

1981 No. 497 (S.47)

## COURT OF SESSION, SCOTLAND

Act of Sederunt (Rule of Court Amendment No. 2)  
(Solicitors' Fees) 1981

Made - - - - - 27th March 1981

Coming into Operation 27th April 1981

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 enabling 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 (Rule of Court Amendment No. 2) (Solicitors' Fees) 1981 and shall come into operation on 27th April 1981.

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

*Solicitors' fees*

2.—(1) In rule 347 of the Rules of Court(b) (fees of solicitors in the Court of Session), in Chapter I and III, for the fees specified in column 2 of the Schedule to this Act of Sederunt in relation to the paragraphs specified in column 1 of the Schedule, being the current fees chargeable in respect of the matters set out in these paragraphs, there shall be substituted the fees specified in column 3 of the Schedule; and the fees so substituted shall apply to work in respect of which these fees are chargeable done on or after the date on which this Act of Sederunt comes into operation.

(2) In the Act of Sederunt (Rules of Court Amendment No. 7) (Solicitors' Fees No. 2) 1979(c) in paragraph 2, for the words "7th January 1980" there shall be substituted the words "27th April 1981".

*Fees and outlays where inclusive fees charged in undefended consistorial actions*

3.—(1) In the said rule 347, Chapter III(d) shall be renumbered Chapter IIA.

(2) In the said rule 347, in Chapter III, in Part IIA (Undefended Consistorial Actions Affidavit Procedure), as renumbered, for paragraphs 4 and 5 there shall be substituted the following paragraphs:—

"4. The Lord Ordinary shall, on pronouncing an interlocutor granting decree of divorce or separation in any action to which paragraphs 1 or 2 apply, include in that interlocutor, where appropriate, a finding in respect of expenses.

5. On pronouncing an interlocutor under paragraph 4 making a finding in respect of expenses the Lord Ordinary shall pronounce a further interlocutor decerning for payment of those expenses as taxed by the person found liable to pay them."

(a) 1933 c. 41.

(c) S.I. 1979/1631.

(b) S.I. 1965/321, as amended by S.I. 1979/1631.

(d) As added by S.I. 1979/1438.

4. In the said rule 347 (General Regulations) in paragraph (e), in relation to any proceedings commenced on or after this Act of Sederunt comes into operation, there shall be omitted the words "in accounts as between party and party" and the words from "In accounts as between husband and wife" to the end.

*Revocation*

5. In the Act of Sederunt (Rules of Court Amendment No. 7) (Solicitors' Fees No. 2) 1979(a) paragraph 3 is revoked.

Edinburgh.  
27th March 1981.

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

SCHEDULE

<i>Column 1</i> (No. of paragraph)	<i>Column 2</i> (current fee)	<i>Column 3</i> (new fee)
Chapter I para. 5(a)	£5.50	£7.50
para. 5(b)	£3.00	£4.00
Chapter III		
Part II para. 4A(b)	£5.00	£7.50
para. 4B(b)	£5.00	£7.50
Part IV para. 2(c)(ii)	£6.50	£7.50
para. 3(b)	£6.50	£7.50
para. 7(c)	£6.50	£7.50
para. 9(c)	£6.50	£7.50
para. 10(c)	£6.50	£7.50
para. 17	£6.50	£7.50
Part V para. 3(b)	£6.50	£7.50

EXPLANATORY NOTE

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

This Act of Sederunt amends rule 347 of the Rules of the Court of Session to make new provision for Solicitors' fees and revokes paragraph 3 of the Act of Sederunt (Rule of Court Amendment No. 7) (Solicitors' Fees No. 2) 1979.

(a) S.I. 1979/1631.



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