SCOTTISH STATUTORY INSTRUMENTS

# 2005 No. 147

# COURT OF SESSION

## Act of Sederunt (Rules of the Court of Session Amendment No. 2) (Fees of Solicitors) 2005

| | |
|---|---|
| *Made - - - -* | *11th March 2005* |
| *Coming into force - -* | *25th April 2005* |

The Lords of Council and Session, under and by virtue of the powers conferred upon 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. 2) (Fees of Solicitors) 2005 and shall come into force on 25th April 2005.

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

**Amendment to Table of Fees**

**2.**—(1) The Table of Fees in rule 42.16 of the Rules of the Court of Session(**2**) shall be amended in accordance with the following sub-paragraphs.

(2) In the provisions mentioned in column 1 of Schedule 1 to this Act of Sederunt, for the amounts specified in column 2 of that Schedule, there shall be substituted the amounts specified in column 3.

(3) In Chapter I (table of detailed charges) :

(b) for paragraph 1(b) there shall be substituted the following:—

"(b) Framing formal documents such as inventories and title pages, etc., per sheet ... ... £6.20".

(b) After sub-paragraph (c) there shall be inserted the following:—

"(d) framing accounts of expenses, per sheet ... ...£14.90".

(4) In Chapter II (witnesses' fees), in paragraph 2 for "£250" there shall be substituted "£400".

(**1**) 1988 c. 36. Section 5 was amended by section 2(3) of the Civil Evidence (Scotland) Act 1988 (c. 32) and by paragraph 45 of Schedule 4 to the Children (Scotland) Act 1995 (c. 36).

(**2**) S.I.1994/1443, last amended by S.S.I. 2004/151, Act of Sederunt (Rules of the Court of Session Amendment No.3) (Fees of Solicitors) 2004.

(5) In Part VA of Chapter III (defended personal injuries actions commenced on or after 1 April 2003)—

(a) in paragraph 3(g) (instruction), "to include travelling" shall be omitted;

(b) in paragraph 4(c)(ii) (record), "to include travelling" shall be omitted; and

(c) in paragraph 12(c) (commission to take evidence on open commission), "to include travelling" shall be omitted.

**Saving**

**3.** Paragraph 2 shall not affect fees chargeable for work done, or outlays incurred before 25th April 2005.

Edinburgh
11th March 2005

*Cullen of Whitekirk*
Lord President, I.P.D.

SCHEDULE 1

| *(1)*<br>*(provision)* | *(2)*<br>*Old Fee £* | *(3)*<br>*New Fee £* |
|---|---|---|
| Chapter I: | | |
| 1(a) | 14.20 | 14.90 |
| (b) | 5.90 | 6.20 |
| (c) | 20.90 | 21.90 |
| 3 | 5.90 | 6.20 |
| 4(a) | 14.20 | 14.90 |
| (b) | 14.20 | 14.90 |
| (c) | 14.20 | 14.90 |
| 5(a) | 28.20 | 29.55 |
| (b) | 28.20 | 29.55 |
| (c) | 28.20 | 29.55 |
| (e)(i) | 14.20 | 14.90 |
| (ii) | 14.20 | 14.90 |
| (iii) | 5.90 | 6.20 |
| 6(a) | 14.20 | 14.90 |
| (b) | 2.90 | 3.05 |
| (c) | 5.90 | 6.20 |
| Chapter III Part I: | | |
| 1(a) | 254.10 | 266.30 |
| (b) | 322.40 | 337.90 |
| Chapter III Part II: | | |
| 1 | 356.80 | 373.90 |
| 2 | 204.10 | 213.90 |
| 3(a) | 52.40 | 54.90 |
| (b) | 75.60 | 79.25 |
| (c) | 94.00 | 98.50 |
| 4(a) | 91.80 | 96.20 |
| (b) | 28.20 | 29.55 |
| (c) | 15.70 | 16.45 |
| 5(a) | 84.80 | 88.90 |
| (b) | 28.20 | 29.55 |
| 7 | 254.10 | 266.30 |

| *(1)*<br>*(provision)* | *(2)*<br>*Old Fee £* | *(3)*<br>*New Fee £* |
|---|---|---|
| 8 | 78.30 | 82.05 |
| Chapter III Part III: | | |
| Table A: | | |
| 1 (column 2) | 560.60 | 587.50 |
| (column 3) | 640.20 | 670.95 |
| 2 (column 2) | 398.60 | 417.75 |
| (column 3) | 483.90 | 507.15 |
| 3 (column 2) | 122.30 | 128.15 |
| (column 3) | 179.60 | 188.20 |
| 4 (column 2) | 1081.50 | 1133.40 |
| (column 3) | 1303.70 | 1366.80 |
| Table B: | | |
| 1 (column 2) | 461.20 | 483.35 |
| (column 3) | 540.80 | 566.80 |
| 2 (column 2) | 221.90 | 232.55 |
| (column 3) | 281.80 | 295.35 |
| 3 (column 2) | 122.30 | 128.15 |
| (column 3) | 179.60 | 188.20 |
| 4 (column 2) | 805.40 | 844.00 |
| (column 3) | 1002.00 | 1050.10 |
| Table C: | | |
| 1 | 104.70 | 109.75 |
| 2 | 117.50 | 123.15 |
| 3 | 222.00 | 232.65 |
| Chapter III Part IV: | | |
| 1(a) | 528.80 | 554.20 |
| (b) | 732.60 | 767.75 |
| 2(a) | 389.80 | 408.50 |
| 3(a) | 64.10 | 62.20 |
| 4 | 60.50 | 63.40 |
| Chapter III Part V: | | |
| 1(a) | 540.80 | 566.75 |
| (b) | 58.30 | 61.10 |
| (c) | 113.80 | 119.25 |

| *(1)*<br>*(provision)* | *(2)*<br>*Old Fee £* | *(3)*<br>*New Fee £* |
|---|---|---|
| 1A | 346.50 | 363.15 |
| 2(a) | 575.00 | 602.60 |
| (b) | 355.70 | 372.80 |
| (c)(i) | 58.30 | 61.10 |
| (ii) | 30.70 | 32.15 |
| (d) | 170.60 | 178.80 |
| (e) | 253.30 | 265.45 |
| 2A (a) | 112.80 | 118.20 |
| (b) | 61.40 | 64.35 |
| (c) | 61.40 | 64.35 |
| 3(a) | 113.80 | 119.25 |
| (b) | 30.70 | 32.15 |
| (c) | 85.10 | 89.20 |
| 4(a) | 108.10 | 113.30 |
| (b) | 30.70 | 32.15 |
| (c) | 15.40 | 16.15 |
| (d) | 108.10 | 113.30 |
| (e) | 30.70 | 32.15 |
| (f) | 15.40 | 16.15 |
| 5 | 57.20 | 59.95 |
| 6(a) | 122.50 | 128.40 |
| (b) | 17.10 | 17.90 |
| 7(a) | 113.80 | 119.30 |
| (b) | 55.30 | 57.95 |
| (ba) | 107.40 | 112.55 |
| (c) | 30.70 | 32.15 |
| (d) | 45.50 | 47.70 |
| (e) | 30.70 | 32.15 |
| 8(a) | 211.99 | 222.15 |
| (b) | 185.10 | 194.00 |
| (c) | 68.30 | 71.60 |
| (d) | 17.10 | 17.90 |
| 9(a) | 253.30 | 265.45 |
| (b) | 113.80 | 119.25 |