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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 75**

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

**CHAPTER 3**

**CHARGES FOR WORK CARRIED OUT BY SOLICITORS**

**Application**

**3.1.**—(1) Subject to rule 3.10 (party litigants), this Chapter, and the tables of charges set out in schedules 1 to 5, apply for the purpose of determining the charges to be allowed on taxation in respect of work carried out by the entitled party's solicitor.

(2) Where the entitled party was represented by a member of the Association of Commercial Attorneys this Chapter, rule 5.2 (additional charge), and the tables of charges in schedules 1, 3, 4 and 5 apply as if the work charged for was carried out by a solicitor.

**The unit**

**3.2.** In this Chapter, in Chapter 8, and in schedules 1 to 5, references to a "unit" are to a measure of monetary charge with a value of £16.40.

**Table of charges**

**3.3.**—(1) Paragraph (2) applies to proceedings in respect of which there is a table of inclusive charges applicable to the proceedings in schedule 2, 3 or 4.

(2) The charges to be allowed are those specified in—

- (a) the table of detailed charges in schedule 1; or
- (b) the applicable table of inclusive charges in—
  - (i) for proceedings in the Court of Session, schedule 2;
  - (ii) for proceedings in the Sheriff Appeal Court, schedule 3; or
  - (iii) for ordinary actions in the sheriff court, schedule 4,

as the entitled party may elect, but the entitled party may not elect to have an account taxed partly on one basis and partly on another.

(3) Subject to paragraph (4), the charges to be allowed where there is no table of inclusive charges applicable to the proceedings are those specified in the table of detailed charges in schedule 1.

(4) Subject to rule 3.7 (simple procedure), the charges to be allowed in respect of a simple procedure case in the sheriff court<sup>(1)</sup> are those specified in the applicable table of inclusive charges in schedule 5.

(5) This rule applies unless the court otherwise directs.

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(1) Simple procedure was introduced by the Courts Reform (Scotland) Act 2014 ([asp 18](#)), section 72.

### **Copying and scanning**

**3.4.**—(1) This rule applies to the copying or scanning of documents carried out by, or at the instance of, the entitled party's solicitor, other than on payment of a charge to a third party (in which event Chapter 4 applies).

(2) Where the Auditor is satisfied that the number of pages reasonably copied or scanned was in excess of 2000, the Auditor may allow the charge mentioned in paragraph (3), but only in respect of those pages which exceed 2000.

(3) The charge is 1 unit per 100 pages copied or scanned, or part thereof.

### **Travel time**

**3.5.** The Auditor may, on cause shown, and at the Auditor's discretion, allow a charge of 0.9 units per 6 minutes in respect of time engaged in travelling by the entitled party's solicitor.

### **Modification of inclusive charges**

**3.6.** In appropriate circumstances the Auditor may, in respect of a charge specified in a table of inclusive charges—

- (a) increase or reduce a charge; or
- (b) apportion a charge between parties represented by different solicitors.

### **Simple procedure**

**3.7.**—(1) This rule applies where an account of expenses falls to be taxed by reference to a table of charges in schedule 5.

(2) All charges allowed by the Auditor are to be reduced by 10%.

(3) Unless the court otherwise directs, where the total value of the claim is £2500 or less, all charges allowed by the Auditor, as reduced in accordance with paragraph (2), are to be further reduced—

- (a) where the total value of the claim is less than £1000, by 50%;
- (b) otherwise by 25%.

### **Instructing and attending with counsel**

**3.8.**—(1) Subject to paragraph (2), where fees of counsel are allowed as an outlay in the sheriff court or Sheriff Appeal Court, the Auditor is also to allow the applicable charge for instructing counsel.

(2) Where the fees allowed are those of a solicitor advocate, paragraph (1) does not apply unless the solicitor advocate is acting on the instructions of another solicitor.

(3) Paragraph (4) applies where—

- (a) a solicitor advocate exercises a right of audience in the Court of Session; or
- (b) fees of a solicitor advocate are allowed as an outlay in the sheriff court or Sheriff Appeal Court in accordance with rule 4.3 (fees of counsel in the sheriff court or Sheriff Appeal Court).

(4) Where the solicitor advocate is assisted by another solicitor or a clerk the Auditor may allow the applicable attendance charge.

### **Additional charge**

**3.9.** Where, on an application under rule 5.2 (additional charge)—

- (a) the court grants the application and specifies a percentage increase in charges in accordance with paragraph (4) of that rule, the charges allowed by the Auditor under this Chapter are to be increased by the percentage specified;
- (b) the Court of Session remits to the Auditor to determine if an increase should be allowed, or to determine the level of an increase, the charges allowed by the Auditor under this Chapter are to be increased by such additional charge, if any, as the Auditor may determine.

### **Party litigants**

**3.10.—**(1) Where the entitled party was not represented by a solicitor the Auditor may, subject to paragraph (3), allow a reasonable sum in respect of work done by the entitled party which was reasonably required in connection with the proceedings.

(2) In determining what would be a reasonable sum the Auditor is to have regard to all the circumstances, including—

- (a) the nature of the work;
- (b) the time required to do the work;
- (c) the amount of any earnings lost during that time;
- (d) the importance of the proceedings to the entitled party; and
- (e) the complexity of the issues involved in the proceedings.

(3) Any sum allowed under this rule must not exceed two thirds of the charges that would be allowed under this Chapter if the same work had been done by a solicitor.