
STATUTORY INSTRUMENTS

1995 No. 1396 (S.105)

COURT OF SESSION, SCOTLAND

**Act of Sederunt (Rules of the Court of Session
1994 Amendment No.2) (Fees of Solicitors) 1995**

Made - - - - *31st May 1995*
Coming into force - - *22nd June 1995*

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 5 of the Court of Session Act 1988(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 (Rules of the Court of Session 1994 Amendment No.2) (Fees of Solicitors) 1995 and shall come into force on 22nd June 1995.

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

Amendment of the Rules of the Court of Session 1994

2.—(1) The Rules of the Court of Session 1994(2) shall be amended in accordance with the following sub-paragraphs.

(2) In rule 42.1(2)—

(a) for the word “The” substitute the word “Any”; and

(b) in sub-paragraph (a), for the words “within a period of four months” substitute the words “not later than four months”.

(3) In rule 42.13—

(a) after paragraph (2), insert the following paragraph—

“(2A) Subject to paragraph (3)(a) in the case of a skilled witness and paragraph (3)(b) in the case of a professional witness, in any cause in which evidence has been given by affidavit, charges shall be allowed to the deponent in terms of paragraph (2) of this rule or of paragraph (2)(a)(iii) of Chapter II of the Table of Fees as the case may be.”; and

(b) in paragraph (2) after “(2)” insert the words “or (2A)”.

(1) 1988 c. 36; section 5 was amended by the Civil Evidence (Scotland) Act 1988 (c. 32), section 2(3).
(2) S.I.1994/1443; to which there are no relevant amendments.

Status: This is the original version (as it was originally made).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

(4) In paragraph 1 of Chapter I of the Table of Fees in rule 42.16, omit note (2) and renumber note (3) as note (2).

(5) In paragraph 5 of Part V of Chapter III of the Table of Fees in rule 42.16, omit note (2) and renumber note (3) as note (2).

(6) In Chapters I and III of the Table of Fees in rule 42.16 in the paragraphs specified in column 1 of the Schedule to this Act of Sederunt, for the fees and outlays set out in column 2 of that Schedule as applying to those paragraphs, there shall be substituted the fees and outlays set out in column 3 of that Schedule; and the fees and outlays so substituted shall apply to work done and outlays incurred, for which those fees and outlays are chargeable, on or after the date on which this Act of Sederunt comes into force.

Saving

3. The fees and outlays set out in column 2 of the Schedule to this Act of Sederunt shall continue to apply to work done and outlays incurred before this Act of Sederunt comes into force.

Edinburgh
31st May 1995

Hope of Craighead
Lord President, IPD

SCHEDULE

Paragraph 2(6)

Column 1 (<i>paragraph</i>)	Column 2 (<i>old fee</i>) £	Column 3 (<i>new fee</i>) £
Chapter I:—		
1.(a)	7.00	7.20
(b)	2.90	3.00
(c)	10.30	10.60
2.(a)	1.03	1.05
(b)	0.41	0.42
3.	2.90	3.00
4.(a)	7.00	7.20
(b)	7.00	7.20
(c)	7.00	7.20
5.(a)	13.90	14.30
(b)	13.90	14.30
(c)	13.90	14.30
(e)(i)	7.00	7.20
(ii)	7.00	7.20
(iii)	2.90	3.00
6.(a)	7.00	7.20
(b)	1.40	1.45
(c)	2.90	3.00
Chapter III:—		
Part I:—		
(a) (Inclusive Fee)	124.70	128.45
(b) (Maximum Outlays)	200.00	225.00
Part II:—		
1.	175.70	181.00
2.	100.20	103.20
3.(a)	25.70	26.50
(b)	37.20	38.30
(c)	46.10	47.50
4.(a)	45.00	46.35
(b)	13.90	14.30
(c)	7.60	7.80
5.(a)	41.70	42.95

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Column 1 (paragraph)	Column 2 (old fee) £	Column 3 (new fee) £
(b)	13.90	14.30
7.	124.70	128.45
8.	38.50	39.65
Part III:—		
1. Table A—		
1		
253.20	260.80	
289.10	297.80	
2	179.90	185.30
	218.50	225.05
3	55.30	56.95
	81.10	83.55
4	488.40	503.05
	588.70	606.36
2. Table B—		
1	208.20	214.45
244.20	251.55	
2	100.20	103.20
	127.20	131.00
3	55.30	56.95
	81.10	83.55
4	363.70	374.60
	452.50	466.10
3. Table C—		
1	51.40	52.95
2	57.70	59.45
3	109.10	112.40
Part IV:—		
1.(a)	259.70	267.50
(b)	359.90	370.70
2.(a)	176.00	181.30
3.(a)	31.40	32.35
4.	29.70	30.60
Part V:—		
1.(a)	244.20	251.55

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Column 1 (paragraph)	Column 2 (old fee) £	Column 3 (new fee) £
(b)	26.30	27.10
(c)	51.40	52.95
2.(a)	259.70	267.50
(b)	160.60	165.40
(c)(i)	26.30	27.10
(ii)	13.90	14.30
(d)	77.00	79.30
(e)	114.40	117.85
3.(a)	51.40	52.95
(b)	13.90	14.30
(c)	38.50	39.65
4.(a)	48.80	50.25
(b)	13.90	14.30
(c)	7.00	7.20
(d)	48.80	50.25
(e)	13.90	14.30
(f)	7.00	7.20
5.	25.00	25.75
6.(a)	55.30	56.95
(b)	7.60	7.80
7.(a)	51.40	52.95
(b)	25.00	25.75
(c)	13.90	14.30
(d)	20.50	21.10
8.(a)	104.10	107.20
(b)	83.60	86.10
(c)	30.90	31.80
(d)	7.60	7.80
9.(a)	114.40	117.85
(b)	51.40	52.95
(c)	13.90	14.30
10.(a)	13.90	14.30
(b)	38.50	39.65

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Column 1 (paragraph)	Column 2 (old fee) £	Column 3 (new fee) £
(c)	13.90	14.30
(d)	38.50	39.65
(e)	13.90	14.30
11.	145.30	149.65
12.(a)	38.50	39.65
(b)	13.90	14.30
(c)	56.50	58.20
(d)	26.00	26.80
(e)	131.60	135.55
(f)	73.20	75.40
13.(a)	353.50	364.10
(b)	31.40	32.35
(c)	64.30	66.25
(d)	13.90	14.30
15.(a)(i)	77.00	79.30
(ii)	51.40	52.95
(iii)	51.40	52.95
(b)	128.50	132.35
(c)	218.40	224.95
16.	273.00	281.20
17.	13.90	14.30
18.	93.10	95.90
19.	20.50	21.10
20.(a)	104.10	107.20
(b)	31.40	32.35
Part VI:—		
1.(a)	77.00	79.30
(b)	38.50	39.65
(c)	32.20	33.20
2.(a)	93.10	95.90
(b)	46.10	47.50
(c)	31.40	32.35
3.(a)	77.00	79.30

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Column 1 (paragraph)	Column 2 (old fee) £	Column 3 (new fee) £
(b)	13.90	14.30
6.	31.40	32.35

EXPLANATORY NOTE

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

This Act of Sederunt amends Part II of Chapter 42 of the Rules of the Court of Session 1994 (which deals with fees of solicitors) by—

- (i) providing for a fee for an expert witness giving evidence by affidavit (paragraph 2(3));
- (ii) clarifying the rules on the four month time limit for lodging accounts and on charges for the precognition of witnesses (paragraph 2(2)(4) and (5)); and
- (iii) increasing—
 - (a) the fees payable to solicitors by about 3 per cent; and
 - (b) the maximum outlays in undefended causes permitted under Part I of Chapter III by 12½ per cent in view of the introduction of increased court fees in the Court of Session (paragraph 2(6)).