
STATUTORY INSTRUMENTS

1997 No. 1260 (S.104)

COURT OF SESSION, SCOTLAND

**Act of Sederunt (Rules of the Court of Session
Amendment No. 5) (Transcripts of Evidence and
Attendance Fees for Shorthand Writers etc.) 1997**

Made - - - - *29th April 1997*
Coming into force - - *1st May 1997*

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 Amendment No. 5) (Transcripts of Evidence and Attendance Fees for Shorthand Writers etc.) 1997 and shall come into force on 1st May 1997.

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

Amendment of Rule 42.16 of the Rules of the Court of Session

2.—(1) Chapter IV of the Table of Fees in Rule 42.16(3) of the Rules of the Court of Session 1994 (fees of shorthand writers) (2) shall be amended in accordance with the following sub-paragraphs.

(2) For the heading to the Chapter substitute—

“TRANSCRIPTS OF EVIDENCE ETC.”

(3) In paragraph 1—

(a) for the heading substitute—

“Attendance of shorthand writer”;

(1) 1988 c. 36. Section 5 was amended by the Civil Evidence (Scotland) Act 1988 (c. 32), section 2(3) and by the Children (Scotland) Act 1995 (c. 36), Schedule 4, paragraph 45.
(2) S.I. 1994/1443. Chapter IV fees substituted by S.I. 1996/754 (effective 1st May 1996).

- (b) for the word “Attending” substitute “Attendance by shorthand writer at”; and
 - (c) subject to paragraph 3 below, for the fees of “£58.30” and “£19.40” substitute, respectively, “£100.00” and “£25.00”.
- (4) In paragraph 2–
- (a) for the heading substitute–

“Notes of evidence: extension by shorthand writer or transcriber”; and

- (b) in sub-paragraph (c), after the words “shorthand writer” insert “or transcriber”.
- (5) For the notes to Chapter IV substitute–

“Notes

1. Transcripts of evidence will be made only on directions from the court, and the cost of them in defended causes will, in the first instance, be payable by the solicitors for the parties in equal proportions. The daily transcripts of evidence shall be made only if all compearing parties consent. When an undefended cause is continued, or where for other reasons the court considers it necessary that transcripts be made for the use of the court and so directs, the cost will be borne by the solicitor for the pursuer in the first instance. In any cause where transcripts have not been made but are required for a reclaiming motion, the solicitor for the reclamer may request that they be made; and when they are thus available they will be lodged in court, the cost of transcription being payable in the first instance by the solicitor for the reclamer.

2. In any cause where the court, on a motion enrolled for the purpose, certifies that there is reasonable ground for reclaiming and that the reclamer is unable, for financial reasons, to meet the cost of the necessary transcription from which copies for the use of the Inner House are made, the cost of such transcription will be paid out of public funds.”.

Saving

3. Paragraph 2(3)(c) above does not affect the fees payable as respects any attendance before the date on which this Act of Sederunt comes into force.

Edinburgh
29th April 1997

Rodger of Earlsferry
Lord President I.P.D.

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

EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of the Court of Session 1994 in relation to the payment of fees to shorthand writers for certain attendances; and to them and others for transcription. In particular the changes reflect the displacement, for the purposes of most proceedings, of shorthand note taking by tape recording. The last increase in fees payable for such attendances was in the Act of Sederunt (Rules of the Court of Session Amendment No. 2) (Fees of Shorthand Writers) 1996 (S.I.1996/754).