STATUTORY INSTRUMENTS

1963 No. 1868 (S. 93)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 4) 1963

Made - - - - 15*th November* 1963
Coming into Operation 15*th November* 1963

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 16 of the Administration of Justice (Scotland) Act 1933(a) and of all other powers competent to them in that behalf do hereby enact as follows:—

1. The Act of Sederunt (Rules of Court Amendment No. 2) 1963(b) is hereby repealed.

2. The Rules of Court(c) shall be amended as follows:—

In Rule 357 the first paragraph shall be deleted and the following paragraph shall be substituted therefor:—

"In all cases as between party and party the Court may direct that "expenses shall be subject to modification, but otherwise the following "rules shall apply: Without prejudice to the provisions of Section 40 "of the Court of Session Act 1868, when the pursuer in any action "(not being an action for defamation or libel or an action for summary "trial or an action which is only competent in the Court of Session) "recovers (1) by verdict of a jury, or (2) by decerniture of the Court, "any sum under £50, or when in an action for interim aliment only, "by one party to a marriage against the other, the aliment awarded "does not exceed the sum of £5 per week in respect of the pursuer "and the sum of 30 shillings per week in respect of each child (if any) "of the marriage, such pursuer shall be entitled to expenses only accord-"ing to the Sheriff Court Table of Charges including Small Debt, appro-"priate to the sum decerned for unless the Court shall direct that, owing "to the nature and importance of the action, expenses shall be chargeable "on a higher scale."

3. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 4) 1963, and shall come into operation on 15th November 1963.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. Clyde,
I.P.D.

Edinburgh,
15th November 1963.

(a) 23 & 24 Geo. 5. c. 41. (b) S.I. 1963/1683 (1963 III, p. 3219).
(c) S.I. 1948/1691 (1948 I, p. 3778).

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.)

This Act of Sederunt repeals the Act of Sederunt (Rules of Court Amendment No. 2) 1963. It also re-enacts Rule 357 of the Rules of Court and provides that a pursuer will not normally be entitled to Court of Session expenses where in an action for interim aliment the award is such that it could have been decerned for in the Sheriff's small debt court.