
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 86

COURT OF SESSION

**Act of Sederunt (Rules of the Court of Session
Amendment No. 2) (Fees of Solicitors) 2007**

Made - - - - *16th February 2007*

Coming into force - - *1st April 2007*

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 No. 2) (Fees of Solicitors) 2007 and shall come into force on 1st April 2007.

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

Amendment of Table of Fees

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

(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 7, after sub-paragraph (ba)(3) there shall be inserted the following:—

“(bb) Fee to opponent62.65”.

(4) In Part VA of Chapter III—

(a) after paragraph 3(b) there shall be inserted the following:—

“(ba) Fee to opponent for considering Specification of Documents62.55”;

(b) after paragraph (4) there shall be inserted the following:—

(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.S.I. 2007/7.
(3) Sub-paragraph (ba) was inserted by S.S.I. 2001/441.

“Notes of Arguments

- (a) Instructing, perusing and lodging first Note of Arguments, where ordained by the Court (either party) 127.85
 - (b) Perusing opponent’s Notes of Arguments 69.60
 - (c) Instructing, perusing and lodging any further Note of Arguments, where ordained by the Court (either party) 69.60”;
- (c) after paragraph 10(c) there shall be inserted the following:–
- “(ca) Fee to opponent 62.65”.

Saving

3. Paragraph 2 shall not affect fees chargeable for work done, or outlays incurred before 1st April 2007.

Edinburgh,
16th February 2007

A. C. Hamilton
Lord President, I.P.D.

SCHEDULE

<i>(1)</i> <i>(provision)</i>	<i>(2)</i> <i>Old Fee £</i>	<i>(3)</i> <i>New Fee £</i>
Chapter I:		
1(a)	15.50	16.10
(b)	6.45	6.70
(c)	22.80	23.70
(d)	14.90	15.50
3	6.45	6.70
4(a)	15.50	16.10
(b)	15.50	16.10
(c)	15.50	16.10
5(a)	30.75	32.00
(b)	30.75	32.00
(c)	30.75	32.00
(e)(i)	15.50	16.10
(ii)	15.50	16.10
(iii)	6.45	6.70
6(a)	15.50	16.10
(b)	3.15	3.30
(c)	6.45	6.70
Chapter III Part I:		
1(a)	276.95	288.05
(b)	351.40	365.45
Chapter III Part II:		
1	388.85	404.40
2	222.45	231.35
3(a)	57.10	59.40
(b)	82.40	85.70
(c)	102.45	106.55
4(a)	100.05	104.05
(b)	30.75	32.00
(c)	17.10	17.80
5(a)	92.45	96.15
(b)	30.75	32.00

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<i>(1)</i> <i>(provision)</i>	<i>(2)</i> <i>Old Fee £</i>	<i>(3)</i> <i>New Fee £</i>
7	276.95	288.05
8	85.35	88.75
Chapter III Part III:		
Table A:		
1 (column 2)	611.00	635.45
(column 3)	697.80	725.70
2 (column 2)	434.45	451.85
(column 3)	527.45	548.55
3 (column 2)	133.30	138.65
(column 3)	195.75	203.60
4 (column 2)	1178.75	1225.90
(column 3)	1421.45	1478.30
Table B:		
1 (column 2)	502.70	522.80
(column 3)	589.45	613.05
2 (column 2)	241.85	251.50
(column 3)	307.15	319.45
3 (column 2)	133.30	138.65
(column 3)	195.75	203.60
4 (column 2)	877.75	912.85
(column 3)	1092.10	1135.80
Table C:		
1	114.15	118.70
2	128.10	133.20
3	241.95	251.65
Chapter III Part IV:		
1(a)	576.35	599.40
(b)	798.45	830.40
2(a)	424.85	441.85
3(a)	64.70	67.30
4	65.95	68.60
Chapter III Part V:		
1(a)	589.40	613.00
(b)	63.55	66.10

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<i>(1)</i> <i>(provision)</i>	<i>(2)</i> <i>Old Fee £</i>	<i>(3)</i> <i>New Fee £</i>
(c)	124.00	128.95
1A	377.70	392.80
2(a)	626.70	651.75
(b)	387.70	403.20
(c)(i)	63.55	66.10
(ii)	33.45	34.80
(d)	185.95	193.40
(e)	276.05	287.10
2A (a)	122.95	127.85
(b)	66.90	69.60
(c)	66.90	69.60
3(a)	124.00	128.95
(b)	33.45	34.80
(c)	92.75	96.45
4(a)	117.85	122.55
(b)	33.45	34.80
(c)	16.80	17.45
(d)	117.85	122.55
(e)	33.45	34.80
(f)	16.80	17.45
5	62.35	64.85
6(a)	133.55	138.90
(b)	18.60	19.35
7(a)	124.05	129.00
(b)	60.25	62.65
(ba)	117.05	121.75
(c)	33.45	34.80
(d)	49.60	51.60
(e)	33.45	34.80
8(a)	231.05	240.30
(b)	201.75	209.80
(c)	74.45	77.45
(d)	18.60	19.35
9(a)	276.05	287.10

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<i>(1)</i> <i>(provision)</i>	<i>(2)</i> <i>Old Fee £</i>	<i>(3)</i> <i>New Fee £</i>
(b)	124.00	128.95
(c)	33.45	34.80
10(a)	33.45	34.80
(b)	92.75	96.45
(c)	33.50	34.85
(d)	92.75	96.45
(e)	33.45	34.80
11	350.75	364.80
12(a)	92.75	96.45
(b)	33.45	34.80
(c)	136.35	141.80
(d)	62.65	65.15
(e)	317.60	330.30
(f)	176.70	183.75
13(a)	852.80	886.90
(b)	75.95	79.00
(c)	155.45	161.65
(d)	33.45	34.80
15(a)(i)	185.95	193.40
(ii)	124.00	128.95
(iii)	124.00	128.95
(b)	310.20	322.60
(c)	527.30	548.40
(d)	33.45	34.80
16	659.30	685.65
17	33.45	34.80
18 (a)	200.75	208.80
(b)	200.75	208.80
(c)	33.45	34.80
19	49.60	51.60
20(a)	251.30	261.35
(b)	75.95	79.00
Chapter III part VA		
1(a)	62.25	64.75

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<i>(1)</i> <i>(provision)</i>	<i>(2)</i> <i>Old Fee £</i>	<i>(3)</i> <i>New Fee £</i>
(b)	31.15	32.40
2	376.90	392.00
3(a)	588.20	611.75
(b)	82.65	85.95
(c)	200.45	208.45
(d)	63.45	66.00
(e)	200.45	208.45
(f)	111.95	116.45
(g)	33.45	34.80
(h)	49.50	51.50
(i)	33.45	34.80
4(a)	625.40	650.40
(b)	386.90	402.40
(c)(i)	63.45	66.00
(ii)	33.45	34.80
(d)	185.60	193.00
(e)	275.60	286.60
5(a)	400.95	417.00
(b)	200.45	208.45
(c)	33.45	34.80
6(a)	117.60	122.30
(b)	33.45	34.80
7(a)	92.55	96.25
(b)	33.45	34.80
(c)	92.55	96.25
8(a)	133.15	138.50
(b)	18.60	19.35
9	349.95	363.95
10(a)	123.80	128.75
(b)	60.15	62.55
(c)	111.95	116.45
(d)	33.45	34.80
(e)	49.50	51.50
(f)	33.45	34.80

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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(a)	250.80	260.85
(b)	201.30	209.35
(c)	75.00	78.00
(d)	18.60	19.35
12(a)	275.60	286.60
(b)	123.80	128.75
(c)	33.45	34.80
13(a)	33.45	34.80
(b)	95.35	99.15
(c)	33.45	34.80
(d)	92.55	96.25
(e)	33.45	34.80
14(a)	92.55	96.25
(b)	33.45	34.80
(c)	136.15	141.60
(d)	62.55	65.05
(e)	316.85	329.50
(f)	176.35	183.40
16(a)	851.05	885.10
(b)	75.75	78.80
(c)	154.95	161.15
(d)	33.45	34.80
17(a)	63.45	66.00
(b)	334.15	347.50
(c)	33.45	34.80
(d)(i)	103.20	107.35
(ii)	206.35	214.60
(iii)	239.75	249.35
(iv)	309.55	321.95
18	267.40	278.10
19(a)(i)	185.65	193.10
(ii)	123.80	128.75
(iii)	123.80	128.75
(b)	309.55	321.95

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<i>(1)</i> <i>(provision)</i>	<i>(2)</i> <i>Old Fee £</i>	<i>(3)</i> <i>New Fee £</i>
(c)	526.10	547.15
(d)	33.45	34.80
20	33.45	34.80
21(a)	267.40	278.10
(b)	22.25	23.15
(c)	22.25	23.15
22	49.50	51.50
23(a)	250.80	260.85
(b)	75.55	78.55
Chapter III Part VI:		
1(a)	185.95	193.40
(b)	92.75	96.45
(c)	77.80	80.90
2(a)	224.75	233.75
(b)	111.40	115.85
(c)	75.95	79.00
3(a)	186.00	193.45
(b)	33.45	34.80
6	75.95	79.00

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. 4) (Fees of Solicitors) 2006.

Paragraph 2(3) amends paragraph 7 of Part V of Chapter III (defended actions) to introduce a fee for an opponent preparing for a commission to recover documents,

Paragraph 2(4) amends Part VA of Chapter III (defended personal injuries actions) as follows:-

- (a) a new paragraph 3(b)(a) is inserted to introduce a fee for an opponent considering a specification of documents;

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- (b) a new paragraph 4A is inserted to provide for fees in respect of notes of arguments where they are ordained by the court; and
- (c) a new paragraph 10(ca) is inserted to introduce a fee for an opponent preparing for a commission and diligence to recover documents.

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