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STATUTORY INSTRUMENTS

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**1993 No. 3080 (S.293)**

**SHERIFF COURT, SCOTLAND**

**Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment and Further Provisions) 1993**

*Made* - - - - *3rd December 1993*  
*Laid before Parliament* *10th December 1993*  
*Coming into force* - - *1st January 1994*

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) (Amendment and Further Provisions) 1993 and shall come into force on 1st January 1994.

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

**Fees for solicitors**

2.—(1) Subject to sub-paragraph (2), Schedule 1 to this Act of Sederunt shall apply to work done and expenses or outlays incurred on or after the date on which this Act of Sederunt comes into force.

(2) Schedule 1 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 Acts of Sederunt specified in Schedule 2 to this Act of Sederunt are hereby revoked.

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(1) 1907 (c. 51); section 40 was amended by section 1(3) of the Secretaries of State Act 1926 (c. 18), the Schedule to the Administration of Justice (Scotland) Act 1933 (c. 41) and paragraph 7 of Schedule 1 to, and Schedule 2 to the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12).  
(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 The 1967 Act was repealed by the Legal Aid (Scotland) Act 1986 (c. 47), Schedule 5, but continues to apply in respect of legal aid granted prior to the 1986 Act coming into force, by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.

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(2) Notwithstanding the revocation in sub-paragraph (1), the provisions of the Act of Sederunt (Fees of Solicitors in the Sheriff Court) 1989<sup>(4)</sup> shall continue to have effect in respect of work done and expenses or outlays incurred before the coming into force of this Act of Sederunt.

Edinburgh  
3rd December 1993

*J.A.D. Hope*  
Lord President I.P.D.

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(4) S.I. 1989/434, amended by S.I. 1990/716, 1991/848, 1992/748, 1992/1434 and 1993/898.

## SCHEDULE 1

Paragraph 2(1)

### GENERAL REGULATIONS

1. The Table of Fees in this Schedule shall regulate the taxation of accounts between party and party; and shall be subject to the aftermentioned powers of the court to increase or modify such fees.

2. The pursuer's solicitor's account shall be taxed by reference to the sum decerned for unless the court otherwise directs.

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

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

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

- (a) In any case the court may direct that expenses shall be subject to modification.
- (b) The court may, on a motion made not later than seven days after the date of any interlocutor disposing of expenses, pronounce a further interlocutor regarding those expenses allowing a percentage increase in the fees authorised by the Table of Fees to cover the responsibility undertaken by the solicitor in the conduct of the cause. Where such an increase is allowed a similar increase may, if the court 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 cause and the number, difficulty or novelty of the questions raised;
  - (ii) the skill, time and labour, and specialised knowledge required, of the solicitor;
  - (iii) the number and importance of any documents prepared or perused;
  - (iv) the place and circumstances of the cause or in which the work of the solicitor in preparation for, and conduct of, the cause has been carried out;
  - (v) the importance of the cause or the subject-matter of it to the client;
  - (vi) the amount or value of money or property involved in the cause;
  - (vii) the steps taken with a view to settling the cause, limiting the matters in dispute or limiting the scope of any hearing.
- (c) Where a party or his solicitor abandons, fails to attend or is not prepared to proceed with any diet of proof, debate, appeal or meeting ordered by the court, the court shall have power to decern against that party for payment of such expenses as it considers reasonable.

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 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 bringing 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. Except as otherwise provided in the Table of Fees, a solicitor may 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 he may not charge partly on one basis and partly on the other.

8. In order that the expense of litigation may be kept within proper and reasonable limits only such expenses shall be allowed in the taxation of accounts as are reasonable for conducting it in a

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(5) 1968 C.49.

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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 appears that there is any particular part of the cause 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 part 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 cause shall be allowed. Those 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 where counsel is employed—

- (a) counsel's fees and the fees for instruction of counsel in Chapter II and Chapter III of the Table of Fees are to be allowed only where the court has sanctioned the employment of counsel; and
- (b) except on cause shown, fees to counsel and solicitor for only two consultations in the course of the cause are to be allowed.

**13.** Where work done by a solicitor constitutes a supply of services in respect of which value added tax is chargeable by him, there may be added to the amount of fees an amount equal to the amount of value added tax chargeable.

**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, and
  - (ii) fees for witnesses calculated as provided by Act of Sederunt, are allowed in addition to the fees allowed under this Chapter;
- (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

<i>Actions</i>	<i>Percentage reduction</i>
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 and 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 ordered by the court.

*TABLE OF FEES*

CHAPTER I

PART I—UNDEFENDED ACTIONS

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

1. *Actions (other than those specified in paragraph 2 of this Chapter) in which decree is granted without proof—* £100.00

- (a) Inclusive fee to cover all work from taking instructions up to and including obtaining extract decree
- (b) (b) In cases where settlement is effected after service of a writ but before the expiry of the *induciae* £80.00
- (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 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—* £349.40

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

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- (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 £60 without the necessity of taxation. If outlays in excess of £60, 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***

- (a) (a) Inclusive fee to cover all £312.00 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 sub-paragraph, he shall endorse on 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.

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*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(6) (“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 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**

<i>Column 1</i> <i>Work done</i>	<i>Column 2</i> <i>Inclusive fee</i> £
1. All work to and including the period of notice	245.80
2. All work from the period of notice to and including swearing affidavits	174.70
3. All work from swearing affidavits to and including sending extracts decree	53.70
4. All work to and including sending extract decree	474.20
Add process fee	of 10%

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

<i>Column 1</i> <i>Work done</i>	<i>Column 2</i> <i>Inclusive fee</i> £
1. All work to and including the period of notice	202.10
2. All work from the period of notice to and including swearing affidavits	97.30

(6) 1976 c. 39.

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<i>Column 1</i> <i>Work done</i>	<i>Column 2</i> <i>Inclusive fee</i> £
3. All work from swearing affidavits to and including sending extract decree	53.70
4. All work to and including sending extract decree	353.10
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**

<i>Column 1</i> <i>Work done</i>	<i>Column 2</i> <i>Inclusive fee</i> £
1. All work to and including the period of notice	97.30
(2) (2) All work from the period of notice to and including swearing affidavits	57.00
3. All work under items 1 and 2	154.30
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

### PART I

#### DEFENDED ACTIONS COMMENCED ON OR BEFORE 31ST DECEMBER 1993

1. <i>Instruction fee</i> —	£162.20
(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 £56.10

**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— £240.80

- (a) Agent for any party
- (b) (b) If action settled before Record is closed—each original party’s agent £162.20
- (c) (c) If additional defender brought in before closing of Record -additional fee to each original party’s agent £27.50
- (d) (d) If additional defender brought in after closing of Record—additional fee to each original party’s agent £40.50

**3. Affidavit fee**—To framing affidavits, per sheet £10.00

- (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— £121.10
- (i) When debate does not exceed 1 hour
- (ii) For every quarter hour engaged after the first hour £14.90
- (iii) Waiting time—per quarter hour £13.50
- (b) (b) *Interim Interdict Hearings*— £71.10
- (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 £13.50

**5. Precognitions**—Taking and drawing—per sheet £24.30

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*Note.* Where a skilled witness prepares his own precognition or report, the solicitor shall be allowed half of the above drawing fee for revising and adjusting it.

<b>6. Custody reports obtained under order of court—</b>	<b>£53.70</b>
(a) Fee for all work incidental thereto	
(b) (b) Additional fee per sheet of report to include all copies required (maximum £25)	£7.40
<b>7. Commissions to take evidence—</b>	<b>£149.80</b>
(a) <i>On Interrogatories—</i>	
(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	£101.10
(iii) If no cross-interrogatories lodged	£30.00
(b) (b) <i>Open Commissions—</i>	<b>£90.40</b>
(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	£49.90
(iii) Fee for attendance at execution of commission—per quarter hour	£14.90
(iv) Travelling time—per quarter hour	£13.50
<b>8. Specification of documents—</b>	<b>£62.40</b>
(a) Fee to cover drawing, intimating and lodging specification and relative motion and attendance at court debating specification	
(b) (b) Inclusive fee to opposing solicitor	£40.50

- (c) (c) Fee for citation of havers, £56.10  
preparation for and attendance  
before commissioner at execution of  
commission—
  - (i) Where attendance before  
commissioner does not exceed  
1 hour
- (ii) For each additional quarter hour after the first hour £14.90
- (d) (d) If commission not executed— £13.70  
fee for serving each party with copy of  
specification to include recovering and  
examining documents or productions  
referred to therein
- 9. Amendment of Record— £68.70**
  - (a) fee to cover drawing, intimating  
and lodging minute of amendment  
and relative motion and relative  
attendances at court—
    - (i) Where answers lodged
  - (ii) Where no answers lodged £44.80
  - (b) (b) Inclusive fee to opposing solicitor— £56.10
    - (i) Where answers lodged
  - (ii) Where no answers lodged £37.40
  - (c) (c) Fee for adjustment of minute  
and answers where applicable to be  
allowed in addition to each party £49.90
- 10. Motions and minutes— £71.10**
  - (a) Fee to cover drawing, intimating  
and lodg`ing any written motion or  
minute, including a reponing note,  
and relative attendances at court  
(except as otherwise provided for in  
this Chapter)
    - (i) Where opposed
  - (ii) Where unopposed (including for each  
party a joint minute other than under  
paragraph 15(b)) £49.90
  - (b) (b) Fee to cover considering  
opponent's written motion, minute  
or reponing note, and relative  
attendances at court— £40.50
    - (i) Where motion, minute or  
reponing note opposed

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(ii) Where motion, minute or reponing note unopposed	£30.00
<b>11. Procedure preliminary to proof–</b>	<b>£174.70</b>
(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	£293.30
(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	£61.20
(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)	£30.00
(d) (d) Where only one party lodges productions, opponent’s charges for considering same	£14.90
<b>12. Conduct of proof or trial–</b>	<b>£14.90</b>
(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	£13.50
(c) (c) Waiting time–per quarter hour	£13.50
<b>13. Debate on evidence–</b>	<b>£49.90</b>
(a) Where debate on evidence not taken at conclusion of proof, preparing for debate	
(b) (b) Fee for conduct of debate–per quarter hour	£14.90
(c) (c) If counsel employed, fee to solicitor appearing with counsel–per quarter hour	£13.50
(d) (d) Waiting time–per quarter hour	£13.50
<b>14. Appeals–</b>	<b>£93.60</b>

- (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 £14.90
  - (iii) If counsel employed, fee to solicitor appearing with counsel per quarter hour £13.50
  - (iv) Waiting time–per quarter hour £13.50
- (b) (b) *To Court of Session*– £46.90
  - Fee to cover instructions, marking appeal or noting that appeal marked and instructing Edinburgh correspondents
- 15. Settlements** £56.10
  - (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 £41.80
  - (b) (b) *Extra-judicial settlement*– £93.60
    - Fee to cover negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto
- 16. Final procedure**– £74.80
  - (a) Fee to cover settling with witnesses, enquiring for cause at avizandum, noting final interlocutor
  - (b) (b) Fee to cover drawing account 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 £61.20
  - (c) (c) Fee to cover considering opponent’s account of expenses and £21.70

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attending diet of taxation or adjusting  
account with opponent

**17. Copying fees—** £1.00

Copying all necessary papers by any means—

- (a) First copy—per sheet
- (b) (b) Additional copies—per sheet £0.40

*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—** £30.00

- (a) Fee for instructing counsel to revise record
- (b) (b) Fee for instructing counsel to conduct debate, proof or trial £62.40
- (c) (c) Fee for instructing counsel to conduct appeal to sheriff principal £62.40

*Note.*

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

**2.** Fee to counsel to be allowed as outlay.

## CHAPTER II

### PART 2

#### DEFENDED ORDINARY CAUSES AND FAMILY ACTIONS COMMENCED ON OR AFTER 1ST JANUARY 1994

**1. Instruction fee—** £275.00

- (a) To cover all work (except as 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 £50.00

**2. Precognitions**—Taking and drawing—per £25.00 sheet

*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.

**3. Productions**— £30.00

(a) For lodging productions—each inventory

(b) (b) For considering opponent's £15.00 productions—each inventory

**4. Adjustment fee**—To cover all work (except £125.00 as otherwise specially provided for in this Chapter) in connection with the adjustment of the Record including making up and lodging certified copy Record—

(a) Agent for any party

(b) (b) If action settled before Options £75.00 Hearing, each original party's agent

(c) (c) If additional defender brought £30.00 in before Options Hearing, additional fee to each original party's agent

(d) (d) If additional defender brought £40.00 in after Options Hearing, additional fee to each original party's agent

**5. Affidavits**—To framing affidavits, per sheet £10.00

**6. Options Hearing**—To include preparation £100.00 for and conduct of Options Hearing (or First Hearing in defended family actions) and noting interlocutor—

(a) Where hearing does not exceed one half hour

(b) (b) Where hearing exceeds one half £15.00 hour—for every extra quarter hour

(c) (c) For lodging and intimating £25.00 or for considering note of basis of preliminary plea—for each note lodged

**7. Additional Procedure**—for all work £100.00 subsequent to Options Hearing including preparation for and attendance at procedural hearing—

where hearing does not exceed one half hour

for every extra quarter hour £15.00

**8. Debate (other than on evidence)**— £80.00

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- (a) Where counsel not employed
  - (i) To include preparation for and all work in connection with any hearing or debate other than on evidence
- (ii) For every quarter hour engaged £15.00
- (b) (b) Where counsel employed, fee to solicitor appearing with counsel per quarter hour £13.50
- (c) (c) Waiting time—per quarter hour £13.50
- 9. Interim Interdict Hearings— £50.00**
  - (a) Preparation for each hearing—each party
  - (b) (b) Fee to conduct hearing—per quarter hour £15.00
  - (c) (c) If counsel employed, fee to attend hearing per quarter hour £13.50
  - (d) (d) Waiting time—per quarter hour £13.50
- 10. Reports obtained under order of court— £55.00**
  - (a) Fee for all work incidental thereto
  - (b) (b) Additional fee per sheet of report to include all copies required (maximum £35) £7.00
- 11. Commissions to take evidence— £150.00**
  - (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 £100.00
  - (iii) If no cross-interrogatories lodged £30.00
  - (b) (b) Open Commissions— £100.00
    - (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 opposing solicitor	£50.00
(iii) Fee for attendance at execution of commission—per quarter hour	£15.00
(iv) If counsel employed, fee for attendance of solicitor—per quarter hour	£13.50
(v) Travelling time—per quarter hour	£13.50
<b>12. Specification of documents—</b>	<b>£55.00</b>
(a) Fee to cover drawing, intimating and lodging specification and relative motion	
(i) Where motion unopposed	
(ii) Where motion opposed—additional fee per quarter hour	£13.50
(b) (b) Fee to opposing solicitor—	£30.00
(i) Where motion not opposed	
(ii) Where motion opposed—additional fee per quarter hour	£13.50
(c) (c) Fee for citation of havers, preparation for and attendance before commissioner at execution of commission—	£55.00
(i) Where attendance before commissioner does not exceed one hour	
(ii) For each additional quarter hour after the first hour	£15.00
(d) (d) If optional procedure adopted— fee per person upon whom order is served	£13.50
(e) (e) Fee for perusal of documents recovered per quarter hour	£13.50
<b>13. Amendment of Record—</b>	<b>£50.00</b>
(a) (i) Fee to cover drawing, intimating and lodging minute of amendment and relative motion	
(ii) Fee for perusal of answers	£20.00
(iii) Fee for any court appearance necessary per quarter hour	£13.50

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(b) (i) Fee to opposing solicitor—for perusing minute of amendment	£40.00
(ii) Fee for preparation of answers	£20.00
(iii) Fee for any court appearance necessary per quarter hour	£13.50
(c) (c) Fee for adjustment of minute and answers where applicable to be allowed in addition to each party	£50.00
<b>14. Motions &amp; minutes—</b>	<b>£70.00</b>
(a) Fee to cover drawing, intimating and lodging any written motion or minute, including a reponing note, and relative attendances at court (except as otherwise specially provided for in this Chapter)—	
(i) Where opposed	
(ii) Where unopposed (including for each party a joint minute other than under paragraph 20(b))	£30.00
(b) (b) Fee to cover considering opponent’s written motion, minute or reponing note, and attendance at court—	£70.00
(i) Where opposed	
(ii) Where unopposed	£30.00
<b>15. Hearing Limitation—</b>	<b>£250.00</b>
<p>Fee to include work (except as otherwise specially provided for in this Chapter) undertaken with a view to limiting the scope of any hearing, and including the exchange of documents, precognitions and expert reports, agreeing any fact, statement or document not in dispute, preparing and intimating any Notice to Admit or Notice of Non-Admission and preparing and lodging any Joint Minute, not exceeding</p>	
<b>16. Procedure preliminary to proof—</b>	<b>£160.00</b>
(a) Fee to cover all work preparing for proof (except as otherwise specially provided for in this Chapter)	
(i) If action settled or abandoned not later than 14 days before the diet of proof	
(ii) In any other case	£290.00

- (b) (b) Fee to cover preparing for £65.00  
adjourned diet and all incidental work  
as in (a) if diet postponed for more  
than 6 days, for each additional diet
- (c) (c) Fee for attendance inspecting £15.00  
opponent's documents per quarter  
hour
- 17. Conduct of proof—** £15.00
  - (a) Conduct of proof and debate on  
evidence if taken at close of proof—  
per quarter hour
  - (b) (b) If counsel employed, fee to £13.50  
solicitor appearing with counsel—per  
quarter hour
  - (c) (c) Waiting time—per quarter hour £13.50
- 18. Debate on evidence** £50.00
  - (a) Where debate on evidence not taken  
at conclusion of proof, preparing for  
debate
  - (b) (b) Fee for conduct of debate—per £15.00  
quarter hour
  - (c) (c) If counsel employed, fee to £13.50  
solicitor appearing with counsel—per  
quarter hour
  - (d) (d) Waiting time—per quarter hour £13.50
- 19. Appeals—** £150.00
  - (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  
  
If counsel employed— £85.00
  - (ii) Fee to cover conduct of hearing—per £15.00  
quarter hour
  - (iii) If counsel employed, fee to solicitor £13.50  
appearing with counsel—per quarter hour
  - (iv) Waiting time—per quarter hour £13.50
  - (b) (b) To Court of Session— £50.00  
  
Fee to cover instructions, marking  
appeal or noting that appeal  
marked and instructing Edinburgh  
correspondents

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<b>20. Settlements</b>	£55.00
(a) Judicial tender–	
(i) Fee for preparation and lodging or for consideration of each 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	£45.00
(b) (b) Extra-judicial settlement–	£100.00
Fee to cover negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto	
(c) (c) Whether or not fees are payable under (a) or (b) above where additional work has been undertaken with a view to effecting settlement, including offering settlement, although settlement is not agreed–not exceeding	£100.00
<b>21. Final procedure–</b>	<b>£75.00</b>
(a) Fee to cover settling with witnesses, enquiring for cause at avizandum and noting final interlocutor	
(b) (b) Fee to cover drawing account of expenses, arranging, intimating and attending diet of taxation and obtaining approval of auditor’s report and where necessary, ordering, procuring and examining extract decree or adjusting account with opponent	£65.00
<b>22. Copying–</b>	<b>£1.00</b>
Copying all necessary papers by any means–	
(a) First copy–per sheet	
(b) (b) Additional copies–per sheet	£0.40

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

**23. 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.

<b>24. Instruction of counsel</b>	£30.00
(a) Fee for instructing counsel to revise pleadings	
(b) (b) Fee for instructing counsel to attend court	£65.00
(c) (c) Fee for attending consultation with counsel—	£65.00
(i) where total time engaged does not exceed one hour	
(ii) for each additional quarter hour	£13.50

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### CHAPTER III

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

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**1.** Attendance at court conducting trial proof or formal debate or hearing—per quarter hour £14.90

**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 specially provided— £13.50

- (a) Solicitor—per quarter hour
- (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 sheets throughout this Chapter to consist of 250 words or numbers)—per sheet £6.80

**4.** Framing affidavits—per sheet £10.10

**5.** Revising papers where revisal ordered—for each five sheets £2.80

**6.** Copying all necessary papers by any means— £1.00

- (i) First copy—per sheet
- (ii) Additional copies—per sheet £0.40

*Note.* When copies by photostatic or similar process each page shall be charged as one sheet

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7. Certifying or signing a document	£2.80
8. Perusing any document—per quarter hour	£13.50
9. Lodging in process—	£2.80
Each necessary lodging in or uplifting from process; also for each necessary enquiry for documents due to be lodged	
10. Borrowing process—	£2.80
Each necessary borrowing of process to include return of same	
11. <i>Extracts</i> —	£13.50
Ordering, procuring and examining extracts, interim or otherwise	
12. <i>Correspondence, intimations, etc.</i> —	£1.00
(a) Formal letters and intimations	
(b) (b) Letters other than above—per page of 125 words	£6.80
(c) (c) Telephone calls except under (d)	£2.80
(d) (d) Telephone calls (lengthy) to be treated as attendances or long letters.	
13. <i>Citations</i> —	£6.80
Each citation of party or witness including execution thereof	
14. <i>Instructions to officers</i> —	£2.80
(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 on whom service or intimation is simultaneously made	£2.80
(c) (c) Agency accepting service of any writ	£6.80
(d) (d) Reporting diligence	£6.80
15. <i>Personal diligence</i> —	£6.80
(a) Recording execution of charge	
(b) (b) Procuring fiat	£6.80
(c) (c) Instructing apprehension	£6.80
(d) (d) Framing state of debt and attendance at settlement	£8.20
16. <i>Sales</i> —	£6.80

- (a) Obtaining warrant to sell
  - (b) (b) Instructing auctioneer or officer to conduct sale £6.80
  - (c) (c) Perusing report of sale £6.80
  - (d) (d) Reporting sale under poindings or sequestrations or any other judicial sales £6.80
  - (e) (e) Noting approval of roup roll £6.80
  - (f) (f) Obtaining warrant to pay £6.80
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## CHAPTER IV

### SUMMARY CAUSES

#### PART I–UNDEFENDED ACTIONS

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- 1. To include taking instructions, framing summons and statement of claim, obtaining warrant for service, 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 £49.90
  - 2. Service– £5.50
    - (a) citation by post wheresoever after the first citation for each party
    - (b) (b) framing and instructing service by advertisement–for each party £16.20
  - 3. Attendance at court £16.20
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#### PART II–DEFENDED ACTIONS

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- 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. £68.70
- 2. Service– £5.60
  - (a) Citation by post within United Kingdom, Isle of Man, Channel Islands, or the Republic of Ireland–for each party
- Citation by post elsewhere–for each party £12.50

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- (b) (b) Instructing service or reservice £5.60  
by sheriff officer including perusing  
execution of citation and settling  
sheriff officer's fee—for each party
- (c) (c) Framing and instructing service £18.10  
by advertisement—for each party
- 3. Attendance at court— £18.10  
Attendance at any diet except as otherwise  
specially provided
- 4. Preparing for proof, to include all work £62.40  
in connection with proof not otherwise provided  
for
- 5. Fee to cover preparing for adjourned diet £30.00  
and all incidental work if diet for more than six  
days—for each adjourned diet
  - (a) (a) Drawing and lodging £27.50  
inventory of productions, lodging the  
productions specified therein and cons  
idering opponent's productions (to be  
charged only once in each process)
  - (b) (b) Where only one party lodges £12.50  
productions, opponent's charges for  
considering same
- 7. Precognitions— £27.50
  - (a) Drawing precognitions, including  
instructions, attendances with  
witnesses and all relative meetings  
and correspondence—per witness
  - (b) (b) Where precognitions exceed 2 £12.50  
sheets—for each additional sheet
- 8. Motions and minutes— £37.40  
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) Where opposed
  - (b) (b) Where unopposed (including £23.10  
for each party a joint minute or joint  
motion)
- 9. Fee to cover considering opponent's £30.00  
written motion or minute (excluding minute of  
motion to recall decree) and relative attendance  
at court—
  - (a) Where motion or minute opposed



(b) (b) Where motion or minute unopposed	£18.10
<b>10. Conduct of proof–</b>	<b>£18.10</b>
(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	£9.40
<b>11. Settlements–</b>	<b>£37.40</b>
(a) Judicial tender, fee for consideration of, preparing and lodging minute of tender	
(i) Fee for consideration and rejection of tenders	£27.50
(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	£27.50
(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	£62.40
<b>12. Specification of documents–</b>	<b>£31.20</b>
(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	£28.10
(c) (c) Fee for citation of havers, preparation for and attendance before commissioner, to each party–for each half hour	£18.10
(d) (d) If alternative procedure adopted, a fee per person upon whom order served	£12.50
<b>13. Commissions to take evidence–</b>	<b>£37.40</b>
(a) Fee to cover drawing, lodging and intimating motion and attendance at court–	
(i) Where opposed	
(ii) Where unopposed	£23.10

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- (b) (b) Fee to cover considering such £30.00  
motion and attendance at court–
    - (i) Where opposed
    - (ii) Where unopposed £18.10
  - (c) (c) Fee to cover instructing £18.10  
commissioner and citing witness
  - (d) (d) Fee to cover drawing and £12.50  
lodging interrogatories and cross-  
interrogatories–per sheet
  - (e) (e) Attendance before £17.50  
commissioner–per hour
  - (f) (f) Travelling time–per hour £12.50
  - 14. Supplementary note of defence (when £12.50  
ordered)
  - 15. Appeals– £84.30
    - (a) fee to cover instructions, marking of  
appeal or noting that appeal marked,  
noting of diet of hearing thereof and  
preparation for hearing
    - (b) (b) Fee to cover conduct of £18.10  
hearing–per half hour
  - 16. Final procedure– £37.40
    - (a) Fee to cover settling with witnesses,  
enquiring for cause at avizandum,  
noting final interlocutor
    - (b) (b) Fee to cover drawing account £37.40  
of expenses, arranging, intimating and  
attending hearing on expenses, and  
obtaining approval of sheriff clerk’s  
report
    - (c) (c) Fee to cover considering £18.10  
opponent’s account of expenses and  
attendance at hearing on expenses
- 

## CHAPTER V

### MERCANTILE SEQUESTRATION

Charge according to Chapter III.

## CHAPTER VI

### EXECUTRY BUSINESS—INTESTATE MOVEABLE SUCCESSION

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<p><b>1.</b> Taking instructions to present petition for decree-dative, drawing petition and making 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</p>	<p>£74.80</p>
<p><b>2.</b> Preliminary investigation and confirmation of executors—</p>	<p>To be charged for according to general table of fees for conveyancing and general business in testate succession in force from time to time.</p>
<p><b>3.</b> Bonds of caution—</p> <p>(a) Taking out bond of caution, getting it signed and lodged with clerk of court, and procuring attestation of cautioner’s sufficiency</p> <p>(b) (b) Where caution is found through the medium of a guarantee company for all the work in connection therewith</p>	<p>£21.20</p> <p>£21.20</p>
<p><b>4.</b> Restriction of caution—</p> <p>Taking instructions to prepare petition for restriction of caution, drawing petition and making necessary copies, instructing advertisement and all matters incidental to petition—inclusive fee</p>	<p>£42.40</p>

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#### SCHEDULE 2

Paragraph 3(1)

#### REVOCATIONS

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<i>Column 1</i> <i>Acts of Sederunt Revoked</i>	<i>Column 2</i> <i>References</i>	<i>Column 3</i> <i>Extent of revocation</i>
Act of Sederunt (Fees of Solicitors in the Sheriff Court) 1989	<a href="#">S.I. 1989/434</a>	The whole Act of Sederunt
Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment) 1990	<a href="#">S.I. 1990/716</a>	The whole Act of Sederunt
Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment) 1991	<a href="#">S.I. 1991/848</a>	The whole Act of Sederunt

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Acts of Sederunt Revoked</i>	<i>References</i>	<i>Extent of revocation</i>
Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment) 1992	<a href="#">S.I. 1992/748</a>	The whole Act of Sederunt
Act of Sederunt (Solicitor and Client Accounts in the Sheriff Court) 1992	<a href="#">S.I. 1992/1434</a>	Paragraph 4
Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment) 1993	<a href="#">S.I. 1993/898</a>	The whole Act of Sederunt

## EXPLANATORY NOTE

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

This Act of Sederunt:–

(1) replaces the Act of Sederunt (Fees of Solicitors in the Sheriff Court) 1989 but does not alter the fees in that Act of Sederunt which were last amended by the Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment) 1993 except–

- (a) for the fees in paragraph 1(a) and (b) of Chapter 1 of the Table of Fees (certain undefended actions) which are increased from £74.80 and £61.90 to £100 and £80 respectively to avoid unnecessary taxations and to bring these fees more into line with the Court of Session equivalent fee (the inclusive fee does not represent a higher fee than a solicitor could charge by making a detailed charge); and
- (b) for the new provision mentioned in paragraph 3(b) below;

(2) makes changes to the General Regulations formerly in the 1989 Act of Sederunt and now in this Act of Sederunt, namely,

- (a) adding a new factor (factor (vii)) which may be taken into account in fixing an increased fee under regulation 5(b);
- (b) removing an anomaly in regulation 5(c) so as to give the sheriff a general power to find a party who does not proceed, liable in expenses to any other party who has incurred expense in preparation;
- (c) allowing for two consultations with counsel instead of one in regulation 12; and
- (d) making other alterations of a minor nature;

(3) provides in Chapter II of the Table of Fees–

- (a) in Part I for fees for causes commenced on or before 31st December 1993, being the current fees in the 1989 Act of Sederunt as amended by [S.I. 1990/716](#), [1991/848](#), [1992/748](#) and [1993/898](#); and
- (b) in Part 2 for fees in respect of defended ordinary causes commenced on or after 1st January 1994.

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Part 2 of Chapter II is required because of the new procedures introduced by the Ordinary Cause Rules 1993 in the Act of Sederunt (Sheriff Court Ordinary Cause Rules) 1993 [S.I. 1993/1956]. Under the new rules more work is required to be done by a solicitor at the instruction stage, and the principal solicitor for a party will normally require to attend the Options Hearing which is a new interim hearing to determine the future progress and course of a cause. The fees in Part 2 have been adjusted to reflect the new procedures and have in all cases been rounded to multiples of 50p.