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 STATUTORY INSTRUMENTS
 

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**1976 No. 1606 (S. 129)**  
**COURT OF SESSION, SCOTLAND**  
**SHERIFF COURT, SCOTLAND**  
**LITIGANTS IN PERSON**

**Act of Sederunt (Expenses of Party Litigants) 1976**

*Made - - - - 28th September 1976*

*Coming into Operation 1st October 1976*

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 16 of the Administration of Justice (Scotland) Act 1933(a), section 32 of the Sheriff Courts (Scotland) Act 1971(b), and section 1 of the Litigants in Person (Costs and Expenses) Act 1975(c), and of all other powers competent to them in that behalf, do hereby enact and declare:—

*Citation, commencement and interpretation*

**1.**—(1) This Act of Sederunt may be cited as the Act of Sederunt (Expenses of Party Litigants) 1976 and shall come into operation on 1st October 1976.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of this Act of Sederunt as it applies for the interpretation of an Act of Parliament.

*Expenses allowable to party litigants*

**2.**—(1) Where in any proceedings in the Court of Session or the Sheriff Court, any expenses of a party litigant are ordered to be paid by any other party to the proceedings or in any other way, the auditor may, subject to the following provisions of this Rule, allow as expenses such sums in respect of any work done, and any outlays incurred, by the litigant in or in connection with those proceedings, as appear to the auditor to be reasonable having regard to all the circumstances, but shall not in respect of any work done by a litigant—

(a) during his remunerative time, allow a sum exceeding two-thirds of the sum allowable to a solicitor in respect of that work;

(b) during his leisure time, allow a sum exceeding £2 an hour.

(2) Without prejudice to the generality of paragraph (1) above, the circumstances to which the auditor shall have regard in determining what sum, if any, to allow in respect of any work done, shall include—

(a) the nature of the work;

(b) the time required to do the work;

(c) the time reasonably required to do the work;

(d) the period of remunerative time, if any, used to do the work;

(e) the period of leisure time, if any, used to do the work;

(f) the earnings, if any, lost during the time required to do the work.

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(a) 1933 c. 41.

(b) 1971 c. 58.

(c) 1975 c. 47.

(d) 1889 c. 63.

## (3) In this Rule—

(a) the word “auditor” includes any person taxing or otherwise determining a claim for expenses incurred in any proceedings in the Court of Session or in the Sheriff Court;

(b) the expression “remunerative time” in relation to a litigant, means time when he is earning or would have been earning but for work done in or in connection with proceedings in court;

(c) the expression “leisure time” in relation to a litigant, means time other than remunerative time.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

EDINBURGH.

28th September 1976.

*G. C. Emslie,*  
I.P.D.

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EXPLANATORY NOTE

*(This Note is not part of the Act of Sederunt.)*

This Act of Sederunt makes provision in connection with determining the amount of expenses allowable to party litigants in the Court of Session and the Sheriff Court.

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