

1976 No. 2196 (S. 177)

COURT OF SESSION, SCOTLAND

**Act of Sederunt (Rules of Court Amendment No. 13)
(Medical Witnesses' Fees) 1976**

Made - - - - 21st December 1976

Coming into Operation 12th January 1977

The Lords of Council and Session, under and by virtue of the power conferred upon them by section 16 of the Administration of Justice (Scotland) Act 1933(a) and of all other powers competent to them in that behalf, do hereby enact and declare:—

Citation, commencement and interpretation

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rule of Court Amendment No. 13) (Medical Witnesses' Fees) 1976 and shall come into operation on 12th January 1977.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Act of Sederunt as it applies for the interpretation of an Act of Parliament.

Increase in fees payable to medical witnesses

2. In Chapter II of Rule 347 of the Rules of Court(c)—

(a) for paragraph (a) there are substituted the following paragraphs:—

“1. Professional persons, other than persons in the medical profession, persons in managerial or like executive positions, and officers in H.M. Services or in the Mercantile Marine, may be paid such sum not exceeding £40 per day as the Auditor may determine.

2. A person in the medical profession who is a witness to matter of fact shall be paid—

(a) if called to give evidence—

(i) in respect of each half-day (including travelling time during which he is required by reason of giving such evidence to be absent from his practice, such sum not exceeding £25 as the Auditor may determine, and in addition, where he has employed a locum, the sum of £10; and

(ii) the sum of £15 in respect of perusing papers for the purpose of giving evidence;

(b) if cited to give evidence but not called—

(i) where the citation is cancelled more than 48 hours but less than 7 days before the date for which he has been cited, such sum not exceeding £25 as the Auditor may determine;

(a) 1933 c. 41.

(b) 1889 c. 63.

(c) S.I. 1965/321 (1965 I. p. 803)

(ii) where the citation is cancelled less than 48 hours before that date, the sum he would have been paid under paragraph (a) above if he had been called to give evidence”.

(b) paragraphs (b) and (c) are renumbered 3 and 4 respectively.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

Edinburgh.

21st December 1976.

G. C. Emslie,

I.P.D.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt amends the Rules of Court by making new provisions in respect of fees to medical witnesses who are witnesses to matters of fact.

SI 1976/2196
ISBN 0-11-062196-4



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