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S T A T U T O R Y   I N S T R U M E N T S

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**1980 No. 908 (S. 68)**

**SHERIFF COURT, SCOTLAND**

**Act of Sederunt (Witnesses' Fees in the Sheriff Court) 1980**

<i>Made - - - -</i>	<i>1st July 1980</i>
<i>Laid before Parliament</i>	<i>14th July 1980</i>
<i>Coming into Operation</i>	<i>4th August 1980</i>

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 40 of the Sheriff Courts (Scotland) Act 1907(a), and of all other powers competent to them in that behalf, do hereby enact and declare:—

*Citation and commencement*

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Witnesses' Fees in the Sheriff Court) 1980 and shall come into operation on 4th August 1980.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

*Amendment of Act of Sederunt, 7th May 1935*

2. In Chapter IV of the Schedule to the Act of Sederunt of 7th May 1935(b)—

(a) For paragraphs 1 and 2 substitute the following paragraphs:—

“ 1. Persons in managerial or like executive positions, officers in H.M. Services or in the Mercantile Marine may be paid such sum not exceeding £40 per day as the Auditor may determine.

2. A professional person who is a witness to matters of fact shall be paid—

(a) if called on to give evidence—

(i) in respect of each half day (including travelling time) during which he is required by reason of giving such evidence to be absent from his practice of whatsoever nature it may be, such sum not exceeding £25 as the Auditor may determine and, in addition, where he has necessarily employed a locum or other substitute to act for him in his absence whom he is required to remunerate, the sum of £10; and

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(a) 1907 c. 51.

(b) S.R. & O. 1935/488.

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- (ii) the sum of £15 in respect of perusing papers for the purpose of giving evidence;
- (b) if cited to give evidence but not called—
- (i) where the citation is cancelled more than 48 hours but less than 7 days before the date for which he has been cited, such sum not exceeding £25 as the Auditor may determine;
  - (ii) where the citation is cancelled less than 48 hours before that date, the sum he would have been paid under sub-paragraph (a) above if he had been called to give evidence.”.
- (b) In paragraphs 3 and 4, for the figures “75p” substitute “£1” “£1·50”.
- (c) In the Notes, in paragraph 1—
- (i) for the figure “25p” in proviso (ii)(a) substitute “£2”;
  - (ii) for the figures “50p” and “£1·50” in proviso (ii)(b) substitute “£4” and “£10” respectively.

Edinburgh  
1st July 1980

*Emslie,*  
Lord President  
I.P.D.

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#### EXPLANATORY NOTE

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

This Act of Sederunt further amends the Act of Sederunt of 7th May 1935 by increasing the fees payable to witnesses in the Sheriff Court and by applying the fees payable to medical witnesses to all professional persons.