

## SCHEDULE 5 MODIFICATIONS OF ENACTMENTS

### PART 7

#### REGULATION OF PROCEDURE AND FEES

##### *Courts of Law Fees (Scotland) Act 1895*

- 26 In the Courts of Law Fees (Scotland) Act 1895, section 2 (power of Scottish Ministers to regulate court fees) is repealed.

##### *Vexatious Actions (Scotland) Act 1898*

- 27 The Vexatious Actions (Scotland) Act 1898 is repealed.

##### *Execution of Diligence (Scotland) Act 1926*

- 28 In the Execution of Diligence (Scotland) Act 1926, section 6 (regulations, forms and fees) is repealed.

##### *Administration of Justice (Scotland) Act 1972*

- 29 In section 1(3) of the Administration of Justice (Scotland) Act 1972 (powers of courts to order inspection of documents or other property etc.), for “section 32 of the Sheriff Courts (Scotland) Act 1971” substitute “section 104(1) of the Courts Reform (Scotland) Act 2014”.

##### *Court of Session Act 1988*

- 30 (1) The Court of Session Act 1988 is amended in accordance with this paragraph.
- (2) In section 2(4) (composition of the Court), for “section 5(ba) below,” substitute “an act of sederunt under section 103(1) of the Courts Reform (Scotland) Act 2014.”
- (3) Sections 5 (power to regulate procedure etc. by act of sederunt), 5A (rules for lay representation) and 6 (allocation of business etc. by act of sederunt) are repealed.
- (4) In section 26(3) (summary trials), for “this Act” substitute “section 103(1) of the Courts Reform (Scotland) Act 2014”.

##### *Scottish Civil Justice Council and Criminal Legal Assistance Act 2013*

- 31 (1) The Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 is amended in accordance with this paragraph.
- (2) In section 2 (functions of the Council)—
- (a) in subsection (1)(c), after sub-paragraph (i) insert—
- “(ia) draft fees rules,”
- (b) after subsection (6), insert—

“(6A) For the purposes of this Part, “draft fees rules” means drafts of such provision as the Court of Session may make by act of sederunt under

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*Status: This is the original version (as it was originally enacted).*

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section 105(1) or 106(1) of the Courts Reform (Scotland) Act 2014 (powers to regulate court fees).”.

- (3) In section 4 (Court of Session to consider rules)—
- (a) in subsection (1), after “rules” where it first occurs insert “, draft fees rules”,
  - (b) in subsection (2), after “rules” where it first occurs insert “, draft fees rules”,
  - (c) in subsection (3)—
    - (i) the words from “which” to “section 2(5)” become paragraph (a), and
    - (ii) after that paragraph insert—
      - “(b) under section 105(1) or 106(1) of the Courts Reform (Scotland) Act 2014.”.