SCOTTISH STATUTORY INSTRUMENTS

2002 No. 235

SHERIFF COURT

Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment) 2002

Made - - - -	*16th May 2002*
Laid before the Scottish Parliament - - - -	*17th May 2002*
Coming into force - -	*10th June 2002*

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) 2002 and shall come into force on 10th June 2002.

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

Amendment of 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 the table in paragraph 14(f)–

(a) in item 1, in the left hand column, for "£50 to £250" there is substituted "£1,000 to £2,500";

(b) in item 2, in the left hand column, for "£50" there is substituted "£1,000"; and

(c) item 3 is omitted.

(3) In the Table of Fees, for Chapter IV, Part II (summary causes: defended actions) there is substituted the Tables of Fees in the Schedule to this Act of Sederunt.

(**1**) 1907 c. 51; section 40 was amended by the Sheriff Courts (Scotland) Act 1913 c. 28, Schedule 1; the Secretaries 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.

Saving

3. Paragraph 2 does not affect such fees as are chargeable for work done, or outlays incurred, before 10th June 2002.

Edinburgh
16th May 2002

W DOUGLAS CULLEN
Lord President, I.P.D.

SCHEDULE

Chapter IV –

Summary Cause

Part II –

Defended Actions

1. Work before action commences – to cover all work of a pre-litigation basis, to include discussions/correspondence with opposing party, exchange of documentation, etc (not exceeding 1 hour)	100.00
(a) (a) Instruction fee to include taking instructions, framing summons and statement of claim, statement of valuation, obtaining warrant for service, enquiring for and consideration of Response Form (1½ hours)	150.00
(b) (b) Where counter claim and answers lodged, additional fee of (1½ hours)	150.00
(c) (c) If additional defender/third party brought in, additional fee to each original party's agent (1 hour)	100.00
3. Service–	
(a) (a) Citation by post within the United Kingdom, Isle of Man, Channel Islands, or the Republic of Ireland – for each party	10.30
Citation by post elsewhere – for each party	22.75
(b) (b) Instructing service or reservice by sheriff officer including perusing execution of citation and settling sheriff officer's fee – for each party	10.30
(c) (c) Framing and instructing service by advertisement – for each party	32.90
4. Attendance at first calling–	
(a) (a) To include necessary preparation for and conduct of (each of) such hearings and noting interlocutor (1½ hours)	150.00

(b)	(b) Where waiting/hearing exceeds one half hour – for every extra quarter hour	25.00

5. Attendance at Court–

Attendance at any diet except as otherwise specially provided – per half hour	25.00

6. Precognitions– taking and drawing – per sheet 36.40

Note: Where a skilled witness prepares his own precognition or report, the solicitor shall be allowed half of above drawing fee for perusing it (whether or not in the course of doing so he revises or adjusts it).

7. Reports obtained under Order of Court–

(a)	(a) All work incidental to it	80.00
(b)	(b) Additional fee for perusal of report, per quarter hour	19.55

8. Productions–

(a)	(a) For lodging productions – each inventory	43.60
(b)	(b) For considering opponent's productions – each inventory	21.70

9. Affidavits– to framing affidavits (where ordered) per sheet 14.50

10. Motions and minutes–

Fee to cover drawing, intimating and lodging of any written motion or minute, excluding a minute or motion to recall decree, and relative attendance at court (except as otherwise provided in this Chapter)–

(a)	(a) Where opposed	101.85
(b)	(b) Where unopposed – including for each party a joint minute or joint motion (other than under paragraph 14(b))	43.60
(c)	(c) Where motion exceeds half hour, additional fee per quarter hour	19.55

11. Fee to cover considering opponent's written motion or minute excluding minute or motion to recall decree and relative attendance at court–

(a)	(a) Where motion or minute opposed	101.85

(b) (b) Where motion or minute unopposed	43.60
(c) (c) Where motion exceeds half hour, additional fee per quarter hour	19.55

12. Hearing Limitation–

Fee to include work done (except as otherwise specially provided for in this Chapter) undertaken with a view to limiting the scope of any hearing, and including the agreement of evidence generally including the exchange of documents, precognitions and expert reports, agreeing any fact, statement or document not in dispute, preparation and lodging of witness list, preparing Schedule of Damages and preparing and lodging joint minute (not exceeding 1 hour)	100.00

13. Procedure preliminary to proof–

(a) Fee to cover all work preparing proof (except as otherwise specially provided for in this chapter)	
(i) If action settled or abandoned not later than 7 days before the diet of proof	250.00
(ii) In any other case	300.00
(b) (b) Fee to cover preparing for adjourned diet and all incidental work as in (a) if diet postponed for more than 6 days, for each additional diet	94.60
(c) (c) Fee for attendance inspecting opponent's documents – per quarter hour	21.70

14. Conduct of proof–

(a) (a) Fee to cover conduct of proof or trial and debate on evidence taken at close of proof – per quarter hour	21.75
(b) (b) Waiting time – per half hour	19.55

15. Debate on Evidence–

(a) (a) Where debate on evidence not taken at conclusion of proof, preparing for debate	72.70
(b) (b) Fee for conduct of debate – per quarter hour	21.75

16. Settlements–

(a) Judicial tender–	
(i) Fee for preparation and lodging or for consideration of each minute of tender	79.90