

COURTS REFORM (SCOTLAND) ACT 2014

EXPLANATORY NOTES

THE ACT

Part 4 – Procedure and Fees

Fees of solicitors etc.

Section 105 – Power to regulate fees in the Court of Session

186. **Section 105** gives the Court of Session a broad power to make acts of sederunt concerning the fees, including the fees recoverable in an award of judicial expenses, of various office-holders and persons in relation to proceedings in the Court of Session. An act of sederunt under section 105(1) is subject to the negative procedure by virtue of subsection (5)). After consulting the Lord President, the Scottish Ministers can, by order (subject to the negative procedure by virtue of section 133(3)), specify additional persons in respect of whom this power may be exercised.
187. **Section 105(2)** specifically excludes the fees that the Scottish Ministers regulate under section 33 of the Legal Aid (Scotland) Act 1986 (fees and outlays of solicitors and counsel) from those listed in section 105(1).

Section 106 – Power to regulate fees in the sheriff court and the Sheriff Appeal Court

188. **Section 106** is a replacement for section 40 of the Sheriff Courts (Scotland) Act 1907 Act. It gives the Court of Session a broad power to make acts of sederunt concerning the fees, including the fees recoverable in an award of judicial expenses, of various office-holders and persons in relation to proceedings in the sheriff court and Sheriff Appeal Court. An act of sederunt under section 106(1) is subject to the negative procedure by virtue of subsection (5)). After consulting the Lord President, the Scottish Ministers can, by order (subject to the negative procedure by virtue of section 133(3)), specify additional persons in respect of whom this power may be exercised.