
 STATUTORY INSTRUMENTS

1983 No. 1438 (S. 130)

COURT OF SESSION, SCOTLAND

SHERIFF COURT, SCOTLAND

**Act of Sederunt (Expenses of Party Litigants)
(Amendment) 1983**

Made - - - - - 27th September 1983

Coming into Operation 20th October 1983

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 16 of the Administration of Justice (Scotland) Act 1933(a), section 32 of the Sheriff Courts (Scotland) Act 1971(b) and section 1 of the Litigants in Person (Costs and Expenses) Act 1975(c), and of all other powers competent to 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 (Expenses of Party Litigants) (Amendment) 1983 and shall come into operation on 20th October 1983.

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

Amendments

2. In the Act of Sederunt (Expenses of Party Litigants) 1976(d)—

(a) in paragraph (1) of rule 2, for the words from “such sums in respect of any work done” to the end of the paragraph substitute the words—

“such sums as appear to the Auditor to be reasonable having regard to all the circumstances in respect of—

(a) work done which was reasonably required in connection with the cause, up to the maximum of two-thirds of the sum allowable to a solicitor for that work under the table of fees for solicitors in judicial proceedings; and

(b) outlays reasonably incurred for the proper conduct of the cause.”;

(a) 1933 c. 41.

(b) 1971 c. 58.

(c) 1975 c. 47.

(d) S.I. 1976/1606.

- (b) in paragraph (2) of rule 2, for sub-paragraphs (b) to (f) substitute the following sub-paragraphs—
- “(b) the time taken and the time reasonably required to do the work;
 - (c) the amount of time spent in respect of which there is no loss of earnings;
 - (d) the amount of any earnings lost during the time required to do the work;
 - (e) the importance of the cause to the party litigant;
 - (f) the complexity of the issues involved in the cause.”; and
- (c) in paragraph (3) of rule 2, after sub-paragraph (c) add the following sub-paragraph—
- (d) the expression “table of fees for solicitors in judicial proceedings” means—
- (i) in relation to a cause in the Court of Session, the table of fees in rule 347 of the Rules of Court (a) in force at the time the work is done; and
 - (ii) in relation to an ordinary action in the Sheriff Court, the table of fees in schedule 2 to the Act of Sederunt (Alteration of Sheriff Court Fees) 1971(b) in force at the time the work is done.”

Edinburgh
27th September 1983

Emslie,
Lord President
I.P.D.

EXPLANATORY NOTE

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

This Act of Sederunt amends the Act of Sederunt (Expenses of Party Litigants) 1976 by removing the distinction between work done in a party litigant’s “remunerative time” and in his “leisure time”, and making consequential amendments.

(a) S.I. 1965/321.

(b) S.I. 1971/90.

SI 1983/1438
ISBN 0-11-037438-X



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