

SCOTTISH STATUTORY INSTRUMENTS

2017 No. 53

Act of Sederunt (Fees of Solicitors in the Court of Session and Sheriff Court Amendment) (Pursuers' Offers) 2017

Amendment of the Rules of the Court of Session

2.—(1) The Rules of the Court of Session 1994⁽¹⁾ are amended in accordance with this paragraph.

(2) In rule 42.16(3) (table of fees), in Chapter III of the Table of Fees—

(a) in Part V (defended actions)⁽²⁾, for paragraph 21 (settlement), substitute—

“21. Settlement

(a)	Judicial tender or pursuer's offer—	
(i)	lodging or considering first tender or pursuer's offer	234.00
(ii)	lodging each further tender or pursuer's offer, subject to the Auditor being satisfied that the tender or offer was a genuine attempt to settle the proceedings	156.00
(iii)	considering each further tender or pursuer's offer	156.00
(iv)	if tender accepted, additional fee to each accepting party	156.00
(v)	if pursuer's offer accepted, additional fee to offering party	156.00
(b)	Extrajudicial settlement – advising on, negotiating and agreeing extrajudicial settlement (not based on judicial tender or pursuer's offer) to include preparation and lodging of joint minute	390.00
(c)	The Auditor may allow a fee in respect of work undertaken with a view to settlement (whether or not settlement is in fact agreed), including offering settlement	624.00
(d)	If consultation held to consider tender, pursuer's offer, extrajudicial settlement or with a view to settlement (whether or not settlement is in fact agreed), attendance at it, per quarter hour	39.00”;

(b) in Part VA (defended personal injury actions commenced on or after 1 April 2003)⁽³⁾, for paragraph 21 (settlement), substitute—

“21. Settlement

(a)	Judicial tender or pursuer's offer—	
(i)	lodging or considering first tender or pursuer's offer	234.00

(1) The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443), last amended by S.S.I. 2017/52.

(2) Part V was substituted by S.S.I. 2014/15.

(3) Part VA was substituted by S.S.I. 2014/15.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“21. Settlement

(ii)	lodging each further tender or pursuer’s offer, subject to the Auditor being satisfied that the tender or offer was a genuine attempt to settle the proceedings	156.00
(iii)	considering each further tender or pursuer’s offer	156.00
(iv)	if tender accepted, additional fee to each accepting party	156.00
(v)	if pursuer’s offer accepted, additional fee to offering party	156.00
(b)	Extrajudicial settlement – advising on, negotiating and agreeing extrajudicial settlement (not based on judicial tender or pursuer’s offer) to include preparation and lodging of joint minute	390.00
(c)	The Auditor may allow a fee in respect of work undertaken with a view to settlement (whether or not settlement is in fact agreed), including offering settlement	624.00
(d)	If consultation held to consider tender, pursuer’s offer, extrajudicial settlement or with a view to settlement (whether or not settlement is in fact agreed), attendance at it, per quarter hour	39.00”.
