
 STATUTORY INSTRUMENTS

1980 No. 909 (S. 69)

COURT OF SESSION, SCOTLAND

 Act of Sederunt (Rules of Court Amendment No. 5)
 (Witnesses' Fees) 1980

Made - - - 1st July 1980

Coming into Operation 4th August 1980

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) 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 (Rules of Court Amendment No. 5) (Witnesses' Fees) 1980 and shall come into operation on 4th August 1980.

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

Amendment to Rules of Court

2. In Chapter II of Rule 347 of the Rules of Court(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 Marines may be paid such sum not exceeding £50 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 whatever nature it may be, such sum not exceeding £35 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 £20; and

(ii) the sum of £30 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 £30 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.

 (a) 1933 c. 41.

(b) S.I. 1965/321.

(b) in the Note, in paragraph 1—

- (i) for the figure “£1” in proviso (ii)(a) substitute “£2”; and
- (ii) for the figures “£2” and “£5” in proviso (ii)(b) substitute “£4” and “£10” respectively.

Edinburgh
1st July 1980.

Emslie,
Lord President
I.P.D.

EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of Court by increasing the fees payable to witnesses in judicial proceedings and by applying the fees payable to medical witnesses to all professional persons.