SCOTTISH STATUTORY INSTRUMENTS

2004 No. 151

COURT OF SESSION

Act of Sederunt (Rules of the Court of Session Amendment No. 3) (Fees of Solicitors) 2004

Made - - - -	*26th March 2004*
Coming into force - -	*4th May 2004*

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(**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 (Rules of the Court of Session Amendment No. 3) (Fees of Solicitors) 2004 and shall come into force on 4th May 2004.

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

Amendment of Table of Fees

2.—(1) The Table of Fees in rule 42.16 of the Rules of the Court of Session(**b**) shall be amended in accordance with the following sub-paragraphs.

(2) In the provisions mentioned in column 1 of Schedule 1 to this Act of Sederunt, for the amounts specified in column 2 of that Schedule, there shall be substituted the amounts specified in column 3.

(3) In Part IV of Chapter III (Outer House petitions), after sub-paragraph (b) of paragraph 2 (opposed petition) there shall be inserted the following:–

"(c) Where applicable, charges under paragraphs 1A, 2, 3 and 5 to 21 of Part V of this Chapter of this table.".

(4) In Part V of Chapter III (defended actions)–

(a) before paragraph 3 (procedure roll or hearing) there shall be inserted the following:–

"**2A. Notes of Argument**

(a) Instructing, perusing and lodging first Note of Arguments (either party)	£122.80
(b) Perusing opponent's Note of Arguments	£61.40
(c) Instructing, perusing and lodging any further Note of Arguments (either party)	£61.40".

(**a**) 1988 c.36. Section 5 was amended by section 2(3) of the Civil Evidence (Scotland) Act 1988 (c.32) and by paragraph 45 of Schedule 4 to the Children (Scotland) Act 1995 (c.36).
(**b**) S.I. 1994/1443, Chapters I and III of the Table of Fees last amended by S.S.I. 2003/194.

(b) in paragraph 8(a) (commission to take evidence on interrogatories), for the figure "102.40" specified in the right hand column there shall be substituted the figure "211.99".

(c) for paragraph 18 (accounts), there shall be substituted the following:–

"**18. Accounts**

(a) To include framing, adjusting and lodging account	£184.20
(b) To include considering Notes of Objections, and generally preparing for taxation	£184.20
(c) Attendance at taxation, per quarter hour	£30.70".

Saving

3. Paragraph 2 shall not affect fees chargeable for work done, or outlays incurred before 4th May 2004.

Cullen of Whitekirk
Lord President, I.P.D.

Edinburgh
26th March 2004

SCHEDULE 1

(1) *(provision)*	*(2)* *(old fee) £*	*(3)* *(new fee) £*
Chapter I:		
1(a)	13.80	14.20
(b)	5.70	5.90
(c)	20.30	20.90
3	5.70	5.90
4(a)	13.80	14.20
(b)	13.80	14.20
(c)	13.80	14.20
5(a)	27.50	28.20
(b)	27.50	28.20
(c)	27.50	28.20
(e)(i)	13.80	14.20
(ii)	13.80	14.20
(iii)	5.70	5.90
6(a)	13.80	14.20
(b)	2.80	2.90
(c)	5.70	5.90
Chapter III Part I:		
1(a)	247.40	254.10
Chapter III Part II:		
1	347.40	356.80
2	198.70	204.10
3(a)	51.00	52.40
(b)	73.60	75.60
(c)	91.50	94.00
4(a)	89.40	91.80
(b)	27.50	28.20
(c)	15.30	15.70
5(a)	82.60	84.80
(b)	27.50	28.20
7	247.40	254.10
8	76.20	78.30
Chapter III Part III:		
Table A:		
1 (column 2)	545.90	560.60
(column 3)	623.40	640.20
2 (column 2)	388.10	398.60
(column 3)	471.20	483.90
3 (column 2)	119.10	122.30
(column 3)	174.90	179.60
4 (column 2)	1053.10	1081.50
(column 3)	1269.40	1303.70
Table B:		
1 (column 2)	449.10	461.20
(column 3)	526.60	540.80

(1) *(provision)*	*(2)* *(old fee) £*	*(3)* *(new fee) £*
2 (column 2)	216.10	221.90
(column 3)	274.40	281.80
3 (column 2)	119.10	122.30
(column 3)	174.90	179.60
4 (column 2)	784.20	805.40
(column 3)	975.70	1002.00
Table C:		
1	101.90	104.70
2	114.40	117.50
3	216.20	222.00
Chapter III Part IV:		
1(a)	514.90	528.80
(b)	713.30	732.60
2(a)	379.50	389.80
3(a)	62.40	64.10
4	58.90	60.50
Chapter III Part V:		
1(a)	526.60	540.80
(b)	56.80	58.30
(c)	110.80	113.80
1A	337.40	346.50
2(a)	559.90	575.00
(b)	346.30	355.70
(c)(i)	56.80	58.30
(ii)	29.90	30.70
(d)	166.10	170.60
(e)	246.60	253.30
3(a)	110.80	113.80
(b)	29.90	30.70
(c)	82.90	85.10
4(a)	105.30	108.10
(b)	29.90	30.70
(c)	15.00	15.40
(d)	105.30	108.10
(e)	29.90	30.70
(f)	15.00	15.40
5	55.70	57.20
6(a)	119.30	122.50
(b)	16.60	17.10
7(a)	110.80	113.80
(b)	53.80	55.30
(ba)	104.60	107.40
(c)	29.90	30.70
(d)	44.30	45.50
(e)	29.90	30.70
8(b)	180.20	185.10
(c)	66.50	68.30
(d)	16.60	17.10
9(a)	246.60	253.30
(b)	110.80	113.80
(c)	29.90	30.70

(1) *(provision)*	*(2)* *(old fee)* £	*(3)* *(new fee)* £
10(a)	29.90	30.70
(b)	82.90	85.10
(c)	29.90	30.70
(d)	82.90	85.10
(e)	29.90	30.70
11	313.30	321.80
12(a)	82.90	85.10
(b)	29.90	30.70
(c)	121.80	125.10
(d)	56.00	57.50
(e)	283.70	291.40
(f)	157.80	162.10
13(a)	761.90	782.50
(b)	67.90	69.70
(c)	138.80	142.60
(d)	29.90	30.70
15(a)(i)	166.10	170.60
(ii)	110.80	113.80
(iii)	110.80	113.80
(b)	277.10	284.60
(c)	471.10	483.80
(d)	29.90	30.70
16	589.00	604.90
17	29.90	30.70
19	44.30	45.50
20(a)	224.50	230.60
(b)	67.90	69.70
Chapter III part VA		
1(a)	55.60	57.10
(b)	27.80	28.60
2	336.70	345.80
3(a)	525.50	539.70
(b)	73.80	75.80
(c)	179.10	183.90
(d)	56.70	58.20
(e)	179.10	183.90
(f)	100.00	102.70
(g)	29.90	30.70
(h)	44.20	45.40
(i)	29.90	30.70
4(a)	558.70	573.80
(b)	345.60	354.90
(c) (i)	56.70	58.20
(ii)	29.90	30.70
(d)	165.80	170.30
(e)	246.10	252.80
5(a)	358.20	367.90
(b)	179.10	183.90
(c)	29.90	30.70
6(a)	105.10	107.90
(b)	29.90	30.70

(1) *(provision)*	*(2)* *(old fee)* £	*(3)* *(new fee)* £
7(a)	82.70	84.90
(b)	29.90	30.70
(c)	82.70	84.90
8(a)	119.00	122.20
(b)	16.60	17.10
9	312.70	321.10
10(a)	110.60	113.60
(b)	53.70	55.20
(c)	100.00	102.70
(d)	29.90	30.70
(e)	44.20	45.40
(f)	29.90	30.70
11(a)	224.00	230.10
(b)	179.80	184.70
(c)	67.00	68.80
(d)	16.60	17.10
12(a)	246.10	252.80
(b)	110.60	113.60
(c)	29.90	30.70
13(a)	29.90	30.70
(b)	85.20	87.50
(c)	29.90	30.70
(d)	82.70	84.90
(e)	29.90	30.70
14(a)	82.70	84.90
(b)	29.90	30.70
(c)	121.60	124.90
(d)	55.90	57.40
(e)	283.10	290.70
(f)	157.50	161.80
16(a)	760.30	780.80
(b)	67.70	69.50
(c)	138.50	142.20
(d)	29.90	30.70
17(a)	56.70	58.20
(b)	298.50	306.60
(c)	29.90	30.70
(d)(i)	92.20	94.70
(ii)	184.30	189.30
(iii)	214.20	220.00
(iv)	276.50	284.00
18	238.80	245.30
19(a)(i)	165.80	170.30
(ii)	110.60	113.60
(iii)	110.60	113.60
(b)	276.50	284.00
(c)	470.00	482.70
(d)	29.90	30.70
20	29.90	30.70
21(a)	238.80	245.30
(b)	19.90	20.40

(1) *(provision)*	*(2)* *(old fee)* £	*(3)* *(new fee)* £
(c)	19.90	20.40
22	44.20	45.40
23(a)	224.00	230.10
(b)	67.50	69.30
Chapter III Part VI:		
1(a)	166.10	170.60
(b)	82.90	85.10
(c)	69.50	71.40
2(a)	200.80	206.20
(b)	99.50	102.20
(c)	67.90	69.70
3(a)	166.10	170.60
(b)	29.90	30.70
6	67.90	69.70

EXPLANATORY NOTE

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

This Act of Sederunt makes amendments to Chapters I and III of the Table of Fees recoverable in respect of work carried out by solicitors in the Court of Session.

Paragraph 2(2) increases the fees which are recoverable by about 2.7%. The last increase in fees recoverable under Chapters I and III of the Table of Fees was made by the Act of Sederunt (Rules of the Court of Session Amendment (Fees of Solicitors) 2003 (S.S.I. 2003/194).

Paragraph 2(3) amends the Table of Fees by correcting a previous minor error.

Paragraph 2(4) makes provision in the Table of Fees in respect of Notes of Argument, corrects a previous minor error in respect of the fee for applying for commission to take evidence on interrogatories and makes an amendment to the fee for lodging an account of expenses.

Paragraph 2 of the Act does not apply to work done before it comes into force.

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