         | 239.75                         |
| (iv)                             | 297.65                         | 309.55                         |
| 18                               | 257.10                         | 267.40                         |
| 19(a)(i)                         | 178.50                         | 185.65                         |
| (ii)                             | 119.05                         | 123.80                         |

| <i>(1)</i><br><i>(provision)</i> | <i>(2)</i><br><i>Old Fee £</i> | <i>(3)</i><br><i>New Fee £</i> |
|----------------------------------|--------------------------------|--------------------------------|
| (iii)                            | 119.05                         | 123.80                         |
| (b)                              | 297.65                         | 309.55                         |
| (c)                              | 505.85                         | 526.10                         |
| (d)                              | 32.15                          | 33.45                          |
| 20                               | 32.15                          | 33.45                          |
| 21(a)                            | 257.10                         | 267.40                         |
| (b)                              | 21.40                          | 22.25                          |
| (c)                              | 21.40                          | 22.25                          |
| 22                               | 47.60                          | 49.50                          |
| 23(a)                            | 241.15                         | 250.80                         |
| (b)                              | 72.65                          | 75.55                          |
| Chapter III Part VI:             |                                |                                |
| 1(a)                             | 178.80                         | 185.95                         |
| (b)                              | 89.20                          | 92.75                          |
| (c)                              | 74.80                          | 77.80                          |
| 2(a)                             | 216.10                         | 224.75                         |
| (b)                              | 107.10                         | 111.40                         |
| (c)                              | 73.05                          | 75.95                          |
| 3(a)                             | 178.85                         | 186.00                         |
| (b)                              | 32.15                          | 33.45                          |
| 6                                | 73.05                          | 75.95                          |

## EXPLANATORY NOTE

*(This note is not part of the Act of Sederunt)*

This Act of Sederunt amends the Table of Fees recoverable in respect of work carried out by solicitors in the Court of Session.

Paragraph 2(2) increases the fees which are recoverable by about 4%. The last increase in fees was made by Act of Sederunt (Rules of the Court of Session Amendment No. 2) (Fees of Solicitors) 2005 (S.S.I. 2005/147).

Paragraph 2(3) amends paragraph 1A of Part V of Chapter III (defended actions) to allow the Auditor to allow a greater sum under that paragraph for pre-litigation work where he considers that it is justified.

Paragraph 2(4) amends the narrative in relation to the incidental procedure fee under paragraph 9 of Part VA of Chapter III to clarify what is recoverable under that fee.

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

**£3.00**

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