SCOTTISH STATUTORY INSTRUMENTS

2015 No. 246

Act of Sederunt (Rules of the Court of Session 1994 and Fees of Solicitors in the Sheriff Court Amendment) (Courts Reform (Scotland) Act 2014) 2015

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session 1994 and Fees of Solicitors in the Sheriff Court Amendment) (Courts Reform (Scotland) Act 2014) 2015.

(2) It comes into force on 22nd September 2015.

(3) A certified copy is to be inserted in the Books of Sederunt.

Amendment of the Rules of the Court of Session 1994

2.—(1) The Table of Fees in rule 42.16(3) of the Rules of the Court of Session 1994(**1**) is amended in accordance with this paragraph.

(2) In paragraph 2(c) (opposed petition) of Part IV (Outer House petitions) of Chapter III(**2**), for "6(a) to (c)" substitute "6(a) to (e)".

Amendment of the Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment and Further Provisions) 1993

3.—(1) The Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment and Further Provisions) 1993(**3**) is amended in accordance with this paragraph.

(2) In Part II (defended ordinary actions etc.) of Chapter II of the Table of Fees in Schedule 1—

(a) after paragraph 7 (affidavits), insert—

"**7A.** Valuation of claim in actions proceeding under Chapter 36A

	£
(a) Fee to cover preparation of statement of valuation of claim—	
(i) where counsel or solicitor advocate not employed	234.00
(ii) where valuation of claim prepared by counsel or solicitor advocate	117.00
(b) Fee to cover consideration of opponent's valuation of claim	117.00
(c) Inspection of documents, per quarter hour	39.00"

(b) after paragraph 10 (case management conference – commercial action), insert—

(**1**) The Rules of the Court of Session 1994 are in Schedule 2 to the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443, last amended by S.S.I. 2015/228). The Table of Fees in rule 42.16(3) was last amended by S.S.I. 2014/15.

(**2**) Part IV of Chapter III of the Table of Fees was substituted by S.S.I. 2014/15.

(**3**) S.I. 1993/3080, last amended by S.S.I. 2014/14.

"**10A.** Procedural Hearing in actions proceeding under Chapter 36A

	£
To include preparation for and conduct of Procedural Hearing—	
(a) where Procedural Hearing does not exceed half an hour	273.00
(b) where Procedural Hearing exceeds half an hour, per additional quarter hour	39.00

10B. Adjustment of issues and counter-issues

	£
(a) All work in connection with and incidental to the lodging of an issue and adjustment and approval of it	156.00
(b) If one counter-issue, additional fee to pursuer	39.00
(c) Where more than one counter-issue, an additional fee to pursuer for each additional counter-issue	19.50
(d) All work in connection with and incidental to the lodging of a counter-issue and adjustment and approval of it	156.00
(e) Fee to defender or third party for considering issue where no counter-issue lodged	39.00
(f) Fee to defender or third party for considering each additional counter-issue	19.50"

(c) in paragraph 22 (preparation for proof)—

(i) in subparagraph (a), after "preparing for proof" insert "or jury trial";

(ii) in head (i) of subparagraph (a), after "diet of proof" insert "or jury trial";

(iii) the heading becomes "Preparation for proof or jury trial";

(d) after paragraph 22, insert—

"**22A.** Pre-trial meeting in actions proceeding under Chapter 36A

	£
(a) Fee arranging pre-trial meeting (each occasion)	78.00
(b) Fee preparing for pre-trial meeting—	
(i) where counsel or solicitor advocate not employed	429.00
(ii) where counsel or solicitor advocate employed	214.50
(c) Fee for attending pre-trial meeting per quarter hour—	
(i) where counsel or solicitor advocate not employed	39.00
(ii) where counsel or solicitor advocate employed	35.00
(d) Joint minute of pre-trial meeting	78.00
Note: where pre-trial meeting takes place by way of video conference, the foregoing charges are to apply."	

(e) in paragraph 23 (conduct of proof)—

(i) in paragraph (a) after "proof" both places it occurs, insert "or jury trial";

(ii) the heading becomes "Conduct of proof or jury trial";

(f) in paragraph 24(a) (debate on evidence), after "conclusion of proof" insert "or jury trial".

(3) In Part IIA (defended personal injuries actions etc.) of Chapter II of the Table of Fees in Schedule 1—

(a) in paragraph 3(j) (instruction), for "remittance of cause to Ordinary Roll" substitute "appointment of cause to Chapter 36A";

(b) after paragraph 5 (adjustment), insert—

"**5A.** Adjustment of issues and counter issues

	£
(a) All work in connection with and incidental to the lodging of an issue and adjustment and approval of it	156.00
(b) If one counter-issue, additional fee to pursuer	39.00"

(c) in paragraph 14 (incidental procedure)—

(i) after "diet of proof" insert "or jury trial";

(ii) the heading becomes "Incidental Procedure (not chargeable prior to allowance of proof or jury trial)";

(d) in paragraph 19 (preparation for proof)—

(i) in subparagraph (a), after "preparing for proof" insert "or jury trial";

(ii) in head (i) of subparagraph (a), after "diet of proof" insert "or jury trial";

(iii) the heading becomes "Preparation for proof or jury trial";

(e) in paragraph 20 (pre-proof conference)—

(i) in each place where it occurs, for "pre-proof conference" substitute "pre-trial meeting";

(ii) for the note to paragraph 20, substitute "Note: where pre-trial meeting takes place by way of video conference, the foregoing charges are to apply.";

(iii) the heading becomes "Pre-trial meeting";

(f) in paragraph 21, the heading becomes "Joint minute of pre-trial meeting";

(g) in paragraph 22 (conduct of proof)—

(i) in paragraph (a) after "proof" in both places it occurs, insert "or jury trial";

(ii) the heading becomes "Conduct of proof or jury trial";

(h) in paragraph 23(a) (debate on evidence), after "conclusion of proof" insert "or jury trial";

(i) in paragraph 25(a) (final procedure), after "proof" in both places it occurs, insert "or jury trial".

(4) In paragraph 4(a) (adjustment fee) of Part IIIB (defended actions: personal injury claims commenced on or after 1st March 2014) of Chapter IV (summary causes) of the Table of Fees in Schedule 1, for "statement of valuation of claim" in both places it occurs substitute "statement of claim".

Saving

4. Paragraphs 2 and 3 do not affect fees chargeable for work done, or outlays incurred, before 22nd September 2015.

C J M Sutherland
Lord Justice Clerk
I.P.D.

Edinburgh
4th June 2015