This Scottish Statutory Instrument has been made in consequence of a defect in S.S.I. 2002/235 and is being issued free of charge to all known recipients of that instrument.

SCOTTISH STATUTORY INSTRUMENTS

2002 No. 568

SHERIFF COURT

Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment No. 4) 2002

Made - - - -	*23rd December 2002*
Laid before the Scottish Parliament - - - -	*23rd December 2002*
Coming into force - -	*1st January 2003*

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 40 of the Sheriff Courts (Scotland) Act 1907(**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 (Fees of Solicitors in the Sheriff Court) (Amendment No. 4) 2002 and shall come into force on 1st January 2003.

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

Amendment to Schedule

2.—(1) The Schedule to the Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment and Further Provisions) 1993(**2**) shall be amended in accordance with the following sub-paragraphs.

(2) In the General Regulations, in paragraph 14—

(a) in paragraph (b), for "and II" there shall be substituted ", II and III";

(b) in paragraph (c) after "(attendance at court)," there shall be inserted "and in Part III (Defended Actions and Defended Actions: Personal Injury Claims only), in respect of paragraphs 5 (attendance at court)";

(**1**) 1907 c. 51; section 40 was amended by the Sheriff Courts (Scotland) Act 1913 c. 28, Schedule 1; the Secretares of State Act 1926 c. 18, section 1(3); the Administration of Justice (Scotland) Act 1933 c. 41, Schedule; the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 c. 12, Schedule 1, paragraph 7 and Schedule 2; and the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 c. 40, Schedule 9.

(**2**) S.I.1993/3080, amended by S.I. 1994/1142, 1995/1395, 1996/236, 1998/2675, S.S.I. 1999/149, S.S.I 2000/420 and S.S.I. 2001/438, S.S.I. 2002/235 and S.S.I. 2002/ 274.

(c) in paragraph (d), after "(precognitions)," there shall be inserted "and in Part III (Defended Actions and Defended Actions: Personal Injury Claims only), in respect of paragraphs 6 (precognitions),"; and

(d) in paragraph (e), after "paragraph 15," there shall be inserted "and in Part III (Defended Actions and Defended Actions: Personal Injury Claims only), in respect of paragraphs 19 (appeals),".

(3) In the Table of Fees, in Chapter IV,

(a) after Part I (Undefended Actions) there shall be inserted the Table of Fees in the Schedule to this Act of Sederunt;

(b) for each of the headings "Part II – Defended Actions" and "Part II – Defended Actions: Personal Injury Claims Only" there shall be substituted "Part III – Defended Actions (commenced on or after 10th June 2002)" and "Part III – Defended Actions: Personal Injury Claims Only (commenced on or after 10th June 2002)" respectively.

Application of Chapter IV, Parts II and III

3.—(1) Chapter IV, Part II of the Table of Fees (as inserted by the Schedule to this Act of Sederunt) shall apply to fees chargeable in respect of work done or outlays incurred in relation to any summary cause commenced before 10th June 2002.

(2) Chapter IV, Part III of the Table of Fees (Defended Actions and Defended Actions: Personal Injury Claims Only) shall apply to fees chargeable in respect of work done or outlays incurred in relation to any summary cause commenced on or after 10th June 2002.

Saving

4. Paragraph 2(2) does not affect such fees as are chargeable in respect of work done or outlays incurred in relation to any summary cause commenced before 10 June 2002.

Edinburgh
23rd December 2002

W. Douglas Cullen
Lord President I.P.D.

SCHEDULE

Part II–

Defended Actions (commenced before 10th June 2002)}

1. Instructions fee, to include taking instructions (including instructions for a counterclaim), framing summons and statement of claim, obtaining warrant for service, instructing service as necessary by sheriff officer (where appropriate), attendance endorsing minute for and obtaining decree in absence and extract decree	119.80
2. Service–	
(a) (a) Citation by post within the United Kingdom, Isle of Man, Channel Islands, or the Republic of Ireland – for each party	9.90
Citation by post elsewhere – for each party	21.80
(b) (b) Instructing service or reservice by sheriff officer including perusing execution of citation and settling sheriff officer's fee – for each party	9.90
(c) (c) Framing and instructing service by advertisement – for each party	31.50
3. Attendance at court–	31.50
Attendance at any diet except as otherwise specially provided	
4. Preparing for proof, to include all work in connection with proof not otherwise provided for	109.00
5. Fee to cover preparing for adjourned diet and all incidental work if diet for more than six days – for each adjourned diet	52.30
(a) (a) Drawing and lodging inventory of productions, lodging the productions specified therein and considering opponent's productions (to be charged only once in each process)	47.80
(b) (b) Where only one party lodges productions, opponent's charges for considering same	21.90
7. Precognitions–	47.80