STATUTORY INSTRUMENTS

1985 No. 544 (S. 54)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Solicitors' Fees) 1985

Made - - - -	29*th March* 1985
Laid before Parliament	11*th April* 1985
Coming into Operation	2*nd May* 1985

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 40 of the Sheriff Courts (Scotland) Act 1907 (**a**) and of all other powers competent to them in that behalf, do hereby enact and declare:—

Citation, commencement and interpretation

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Solicitors' Fees) 1985 and shall come into operation on 2nd May 1985.

(2) In this Act of Sederunt, the "Act of Sederunt of 1971" means the Act of Sederunt (Alteration of Sheriff Court Fees) 1971 (**b**).

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

Increase of solicitors' fees

2. In the Table of Fees in Schedule 2 to the Act of Sederunt of 1971 (**c**), all charges and fees specified, except those in Part II of Chapter I (Undefended actions of divorce and of separation and aliment (affidavit procedure)), shall be increased by 7 per cent.

Amendment of provisions for fees

3.—(1) In paragraph 7(iv) of the General Regulations in Schedule 2 to the Act of Sederunt of 1971 (**d**)—

(a) omit the words "hearing the case"; and

(b) for the words "containing a finding" substitute the word "disposing".

(2) In paragraph 2 of Part I of Chapter I of Schedule 2 to the Act of Sederunt of 1971 (**e**) (Undefended actions), in the provision for outlays, for the figure "£10" wherever it occurs substitute the figure "£60".

(3) In Part II of Chapter I of Schedule 2 to the Act of Sederunt of 1971 (**f**) (Undefended actions of divorce and of separation and aliment (affidavit procedure)), after Table C, insert the following paragraph—

"4. If the pursuer's solicitor elects to charge an inclusive fee under this Part he shall endorse a minute to that effect on the initial writ before

(**a**) 1907 c.51, as amended by 1933 c.41.
(**b**) S.I. 1971/90.
(**c**) As amended by S.I. 1982/466, 1983/970, 1984/471 and 1135.
(**d**) As amended by S.I. 1984/471.
(**e**) As amended by S.I. 1982/466, 1983/970 and 1984/471.
(**f**) As amended by S.I. 1984/471.

extract of the decree is ordered and when the option is so exercised decree for expenses shall be granted against the defender for said sum together with outlays up to £85 inclusive of V.A.T. without the necessity for taxation. If outlays in excess of £85 are claimed, an account of such outlays shall be remitted to the auditor of court for taxation and the sum allowed for outlays shall be the amount of the account as taxed."

Emslie,
Lord President
I.P.D.

Edinburgh.
29th March 1985.

EXPLANATORY NOTE

(*This Note is not part of the Act of Sederunt.*)

The Act of Sederunt provides—

(a) for increasing solicitors' fees in the Table of Fees in Schedule 2 to the Act of Sederunt (Alteration of Sheriff Court Fees) 1971, except those in Part II of Chapter I (Undefended actions of divorce and of separation and aliment (affidavit procedure)), by 7 per cent;

(b) for amending paragraph 7(iv) of the General Regulations in Schedule 2 to the Act of Sederunt of 1971, so that the consideration of an additional fee may be made by a Sheriff who has not heard the case concerned and that an additional fee may also be considered where no expenses are found due to or by any party;

(c) for amending the provision for outlays in paragraph 2 of Part I of Chapter I of Schedule 2 to the Act of Sederunt of 1971 (Undefended actions of separation and aliment, adherence and aliment and custody and aliment where proof takes place), by increasing the amount of £10 to £60; and

(d) by inserting a new provision, in Part II of Chapter I of Schedule 2 to the Act of Sederunt of 1971 (Undefended actions of divorce and of separation and aliment (affidavit procedure)), to enable a solicitor to elect to charge an inclusive fee by endorsing a minute on the initial writ in cases to which Part II applies.

SI 1985/544
ISBN 0-11-056544-4

