
STATUTORY INSTRUMENTS

1989 No. 434 (S.52)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Fees of Solicitors in the Sheriff Court) 1989

<i>Made</i>	- - - -	<i>9th March 1989</i>
<i>Laid before Parliament</i>		<i>22nd March 1989</i>
<i>Coming into force</i>	- -	<i>12th April 1989</i>

The Lords of Council and Session, under and by virtue of the powers conferred on them by Section 40 of the Sheriff Courts (Scotland) Act 1907(1), 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 (Fees of Solicitors in the Sheriff Court) 1989 and shall come into force on 12th April 1989.

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

Application

2.—(1) The Schedule to this Act of Sederunt applies to work done or expenses incurred on or after the date on which this Act of Sederunt comes into force.

(2) The Schedule to this Act of Sederunt shall not apply to fees for work done, expenses or outlays incurred or to the taxation of accounts for which the Secretary of State may make regulations under and by virtue of section 14A of the Legal Aid (Scotland) Act 1967(2) or Section 33 of the Legal Aid (Scotland) Act 1986(3).

Revocation and saving

3.—(1) The Act of Sederunt (Fees of Solicitors in the Sheriff Court) 1988(4) is revoked.

(1) 1907 c. 51; section 40 was amended by the Secretaries of State Act 1926 (c. 18), section 1(3), the Administration of Justice (Scotland) Act 1933 (c. 41), Schedule and the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12), Schedule 1, paragraph 7 and Schedule 2.

(2) 1967 c. 43; section 14A was inserted by the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983, section 3; the 1967 Act was repealed by the Legal Aid (Scotland) Act 1986 (c. 47), Schedule 5, but continues to apply in respect of legal aid granted prior to the 1986 Act coming into force, by virtue of paragraph 3 of Schedule 4 to the 1986 Act.

(3) 1986 c. 47; section 33 was amended by the Legal Aid Act 1988 (c. 34), Schedule 4, paragraph 5.

(4) S.I. 1988/681

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) Notwithstanding the revocation in sub-paragraph (1) of this paragraph, the provisions of the Act of Sederunt (Fees of Solicitors in the Sheriff Court) 1988 shall continue to have effect in respect of work done expenses or outlays incurred, before the coming into force of this Act of Sederunt.

Edinburgh
9th March 1989

Emslie
Lord President, IPD

SCHEDULE

Paragraph 2

GENERAL REGULATIONS

1. The Table of Fees in this Schedule shall regulate the taxation of accounts between (a) solicitor and client, client paying, (b) solicitor and client, third party paying and (c) party and party; and shall be subject to the aftermentioned powers of the sheriff to increase or modify such fees.

2. The pursuer's solicitor's account as between party and party shall be taxed by reference to the sum decerned for unless the sheriff otherwise directs.

3. Where an action has been raised under summary cause procedure, only expenses under Chapter IV of the Table of Fees shall be allowed unless the sheriff otherwise directs.

4. Fees for work done in terms of the Social Work (Scotland) Act 1968⁽⁵⁾ shall be chargeable under Chapter III of the Table of Fees.

5. The sheriff shall have the following discretionary powers in relation to the Table of Fees:—

- (a) In any case the sheriff may direct that expenses shall be subject to modification.
- (b) In cases of importance or requiring special preparation, the sheriff may, upon a motion made not later than seven days after the date of any interlocutor disposing of expenses, pronounce a further interlocutor regarding these expenses allowing a percentage increase in a cause on the ordinary roll, not exceeding 50 per cent, and in a cause on the summary cause roll, not exceeding 100 per cent, of the fees authorised by this table to cover the responsibility undertaken by the solicitor in the conduct of the litigation. Where such an increase is allowed a similar increase may, if the sheriff so orders, be chargeable by each solicitor in the cause against his own client. In fixing the amount of the percentage increase the following factors shall be taken into account:—
 - (i) the complexity of the litigation and the number, difficulty or novelty of the questions involved;
 - (ii) the skill, specialised knowledge and responsibility required of and the time and labour expended by the solicitor;
 - (iii) the number and importance of the documents (however brief) prepared or perused;
 - (iv) the place and circumstances of the litigation or in which the solicitor's work of preparation for and conduct thereof has been carried out;
 - (v) the importance of the litigation or the subject-matter thereof to the client;
 - (vi) the amount or value of money or property involved;
 - (vii) any other fees and allowances payable to the solicitor in respect of other items in the same litigation and otherwise charged for in the account.
- (c) Where a party or his solicitor on one side attends any diet of proof or debate or any meeting ordered by the sheriff and the other is absent or not prepared to proceed the sheriff shall have power to decern against the latter party for payment of such expenses as the sheriff may consider reasonable. If an appeal be abandoned, or any debate on preliminary pleas or otherwise ordered by the sheriff be departed from by any party and notice to that effect be given to the opposite party at least three lawful days before the date fixed for the hearing no debate fee shall be allowed; but failing such notice a debate fee shall be allowed to the respondent's or other party's solicitor of one-half of the amount which would have been allowed had the debate proceeded.

6. The expenses to be charged against an opposite party shall be limited to proper expenses of process without any allowance (beyond that specified in the Table of Fees) for preliminary

(5) 1968 c. 49

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

investigations, subject to this proviso, that precognitions, plans, analyses, reports, and the like (so far as relevant and necessary for proof of the matters in the Record between the parties), although taken or made before the raising of an action or the preparation of defences, or before proof is allowed, and although the case may not proceed to trial or proof, may be allowed.

7. Save as otherwise provided in the Table of Fees it shall be in the option of the solicitor to charge an account either on the basis of the inclusive fees of Chapters I and II or on the basis of the detailed fees of Chapter III of the Table of Fees, but in accounts as between party and party it shall not be competent to make charges partly on the one basis and partly on the other. In accounts as between solicitor and client, however, it shall be competent to charge an account partly on the basis of the inclusive fees of Chapters I and II and partly on the basis of the detailed fees of Chapter III of the Table of Fees, but if an inclusive fee is charged under Chapters I or II no work falling thereunder shall be charged again under Chapter III.

8. In order that the expenses of litigation may be kept within proper and reasonable limits only such expenses shall be allowed in the taxation of accounts between party and party as are necessary for conducting it in a proper manner. It shall be competent to the auditor to disallow all charges for papers, parts of papers or particular procedure or agency which he shall judge irregular or unnecessary.

9. Notwithstanding that a party shall be found entitled to expenses generally yet if on the taxation of the account it shall appear that there is any particular part of the litigation in which such party has proved unsuccessful or that any part of the expenses has been occasioned through his own fault he shall not be allowed the expense of such parts of the proceedings.

10. When a remit is made by the court regarding matters in the record between the parties to an accountant, engineer, or other reporter the solicitors shall not, without special agreement, be personally responsible to the reporter for his remuneration, the parties alone being liable therefor.

11. In all cases, the solicitor's outlays reasonably incurred in the furtherance of the litigation shall be allowed. These outlays shall include a charge in respect of posts and sundries of 12 per cent. of the taxed amount of fees.

12. In the taxation of accounts as between party and party where counsel is employed—

- (a) counsel's fees and the fees for instruction of counsel in paragraph 19 of Chapter II or in a detailed account charged under Chapter III of the Table of Fees are to be allowed only where the sheriff has sanctioned the employment of counsel; and
- (b) except on cause shown fees to counsel and solicitor for only one consultation in the course of the case are to be allowed except where counsel is employed both before the sheriff and the sheriff principal and there is a consultation prior to the debate on the appeal when fees for an additional consultation are to be allowed.

13. In the case of all solicitors' charges to which these Regulations relate, where those charges are taxable supplies in terms of the Finance Act 1972 and are supplied by a solicitor who is a taxable person within the meaning of that Act, an addition may be made to the charges of such amount as is equivalent to the rate of Value-Added Tax at the date of supply, and this additional sum shall be so described in the solicitor's account.

14. In Chapter IV of the Table of Fees—

- (a) necessary outlays, including—
 - (i) in relation to Part II only, a charge in respect of post and sundries of 12 per cent. of the fees allowed;
 - (ii) fees for witnesses calculated as provided by Act of Sederunt; are allowed in addition to the fees allowed under this Chapter;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) in Parts I and II, sheriff officers' fees and the costs of advertising are allowable as outlays;
- (c) in Parts I and II, in respect of paragraph 3 (attendance at court), no fee is allowable for attendance at a continuation of the first calling, unless specially authorised by the court;
- (d) in Part II, in respect of paragraph 7 (precognitions), in a case where a skilled witness prepares his own precognition or report, half of the drawing fee is allowable to the solicitor for revising and adjusting it;
- (e) in Part II, in respect of paragraph 15, no fees shall be allowed in respect of accounts of expenses when the hearing on the claim for expenses takes place immediately on the sheriff or sheriff principal announcing his decision;
- (f) all fees chargeable under this Chapter in respect of the actions mentioned in the left-hand column of the following table shall unless the sheriff, on a motion in that behalf, otherwise directs be reduced by the amount of the percentage specified opposite those actions in the right-hand column of the following table:—

TABLE

Actions	Percentage reduction
1. of a value* from £50 to £250	25%
2. of a value* of less than £50	50%
3. for recovery of possession of heritable property, if not defended	50%

* "value" in relation to any action in which a counterclaim has been lodged, is the total of the sums craved in the writ and the sum claimed, in the counterclaim.

- (g) in Part I, in respect of paragraph 1 (instruction fees), in relation to actions for reparation there are allowable such additional fees for precognitions and reports as are necessary to permit the framing of the writ, together with necessary outlays in connection therewith; and
- (h) in Part II, the fee allowable in respect of paragraph 14. (supplementary note of defence) is a fixed fee allowable only when a supplementary note of defence is ordained by the court.

TABLE OF FEES

CHAPTER I

PART I.

UNDEFENDED ACTIONS

(other than actions of divorce or of separation and aliment (affidavit procedure))

1. Actions (other than those specified in £55.00 paragraph 2 of this Chapter) in which decree is granted without proof—

- (a) Inclusive fee to cover all work from taking instructions up to and including obtaining extract decree

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) (b) In cases where settlement is effected after service of a writ but before the expiry of the induciae £47.50
- (c) (c) If the pursuer's solicitor elects to charge this inclusive fee he shall endorse a minute to that effect on the initial writ before ordering extract of the decree. Outlays such as court dues for deliverance and posts shall be chargeable in addition and taxation shall be unnecessary.

2. Actions of separation and aliment, adherence and aliment and custody and aliment where proof (other than by way of affidavit evidence) takes place— £260.00

- (a) Inclusive fee to cover all work from taking instructions up to and including obtaining extract decree
- (b) (b) If the pursuer's solicitor elects to charge this inclusive fee he shall endorse a minute to that effect on the initial writ after the close of the proof and before extract of the decree is ordered; and when the option is so exercised decree for expenses shall be granted against the defender for said sum together with the shorthand writer's fee actually charged as provided by Act of Sederunt and of other outlays up to 160 without the necessity for taxation. If outlays in excess of 160, excluding the shorthand writer's fee, are claimed, an account of such outlays shall be remitted to the auditor of court for taxation and the sum allowed for outlays shall be the amount of the account as taxed.

3. Petition for appointment or discharge of a curator bonis £235.00

- (a) Inclusive fee to cover all work enquiring into estate and taking instructions up to and including obtaining extract decree
- (b) (i) If the solicitor elects to charge the inclusive fee and to recover only the normal outlays as set out in head (ii) of this subparagraph, he shall endorse on

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

the petition before ordering
extract of the decree a minute
setting out the said fee and the
outlays. Taxation of charges so
specified shall not be necessary.

(ii) The normal outlays referred to
in head (i) of this sub-paragraph
are:—

reasonable fees for medical reports;
court dues for deliverance;
sheriff officers' fees for service;
advertising costs incurred;
posts and incidents;
and Value Added Tax chargeable on
solicitors' fees and posts.

PART II.

UNDEFENDED ACTIONS OF DIVORCE AND OF SEPARATION AND ALIMENTS

(affidavit procedure)

1. In any undefended action of divorce or separation and aliment where—

- (a) the facts set out in section 1(2)(b) (unreasonable behaviour) of the Divorce (Scotland) Act 1976 (“the 1976 Act”) are relied upon;
- (b) there is no crave relating to any ancillary matters; and
- (c) the pursuer seeks to prove those facts by means of affidavits,

the pursuer’s solicitor may, in respect of the work specified in column 1 of Table A, charge the inclusive fee specified in respect of that work in column 2 of that Table.

TABLE A

Column 1 Work done	Column 2 Inclusive fee £
1. All work to and including the period of notice	182.50
2. All work from the period of notice to and including swearing affidavits	130.00
3. All work from swearing affidavits to and including sending extract decree	40.00
4. All work to and including sending extract decree	352.50
Add process fee	of 10%

2. In any undefended action of divorce or separation and aliment where—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) the facts set out in sections 1(2)(a) (adultery), 1(2)(c) (desertion), 1(2)(d) (two years' non-cohabitation and consent) and 1(2)(e) (five years' non-cohabitation) of the 1976 Act are relied on;
- (b) there is no crave relating to any ancillary matters; and
- (c) the pursuer seeks to prove those facts by means of affidavits,

the pursuer's solicitor may, in respect of work specified in column 1 of Table B, charge the inclusive fee specified in respect of that work in column 2 of that Table.

TABLE B

Column 1 Work done	Column 2 Inclusive fee £
1. All work to and including the period of notice	150.00
2. All work from the period of notice to and including swearing affidavits	72.00
3. All work from swearing affidavits to and including sending extract decree	40.00
4. All work to and including sending extract decree	262.00
Add process fee	of 10%

3. If—

- (a) the pursuer's solicitor charges an inclusive fee under either paragraph 1 or paragraph 2 of this Part; and
- (b) the action to which the charge relates includes a crave relating to an ancillary matter,

in addition to that fee he may charge, in respect of the work specified in column 1 of Table C, the inclusive fee specified in respect of that work in column 2 of that Table.

TABLE C

Column 1 Work done	Column 2 Inclusive fee £
1. All work to and including the period of notice	72.00
2. All work from the period of notice to and including swearing affidavits	42.00
3. All work under items 1 and 2	114.00
Add process fee	of 10%

4. If the pursuer's solicitor elects to charge an inclusive fee under this Part he shall endorse a minute to that effect on the initial writ before extract of the decree is ordered; and when the option is so exercised decree for expenses shall be granted against the defender for said sum together with outlays up to £85 inclusive of VAT without the necessity for taxation. If outlays in excess of £85 are

claimed, an account of such outlays shall be remitted to the auditor of court for taxation and the sum allowed for outlays shall be the amount of the account as taxed.

CHAPTER II

DEFENDED ACTIONS

1. Instruction fee—	£120.00
(a) To cover all work (except as hereinafter otherwise specially provided for in this chapter) to the lodging of defences including copyings	
(b) (b) Where separate statement of facts and counterclaim and answers lodged, additional fee of	£42.00
2. Adjustment fee— To cover all work (except as hereinafter otherwise specially provided for in this Chapter) in connection with the adjustment of the Record including (when appropriate) closing thereof, making up and lodging Closed Record and copyings—	
(a) (a) Agent for any party	£178.50
(b) (b) If action settled before Record is closed -each original party's agent	£120.00
(c) (c) If additional defender brought in before closing of Record-additional fee to each original party's agent	£21.00
(d) (d) If additional defender brought in after closing of Record-additional fee to each original party's agent	£30.00
3. Affidavit fee— To framing affidavits, per sheet	£7.50
(a) (a) Debate fee—To include preparation for and conduct of any hearing or debate other than on evidence, enquiring for cause at avizandum and noting interlocutor—	
(i) When debate does not exceed 1 hour	£90.00
(ii) For every quarter hour engaged after the first hour	£11.00
(iii) Waiting time—per quarter hour	£10.00
(b) (b) Interim Interdict Hearings—	£52.50

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) Pursuer’s solicitor—the same fees as for debate fee above, but to include both the appearance at lodging of writ and the hearing at second diet.
 - (ii) Defender’s solicitor’s fee where the debate does not exceed 1 hour
 - (iii) Waiting time—per quarter hour £10.00
 - 5. Precognitions—Taking and drawing—per sheet £18.00
- Note**
- Where a skilled witness prepares his own precognition or report, the solicitor shall be allowed half of above drawing fee for revising and adjusting it.
- 6. Custody reports obtained under order of court—
 - (a) (a) Fee for all work incidental thereto £40.00
 - (b) (b) Additional fee per sheet of report to include all copies required (maximum £25) £5.50
 - 7. Commissions to take evidence— £111.50
 - (a) On Interrogatories—
 - (i) Fee to solicitor applying for commission to include drawing, intimating and lodging motion, drawing and lodging interrogatories, instructing commissioner and all incidental work (except as otherwise specially provided for in this chapter) but excluding attendance at execution of commission
 - (ii) Fee to opposing solicitor if cross-interrogatories prepared and lodged £75.00
 - (iii) If no cross-interrogatories lodged £22.00
 - (b) (b) Open Commissions— £67.00
 - (i) Fee to solicitor applying for commission to include all work (except as otherwise specially provided for in this chapter) up

- to lodging report of commission
but excluding attendance thereat
- (ii) Fee to solicitor for opposing party £37.00
 - (iii) Fee for attendance at execution of £11.00
commission—per quarter hour
 - (iv) Travelling time—per quarter hour £10.00
 - 8. Specification of documents— £46.00**
 - (a) Fee to cover drawing, intimating
and lodging specification and relative
motion and attendance at court
debating specification
 - (b) (b) Inclusive fee to opposing £30.00
solicitor
 - (c) (c) Fee for citation of havers,
preparation for and attendance
before commissioner at execution of
commission—
 - (i) Where attendance before commissioner £42.00
does not exceed 1 hour
 - (ii) For each additional quarter hour after the £11.00
first hour
 - (d) (d) If commission not executed— £10.00
fee for serving each party with copy of
specification to include recovering and
examining documents or productions
referred to therein
 - 9. Amendment of Record—**
 - (a) Fee to cover drawing, intimating
and lodging minute of amendment
and relative motion and relative
attendances at court—
 - (i) Where answers lodged £51.00
 - (ii) Where no answers lodged £33.50
 - (b) (b) Inclusive fee to opposing
solicitor—
 - (i) Where answers lodged £42.00
 - (ii) Where no answers lodged £28.00
 - (c) (c) Fee for adjustment of minute £37.00
and answers where applicable to be
allowed in addition to each party
 - 10. Motions and minutes—**
 - (a) Fee to cover drawing, intimating
and lodging any written motion or

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

minute, including a reopening note, and relative attendances at court (except as otherwise provided for in this chapter)—

- (i) Where opposed £52.50
- (ii) Where unopposed (including for each party a joint minute other than under paragraph 15(b)) £37.00
 - (b) (b) Fee to cover considering opponent’s written motion, minute or reopening note, and relative attendances at court—
 - (i) Where motion, minute or reopening note opposed £30.00
 - (ii) Where motion, minute or reopening note unopposed £22.00
- 11. Procedure preliminary to proof— £130.00**
 - (a) Fee to cover fixing diet of proof, citation of witnesses, and generally preparing for trial or proof and if necessary instructing shorthand writer—
 - (i) If action settled or abandoned not later than 14 days before the diet of proof
 - (ii) In any other case £216.00
 - (b) (b) Fee to cover preparing for adjourned diet and all incidental work as in (a) if diet postponed for more than 6 days, for each additional diet £45.00
 - (c) (c) Drawing and lodging an inventory of productions, lodging the productions specified therein, and considering opponent’s productions (to be charged once only in each process) £22.00
 - (d) (d) Where only one party lodges productions, opponent’s charges for considering same £11.00
- 12. Conduct of proof or trial— £11.00**
 - (a) Fee to cover conduct of proof or trial and debate on evidence if taken at close of proof—per quarter hour
 - (b) (b) If counsel employed, fee to solicitor appearing with counsel—per quarter hour £10.00

(c)	(c) Waiting time—per quarter hour	£10.00
13.	Debate on evidence—	£37.00
(a)	Where debate on evidence not taken at conclusion of proof, preparing for debate	
(b)	(b) Fee for conduct of debate—per quarter hour	£11.00
(c)	(c) If counsel employed, fee to solicitor appearing with counsel—per quarter hour	£10.00
(d)	(d) Waiting time—per quarter hour	£10.00
14.	Appeals—	£70.00
(a)	To sheriff principal—	
(i)	Fee to cover instructions, marking of appeal or noting that appeal marked, noting diet of hearing thereof and preparation for hearing	
(ii)	Fee to cover conduct of hearing—per quarter hour	£11.00
(iii)	If counsel employed, fee to solicitor appearing with counsel—per quarter hour	£10.00
(iv)	Waiting time—per quarter hour	£10.00
(b)	(b) To Court of Session—	£35.00
	Fee to cover instructions, marking appeal or noting that appeal marked and instructing Edinburgh correspondents	
15.	Settlements	£42.00
(a)	Judicial tender—	
(i)	Fee for preparation and lodging or for consideration of minute of tender	
(ii)	Fee on acceptance of tender, to include preparation and lodging or consideration of minute of acceptance and attendance at court when decree granted in terms thereof	£31.00
(b)	(b) Extra-judicial settlement—	£70.00
	Fee to cover negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto	
16.	Final procedure—	£55.00

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) Fee to cover settling with witnesses, enquiring for cause at avizandum, noting final interlocutor
- (b) (b) Fee to cover drawing account £45.00 of expenses, arranging, intimating and attending diet of taxation and obtaining approval of auditor's report and adjusting account with opponent where necessary, ordering, procuring and examining extract decree
- (c) (c) Fee to cover considering £16.00 opponent's account of expenses and attending diet of taxation or adjusting account with opponent

17. Copying fees—

Copying all necessary papers by any means—

- (a) (a) First copy—per sheet £1.00
- (b) (b) Additional copies—per sheet £0.35

Note

A sheet shall be 250 words. When copied by photostatic or similar process, each page shall be charged as one sheet.

18. Process fee—

Fee to cover all consultations between solicitor and client during the progress of the cause and all communications, written or oral, passing between them—10 per cent. on total fees and copyings allowed on taxation.

19. Fee for instruction of counsel—

- (a) (a) Fee for instructing counsel to £22.00 revise record
- (b) (b) Fee for instructing counsel to £46.00 conduct debate, proof or trial
- (c) (c) Fee for instructing counsel to £46.00 conduct appeal to sheriff principal

Note

1. In each case to cover all consultations, revision of papers and all incidental work.

2. Fee to counsel to be allowed as outlay.

CHAPTER III

CHARGES FOR TIME, DRAWING OF PAPERS, CORRESPONDENCE, ETC.

1. Attendance at court conducting trial proof £11.00
or formal debate or hearing—per quarter hour

2. Time occupied in the performance of all other work including attendances with client and others and attendances at court in all circumstances, except as otherwise specifically provided—

- (a) (a) Solicitor—per quarter hour £10.00
- (b) (b) Allowance for time of clerk—
one half of above.

Note

Time necessarily occupied in travelling to such to be chargeable at these rates.

3. Drawing all necessary papers (other than affidavits) (the sheet throughout this Chapter to consist of 250 words or numbers)-per sheet £5.00

4. Framing affidavits—per sheet £7.50

5. Revising papers where revisal ordered— £2.00
for each five sheets

6. Copying all necessary papers by any means—

- (i) First copy—per sheet £1.00
- (ii) Additional copies—per sheet £0.35

Note

When copied by photostatic or similar process each page shall be charged as one sheet.

7. Certifying or signing a document £2.00

8. Perusing any document—per quarter hour £10.00

9. Lodging in process— £2.00

Each necessary lodging in or uplifting from process; also for each necessary enquiry for documents due to be lodged

10. Borrowing process— £2.00

Each necessary borrowing of process to include return of same

11. Extracts— £10.00

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Ordering, procuring and examining extracts,
interim or otherwise

12. Correspondence, intimations, etc.—

- (a) (a) Formal letters and intimations £1.00
- (b) (b) Letters other than above—per £5.00
page of 125 words
- (c) (c) Telephone calls except under £2.00
(d)
- (d) (d) Telephone calls (lengthy) to be
treated as attendances or long letters.

13. Citations— £5.00

Each citation of party or witness including
execution thereof

14. Instructions to officers— £2.00

- (a) Instructing officer to serve, execute
or intimate various kinds of writs or
diligence including the examination of
executions
- (b) (b) For each party after the first £2.00
on whom service or intimation is
simultaneously made
- (c) (c) Agency accepting service of £5.00
any writ
- (d) (d) Reporting diligence £5.00

15. Personal diligence—

- (a) (a) Recording execution of charge £5.00
- (b) (b) Procuring fiat £5.00
- (c) (c) Instructing apprehension £5.00
- (d) (d) Framing state of debt and £6.00
attendance at settlement

16. Sales—

- (a) (a) Obtaining warrant to sell £5.00
- (b) (b) Instructing auctioneer or officer £5.00
to conduct sale
- (c) (c) Perusing report of sale £5.00
- (d) (d) Reporting sale under poindings £5.00
or sequestrations or any other judicial
sales
- (e) (e) Noting approval of roup roll £5.00
- (f) (f) Obtaining warrant to pay £5.00

CHAPTER IV

SUMMARY CAUSES

PART I.—

UNDEFENDED ACTIONS

- | | |
|--|--------|
| 1. To include—taking instructions, framing summons and statement of claim, obtaining warrant for service, serving, instructing service as necessary by sheriff officer (where appropriate), attendance endorsing minute for and obtaining decree in absence and extract decree and including posts and sundries | £37.00 |
| 2. Service— | £4.00 |
| (a) citation by post wheresoever after the first citation for each party | |
| (b) (b) framing and instructing service by advertisement—for each party | £12.00 |
| 3. Attendance at court | £12.00 |
-

PART II.—

DEFENDED ACTIONS

- | | |
|--|--------|
| 1. Instructions fee, to include taking instructions (including instructions for a counterclaim) framing summons and statement of claim, obtaining warrant for service, enquiring for notice of intention to defend, attendance at first calling, noting defence | £51.00 |
| 2. Service— | £4.00 |
| (a) Citation by post within the United Kingdom, Isle of Man, Channel Islands, or the Republic of Ireland for each party | |
| Citation by post elsewhere—for each party | £9.00 |
| (b) (b) Instructing service or reservice by sheriff officer including perusing execution of citation and settling sheriff officer's fee—for each party | £4.00 |
| (c) (c) Framing and instructing service by advertisement—for each party | £13.50 |
| 3. Attendance at court— | £13.50 |

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Attendance at any diet except as otherwise specifically provided

4. Preparing for proof, to include all work in connection with proof not otherwise provided for £46.00

5. Fee to cover preparing for adjourned diet and all incidental work if diet for more than six days—for each adjourned diet £22.00

(a) (a) Drawing and lodging inventory of productions, lodging the productions specified therein and considering opponents' productions (to be charged only once in each process) £20.00

(b) (b) Where only one party lodges productions, opponents' charges for considering same £9.00

7. Precognitions— £20.00

(a) Drawing precognitions, including instructions, attendances with witnesses and all relative meetings and correspondence—per witness

(b) (b) Where precognitions exceed 2 sheets—for each additional sheet £9.00

8. Motions and minutes—

Fee to cover drawing, intimating and lodging of any written motion or minute, excluding a minute or motion to recall decree, and relative attendance at court (except as otherwise provided in this chapter)—

(a) (a) Where opposed £28.00

(b) (b) Where unopposed (including for each party a joint minute or joint motion) £17.00

9. Fee to cover considering opponents' written motion or minute excluding minute or motion to recall decree and relative attendance at court—

(a) (a) Where motion or minute opposed £22.00

(b) (b) Where motion or minute unopposed £13.50

10. Conduct of proof— £13.50

- (a) Fee to cover conduct of proof or trial and debate on evidence taken at close of proof—per half hour
 - (b) (b) Waiting time—per half hour £7.00
- 11. Settlements—**
- (a) (a) Judicial tender, fee for consideration of, preparing and lodging minute of tender £28.00
 - (i) Fee for consideration and rejection of tenders £20.00
 - (ii) Fee on acceptance of tender—to include preparing and lodging, or consideration of minute of acceptance and attendance at court when decree granted in terms thereof £20.00
 - (b) (b) Extra judicial settlement— fee to cover negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto £46.00
- 12. Specification of documents— £23.00**
- (a) Fee to cover drawing, intimating and lodging specification of documents and relative motion and attendance at court
 - (b) (b) Inclusive fee to opposing solicitor £21.00
 - (c) (c) Fee for citation of havers, preparation for and attendance before commissioner, to each party—for each half hour £13.50
 - (d) (d) If alternative procedure adopted, a fee per person upon whom order served £9.00
- 13. Commissions to take evidence—**
- (a) Fee to cover drawing, lodging and intimating motion and attendance at court—
 - (i) Where opposed £28.00
 - (ii) Where unopposed £17.00
 - (b) (b) Fee to cover considering such motion and attendance at court—
 - (i) Where opposed £22.00
 - (ii) Where unopposed £13.50

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) (c) Fee to cover instructing commissioner and citing witness £13.50
 - (d) (d) Fee to cover drawing and lodging interrogatories and cross-interrogatories—per sheet £9.00
 - (e) (e) Attendance before commissioner—per hour £13.00
 - (f) (f) Travelling time—per hour £8.50
14. Supplementary note of defence (when ordained) £9.00
15. Appeals—
- (a) (a) Fee to cover instructions, marking of appeal or noting that appeal marked, noting of diet of hearing thereof and preparation for hearing £62.50
 - (b) (b) Fee to cover conduct of hearing —per half hour £13.50
16. Final procedure—
- (a) (a) Fee to cover settling with witnesses, enquiring for cause at avizandum, noting final interlocutor £28.00
 - (b) (b) Fee to cover drawing account of expenses, arranging intimating and attending hearing on expenses, and obtaining approval of sheriff clerk's report £28.00
 - (c) (c) Fee to cover considering opponents' account of expenses and attendance at hearing on expenses £13.50
-

CHAPTER V

MERCANTILE SEQUESTRATION

Charge according to Chapter III.

CHAPTER VI

EXECUTORY BUSINESS—INTESTATE MOVEABLE SUCCESSION

-
- 1. Taking instructions to present petition for decree-dative, drawing petition and making £54.00

necessary copies, lodging and directing publication, attendance at court, moving for decree-dative, extracting decree where necessary, and all matters incidental to petition inclusive fee

2. Preliminary investigation and confirmation of executors—

To be charged for according to general table of fees for conveyancing and general business in testate succession in force from time to time.

3. Bonds of caution— £15.50

(a) Taking out bond of caution, getting it signed and lodged with clerk of court, and procuring attestation of cautioner's sufficiency

(b) (b) Where caution is found through the medium of a guarantee company for all the work in connection therewith £15.50

4. Restriction of caution— Taking instructions to prepare petition for restriction of caution, drawing petition and making necessary copies, lodging, instructing advertisement and all matters incidental to petition—inclusive fee £31.50

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt revokes the Act of Sederunt (Fees of Solicitors in the Sheriff Court) 1988, re-enacts that Act with a number of minor amendments and increases most of the fees in the Table of Fees in the Schedule to the Act by about 8 per cent.