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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 75**

**Act of Sederunt (Taxation of Judicial Expenses Rules) 2019**

**CHAPTER 5**

**APPLICATIONS FOR ALLOWANCE OF AN ADDITIONAL FEE,  
FOR SANCTION FOR THE EMPLOYMENT OF COUNSEL,  
AND FOR CERTIFICATION OF SKILLED WITNESSES**

**Sanction for the employment of counsel in the sheriff court and Sheriff Appeal Court**

**5.4.**—(1) This rule applies to proceedings in the sheriff court and Sheriff Appeal Court.

(2) On the application of a party the court may, subject to paragraphs (4) to (6), sanction—

- (a) the proceedings;
- (b) any part of the proceedings;
- (c) particular work involved in the conduct of the proceedings; or
- (d) any combination of (a), (b) and (c),

as suitable for the employment of counsel by that party.

(3) Where proceedings or work are sanctioned as suitable for the employment of senior counsel, or as suitable for the employment of more than one counsel, the interlocutor must record that.

(4) Paragraphs (5) and (6) apply where the application is made in proceedings other than—

- (a) proceedings subject to Chapter 36 of the Ordinary Cause Rules 1993;
- (b) a simple procedure case; or
- (c) proceedings in the Sheriff Appeal Court.

(5) An interlocutor sanctioning proceedings, or a part of proceedings, as suitable for the employment of counsel has no effect as regards work carried out by counsel before the date of the interlocutor.

(6) The court may only sanction particular work already carried out as suitable for the employment of counsel when satisfied that the party applying has shown cause for not having applied for sanction before the work was carried out.

(7) The refusal of an application under this rule does not preclude the making of a further application on a change of circumstances.