SCOTTISH STATUTORY INSTRUMENTS

2001 No. 441

COURT OF SESSION

Act of Sederunt (Rules of the Court of Session Amendment No. 5) (Fees of Solicitors) 2001

Made - - - - 27th November 2001

Coming into force - - 1st January 2002

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. 5) (Fees of Solicitors) 2001 and shall come into force on 1st January 2002.

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

Amendment of the Rules of the Court of Session

2. In Chapter 42 of the Rules of the Court of Session(**2**), in the Table of Fees in rule 42.16 (which lists fees of a solicitor which may be charged between party and party in an account in any cause)—

(a) in paragraph 7 of Part V of Chapter III, after sub-paragraph (b) insert—

"(ba) Arranging commission to recover documents, citing havers, instructing commissioner and shorthand writer and preparation for commission £82.10";

(b) in paragraph 15 of that Part, after sub-paragraph (c) insert—

"(d) If consultation held to consider tender, extra judicial settlement (not based on judicial tender) or with a view to settlement (whether or not settlement is in fact agreed), attendance at it, per quarter hour ... ... £23.50"; and

(c) in the provisions mentioned in column 1 of the Schedule to this Act of Sederunt, for the amounts respectively specified in column 2 of that Schedule substitute the amounts so specified in column 3.

(**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; relevant amending instruments are S.I. 1995/1396, S.I. 1996/237, S.I. 1998/2674, S.S.I. 1999/166 and S.S.I. 2000/450.

Saving

3. Paragraph 2 does not affect the provisions of Chapter 42 in their application to work done before 1st January 2002.

Edinburgh
27th November 2001

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

SCHEDULE Paragraph 2(b)

(1) (provision)	*(2) (old fee)£*	*(3) (new fee)£*
Chapter I:		
1(a)	11.50	11.80
(b)	4.80	4.90
(c)	16.90	17.40
3	4.80	4.90
4(a)	11.50	11.80
(b)	11.50	11.80
(c)	11.50	11.80
5(a)	22.80	23.50
(b)	22.80	23.50
(c)	22.80	23.50
(e)(i)	11.50	11.80
(ii)	11.50	11.80
(iii)	4.80	4.90
6(a)	11.50	11.80
(b)	2.30	2.40
(c)	4.80	4.90
Chapter III Part I:		
1(a)	205.10	211.30
Chapter III Part II:		
1	289.00	296.70
2	164.80	169.70
3(a)	42.20	43.50
(b)	61.10	62.90
(c)	75.80	78.10
4(a)	74.10	76.30
(b)	22.80	23.50
(c)	12.60	13.00
5(a)	68.50	70.60
(b)	22.80	23.50
7	205.10	211.30
8	63.20	65.10