SCOTTISH STATUTORY INSTRUMENTS

2008 No. 40

SHERIFF COURT

Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment) 2008

Made - - - -	*15th February 2008*
Laid before the Scottish Parliament	*19th February 2008*
Coming into force - -	*1st April 2008*

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(**a**) 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) 2008 and shall come into force on 1st April 2008.

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

(3) In this Act of Sederunt, a reference to Schedule 1 is to Schedule 1 to the Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment and Further Provisions) 1993(**b**).

Amendment of general regulations

2.—(1) In paragraph (f) of general regulation 14 in Schedule 1, at the beginning insert "except in personal injury claims,".

(2) This paragraph shall not affect fees chargeable for work done before 1st April 2008.

Amendment of table of fees

3.—(1) The table of fees in Schedule 1 is amended in accordance with the following subparagraph.

(2) In the provisions of the table of fees which are mentioned in column 1 of the Schedule to this Act of Sederunt, for the amounts specified in column 2 of that Schedule, substitute the amounts specified in column 3 of that Schedule.

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

(**b**) S.I. 1993/3080, amended by S.I. 1994/1142, 1995/1395, 1996/236, 1998/2675 and by S.S.I. 1999/149, 2000/420, 2001/438, 2002/235, 274, 328 and 568, 2003/162, 2004/152 and 196, 2005/149, 2006/295 and 2007/87.

(3) Subparagraph (2) shall not affect fees chargeable for work done, or outlays incurred, before 1st April 2008.

A C Hamilton
Lord President
I.P.D.

Edinburgh
15th February 2008

SCHEDULE

Paragraph 3(2)

(1) *Provision*	*(2)* *Old Fee £*	*(3)* *New Fee £*
Chapter I, Part I:		
1. (a)	237.80	252.65
(b)	190.10	202.00
(bb)	53.25	56.60
2. (a)	830.90	882.85
3. (a)	741.90	788.25
Chapter I, Part II:		
TABLE A: 1.	584.45	621.00
2.	415.30	441.25
3.	127.85	135.85
4.	1129.55	1200.15
TABLE B: 1.	480.95	511.00
2.	231.45	245.90
3.	127.85	135.85
4.	841.15	893.70
TABLE C: 1.	231.45	245.90
2.	135.45	143.90
3.	367.60	390.60
Chapter II, Part II:		
1A.	361.25	383.80
1B.	527.80	560.80
1. (a)	653.10	693.90
(b)	217.70	231.30
2.	59.60	63.35
3. (a)	71.30	75.75
(b)	35.45	37.65
4. (a)	297.45	316.05
(b)	178.30	189.45
(c)	71.30	75.75
(d)	95.10	101.05
5.	23.70	25.20
6. (a)	237.80	252.65
(b)	35.45	37.65
(c)	119.05	126.50
(d)	35.45	37.65
(e)	59.60	63.35
7.	236.45	251.25
	35.45	37.65
7A. (a)	190.10	202.00
(b)	95.10	101.05
(c)	35.45	37.65
(d)	32.00	34.00
7B. (a)	166.70	177.10
(b)	59.60	63.35
8. (a) (i)	255.85	271.85
(ii)	35.45	37.65

			(1) Provision	(2) Old Fee £	(3) New Fee £
	(b)			32.00	34.00
	(c)			32.00	34.00
9.	(a)			118.80	126.25
	(b)			35.45	37.65
	(c)			32.00	34.00
	(d)			32.00	34.00
10.	(a)			130.90	139.10
	(b)			16.65	17.70
11.	(a)	(i)		356.70	379.00
		(ii)		237.80	252.65
		(iii)		71.30	75.75
	(b)	(i)		237.85	252.70
		(ii)		118.80	126.25
		(iii)		35.45	37.65
		(iv)		32.00	34.00
		(v)		32.00	34.00
12.	(a)	(i)		130.75	138.90
		(ii)		32.00	34.00
	(b)	(i)		71.30	75.75
		(ii)		32.00	34.00
	(c)	(i)		130.75	138.90
		(ii)		35.45	37.65
	(d)			32.00	34.00
	(e)			32.00	34.00
13.	(a)	(i)		118.80	126.25
		(ii)		47.70	50.70
		(iii)		32.00	34.00
	(b)	(i)		95.10	101.05
		(ii)		47.70	50.70
		(iii)		32.00	34.00
	(c)			118.80	126.25
14.	(a)	(i)		166.70	177.10
		(ii)		71.30	75.75
	(b)	(i)		166.70	177.10
		(ii)		71.30	75.75
14A.		(a)		118.80	126.20
	(b)			32.00	34.00
14B.		(a)		70.95	75.40
	(b)			35.45	37.65
15.				593.75	630.85
16.	(a)	(i)		380.40	404.20
		(ii)		689.30	732.40
	(b)			154.70	164.35
	(c)			35.45	37.65
17.	(a)			35.45	37.65
	(b)			32.00	34.00
	(c)			32.00	34.00
18.	(a)			118.80	126.25
	(b)			35.45	37.65
	(c)			32.00	34.00
	(d)			32.00	34.00

	(1) Provision	(2) Old Fee £	(3) New Fee £
19. (a)	(i)	356.70	379.00
	(i) (if counsel)	202.35	215.00
	(ii)	35.45	37.65
	(iii)	32.00	34.00
	(iv)	32.00	34.00
(b)		118.80	126.25
20. (a)	(i)	130.75	138.90
	(ii)	107.10	113.80
(b)		237.70	252.55
(c)		237.70	252.55
(d)		32.00	34.00
21. (a)		178.30	189.45
(b)		154.70	164.35
24. (a)		71.30	75.75
(b)		154.70	164.35
(c)	(i)	154.70	164.35
	(ii)	32.00	34.00
Chapter III:			
1.		35.15	37.35
2. (a)		32.00	34.00
3.		16.10	17.10
4.		23.90	25.40
5.		6.70	7.10
7.		6.70	7.10
8.		32.00	34.00
9.		6.70	7.10
10.		6.70	7.10
11.		32.00	34.00
12. (a)		3.05	3.25
(b)		16.10	17.10
(c)		6.70	7.10
13.		16.10	17.10
14. (a)		6.70	7.10
(b)		6.70	7.10
(c)		16.10	17.10
(d)		16.10	17.10
15. (a)		16.10	17.10
(b)		16.10	17.10
(c)		16.10	17.10
(d)		19.35	20.55
16. (a)		16.10	17.10
(b)		16.10	17.10
(c)		16.10	17.10
(d)		16.10	17.10
(e)		16.10	17.10
(f)		16.10	17.10
Chapter IV, Part I:			
1.		196.10	208.35
2. (a)		11.70	12.45
(b)		34.40	36.55

(1) *Provision*	*(2)* *Old Fee £*	*(3)* *New Fee £*
3.	34.40	36.55
Chapter IV, Part II (actions commenced before 10th June 2002):		
1.	156.55	166.35
2. (a)	12.95	13.75
	28.55	30.35
(b)	12.95	13.75
(c)	41.30	43.90
3.	41.30	43.90
4.	142.50	151.40
5.	68.40	72.70
6. (a)	62.55	66.45
(b)	28.65	30.45
7. (a)	62.55	66.45
(b)	28.65	30.45
8. (a)	85.10	90.40
(b)	52.45	55.70
9. (a)	68.40	72.70
(b)	41.30	43.90
10. (a)	41.30	43.90
(b)	21.55	22.90
11. (a)	85.10	90.40
(i)	62.55	66.45
(ii)	62.55	66.45
(b)	142.50	151.40
12. (a)	71.10	75.55
(b)	63.80	67.80
(c)	41.30	43.90
(d)	28.65	30.45
13. (a) (i)	85.10	90.40
(ii)	52.45	55.70
(b) (i)	68.40	72.70
(ii)	41.30	43.90
(c)	41.30	43.90
(d)	28.65	30.45
(e)	39.80	42.30
(f)	28.65	30.45
14.	28.65	30.45
15. (a)	192.25	204.25
(b)	41.30	43.90
16. (a)	85.10	90.40
(b)	85.10	90.40
(c)	41.30	43.90
Chapter IV, Part III (actions commenced after 10th June 2002):		
1.	130.75	138.90
2. (a)	196.10	208.35
(b)	196.10	208.35
(c)	130.75	138.90
3. (a)	13.45	14.30
	29.70	31.55

			(1) Provision	(2) Old Fee £	(3) New Fee £
	(b)			13.45	14.30
	(c)			42.95	45.65
4.	(a)			196.10	208.35
	(b)			32.75	34.80
5.				32.75	34.80
6.				47.60	50.60
7.	(a)			104.50	111.05
	(b)			25.55	27.15
8.	(a)			56.90	60.45
	(b)			28.45	30.25
9.				18.95	20.15
10.	(a)			133.05	141.35
	(b)			56.90	60.45
	(c)			25.55	27.15
11.	(a)			133.05	141.35
	(b)			56.90	60.45
	(c)			25.55	27.15
12.				130.75	138.90
13.	(a)	(i)		326.70	347.10
		(ii)		392.00	416.50
	(b)			123.65	131.40
	(c)			28.45	30.25
14.	(a)			28.45	30.25
	(b)			25.55	27.15
15.	(a)			94.95	100.90
	(b)			28.45	30.25
16.	(a)	(i)		104.35	110.85
		(ii)		85.55	90.90
	(b)			189.85	201.70
	(c)			189.85	201.70
17.	(a)	(i)		104.35	110.85
		(ii)		25.55	27.15
	(b)	(i)		56.90	60.45
		(ii)		25.55	27.15
	(c)	(i)		104.35	110.85
		(ii)		28.45	30.25
	(d)			25.55	27.15
	(e)			25.55	27.15
18.	(a)			189.85	201.70
	(b)			94.95	100.90
	(c)			28.45	30.25
19.	(a)			284.95	302.75
	(b)			28.45	30.25
	(c)			28.45	30.25
20.	(a)			142.60	151.50
	(b)			123.65	131.40
	(c)			25.55	27.15
Chapter IV, Part III (personal injury claims only commenced on or after 10th June 2002):					
1.				371.90	395.15

			(1) Provision	(2) Old Fee £	(3) New Fee £
2.	(a)			392.00	416.50
	(b)			196.10	208.35
	(c)			196.10	208.35
3.	(a)			16.20	17.20
				35.55	37.75
	(b)			16.20	17.20
	(c)			42.95	45.65
4.	(a)			255.60	271.60
	(b)			35.45	37.65
5.				71.30	75.75
6.				59.50	63.20
7.	(a)			130.75	138.90
	(b)			16.55	17.60
8.	(a)			71.30	75.75
	(b)			35.45	37.65
9.				23.80	25.30
10.	(a)			166.40	176.80
	(b)			71.30	75.75
	(c)			35.45	37.65
11.	(a)			166.40	176.80
	(b)			71.30	75.75
	(c)			35.45	37.65
12.	(a)	(i)		522.70	555.35
		(ii)		688.60	731.65
	(b)			154.50	164.15
13.				522.70	555.35
14.	(a)			35.45	37.65
	(b)			31.90	33.90
15.	(a)			118.80	126.25
	(b)			35.45	37.65
16.	(a)	(i)		130.40	138.55
		(ii)		107.00	113.70
	(b)			237.40	252.25
	(c)			178.20	189.35
17.	(a)	(i)		130.40	138.55
		(ii)		31.90	33.90
	(b)	(i)		130.40	138.55
		(ii)		31.90	33.90
	(c)	(i)		130.40	138.55
		(ii)		35.45	37.65
	(d)			31.90	33.90
	(e)			31.90	33.90
18.	(a)			237.50	252.35
	(b)			118.80	126.25
	(c)			35.45	37.65
19.	(a)			356.30	378.55
	(b)			201.95	214.55
	(c)			35.45	37.65
	(d)			35.45	37.65
20.	(a)			178.20	189.35
	(b)			154.50	164.15

		(1) Provision	(2) Old Fee £	(3) New Fee £
	(c)		31.90	33.90
21.	(a)		154.50	164.15
	(b)	(i)	154.50	164.15
		(ii)	31.90	33.90

EXPLANATORY NOTE

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

This Act of Sederunt makes amendments to the Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment and Further Provisions) 1993.

Paragraph 2 amends the table in Regulation 14f of the General Regulations in Schedule 1 by excluding personal injuries actions from the category of actions in paragraph 1 (actions of a value from £1,000 to £2,500) in relation to which a 25% discount is applied to chargeable fees.

Paragraph 3 amends the Table of Fees in Schedule 1 to increase the fees recoverable by about 6.25%. The last increase in fees was made by the Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment) 2007.

The Act of Sederunt does not apply as respects fees chargeable for work done, or outlays incurred before it comes into force.

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