
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 39

COURT OF SESSION

**Act of Sederunt (Rules of the Court of Session
Amendment) (Fees of Solicitors) 2008**

Made - - - - - *15th 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 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) (Fees of Solicitors) 2008 and shall come into force on 1st April 2008.

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

Amendment of rule 42.9

2.—(1) In rule 42.9 (form of account of expenses) of the Rules of the Court of Session 1994(2) delete “and shall be taxed as if the whole work in the cause had been carried out by one solicitor”.

(2) This paragraph shall not affect taxation in respect of work done, or outlays incurred, before 1st April 2008.

Amendment of table of fees

3.—(1) In the provisions of the table of fees in rule 42.16 of the Rules of the Court of Session 1994(3) 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.

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

(1) 1988 c. 36. Section 5 was amended by section 2(3) of the Civil Evidence (Scotland) Act 1988 (c. 32), by paragraph 45 of Schedule 4 to the Children (Scotland) Act 1995 (c. 36) and by section 14(1) of the Vulnerable Witnesses (Scotland) Act (asp 3).
(2) The Rules of the Court of Session 1994 are contained in Schedule 2 to the Act of Sederunt (Rules of the Court of Session 1994), S.I.1994/1443, last amended by S.S.I. 2007/548.
(3) The table of fees was last amended by S.S.I. 2007/86.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Edinburgh
15th February 2008

A C Hamilton
Lord President I.P.D.

SCHEDULE

Paragraph 3(1)

<i>(1)</i> <i>(provision)</i>	<i>(2)</i> <i>Old Fee £</i>	<i>(3)</i> <i>New Fee £</i>
Chapter I:		
1(a)	16.10	17.10
(b)	6.70	7.10
(c)	23.70	25.20
(d)	15.50	16.45
3	6.70	7.10
4(a)	16.10	17.10
(b)	16.10	17.10
(c)	16.10	17.10
5(a)	32.00	34.00
(b)	32.00	34.00
(c)	32.00	34.00
(e)(i)	16.10	17.10
(ii)	16.10	17.10
(iii)	6.70	7.10
6(a)	16.10	17.10
(b)	3.30	3.50
(c)	6.70	7.10
Chapter III Part I:		
1(a)	288.05	306.05
(b)	365.45	388.30
Chapter III Part II:		
1	404.40	429.70
2	231.35	245.80
3(a)	59.40	63.10
(b)	85.70	91.05
(c)	106.55	113.20
4(a)	104.05	110.55
(b)	32.00	34.00
(c)	17.80	18.90
5(a)	96.15	102.15
(b)	32.00	34.00

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>(1)</i> <i>(provision)</i>	<i>(2)</i> <i>Old Fee £</i>	<i>(3)</i> <i>New Fee £</i>
7	288.05	306.05
8	88.75	94.30
Chapter III Part III:		
Table A:		
1 (column 2)	635.45	675.15
(column 3)	725.70	771.05
2 (column 2)	451.85	480.10
(column 3)	548.55	582.85
3 (column 2)	138.65	147.30
(column 3)	203.60	216.35
4 (column 2)	1225.90	1302.50
(column 3)	1478.30	1570.70
Table B:		
1 (column 2)	522.80	555.50
(column 3)	613.05	651.35
2 (column 2)	251.50	267.20
(column 3)	319.45	339.40
3 (column 2)	138.65	147.30
(column 3)	203.60	216.35
4 (column 2)	912.85	969.90
(column 3)	1135.80	1206.80
Table C:		
1	118.70	126.10
2	133.20	141.55
3	251.65	267.40
Chapter III Part IV:		
1(a)	599.40	636.85
(b)	830.40	882.30
2(a)	441.85	469.45
3(a)	67.30	71.50
4	68.60	72.90
Chapter III Part V:		
1(a)	613.00	651.30
(b)	66.10	70.25

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>(1)</i> <i>(provision)</i>	<i>(2)</i> <i>Old Fee £</i>	<i>(3)</i> <i>New Fee £</i>
(c)	128.95	137.00
1A	392.80	417.35
2(a)	651.75	692.50
(b)	403.20	428.40
(c)(i)	66.10	70.25
(ii)	34.80	37.00
(d)	193.40	205.50
(e)	287.10	305.05
2A(a)	127.85	135.85
(b)	69.60	73.95
(c)	69.60	73.95
3(a)	128.95	137.00
(b)	34.80	37.00
(c)	96.45	102.50
4(a)	122.55	130.20
(b)	34.80	37.00
(c)	17.45	18.55
(d)	122.55	130.20
(e)	34.80	37.00
(f)	17.45	18.55
5	64.85	68.90
6(a)	138.90	147.60
(b)	19.35	20.55
7(a)	129.00	137.05
(b)	62.65	66.55
(ba)	121.75	129.35
(bb)	62.65	66.55
(c)	34.80	37.00
(d)	51.60	54.85
(e)	34.80	37.00
8(a)	240.30	255.30
(b)	209.80	222.90
(c)	77.45	82.30
(d)	19.35	20.55

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>(1)</i> <i>(provision)</i>	<i>(2)</i> <i>Old Fee £</i>	<i>(3)</i> <i>New Fee £</i>
9(a)	287.10	305.05
(b)	128.95	137.00
(c)	34.80	37.00
10(a)	34.80	37.00
(b)	96.45	102.50
(c)	34.85	37.05
(d)	96.45	102.50
(e)	34.80	37.00
11	364.80	387.60
12(a)	96.45	102.50
(b)	34.80	37.00
(c)	141.80	150.65
(d)	65.15	69.20
(e)	330.30	350.95
(f)	183.75	195.25
13(a)	886.90	942.35
(b)	79.00	83.95
(c)	161.65	171.75
(d)	34.80	37.00
15(a)(i)	193.40	205.50
(ii)	128.95	137.00
(iii)	128.95	137.00
(b)	322.60	342.75
(c)	548.40	582.70
(d)	34.80	37.00
16	685.65	728.50
17	34.80	37.00
18(a)	208.80	221.85
(b)	208.80	221.85
(c)	34.80	37.00
19	51.60	54.85
20(a)	261.35	277.70
(b)	79.00	83.95

Chapter III part VA

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>(1)</i> <i>(provision)</i>	<i>(2)</i> <i>Old Fee £</i>	<i>(3)</i> <i>New Fee £</i>
1(a)	64.75	68.80
(b)	32.40	34.45
2	392.00	416.50
3(a)	611.75	650.00
(b)	85.95	91.30
(ba)	62.55	65.45
(c)	208.45	221.50
(d)	66.00	70.15
(e)	208.45	221.50
(f)	116.45	123.75
(g)	34.80	37.00
(h)	51.50	54.70
(i)	34.80	37.00
4(a)	650.40	691.05
(b)	402.40	427.55
(c)(i)	66.00	70.15
(ii)	34.80	37.00
(d)	193.00	205.05
(e)	286.60	304.50
4A(a)	127.85	135.85
(b)	69.60	73.95
(c)	69.60	73.95
5(a)	417.00	443.05
(b)	208.45	221.50
(c)	34.80	37.00
6(a)	122.30	129.95
(b)	34.80	37.00
7(a)	96.25	102.25
(b)	34.80	37.00
(c)	96.25	102.25
8(a)	138.50	147.15
(b)	19.35	20.55
9	363.95	386.70
10(a)	128.75	136.80

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>(1)</i> <i>(provision)</i>	<i>(2)</i> <i>Old Fee £</i>	<i>(3)</i> <i>New Fee £</i>
(b)	62.55	66.45
(c)	116.45	123.75
(ca)	62.65	66.55
(d)	34.80	37.00
(e)	51.50	54.70
(f)	34.80	37.00
11(a)	260.85	277.15
(b)	209.35	222.45
(c)	78.00	82.90
(d)	19.35	20.55
12(a)	286.60	304.50
(b)	128.75	136.80
(c)	34.80	37.00
13(a)	34.80	37.00
(b)	99.15	105.35
(c)	34.80	37.00
(d)	96.25	102.25
(e)	34.80	37.00
14(a)	96.25	102.25
(b)	34.80	37.00
(c)	141.60	150.45
(d)	65.05	69.10
(e)	329.50	350.10
(f)	183.40	194.85
16(a)	885.10	940.40
(b)	78.80	83.75
(c)	161.15	171.20
(d)	34.80	37.00
17(a)	66.00	70.15
(b)	347.50	369.20
(c)	34.80	37.00
(d)(i)	107.35	114.05
(ii)	214.60	228.00
(iii)	249.35	264.95

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>(1)</i> <i>(provision)</i>	<i>(2)</i> <i>Old Fee £</i>	<i>(3)</i> <i>New Fee £</i>
(iv)	321.95	342.05
18	278.10	295.50
19(a)(i)	193.10	205.15
(ii)	128.75	136.80
(iii)	128.75	136.80
(b)	321.95	342.05
(c)	547.15	581.35
(d)	34.80	37.00
20	34.80	37.00
21(a)	278.10	295.50
(b)	23.15	24.60
(c)	23.15	24.60
22	51.50	54.70
23(a)	260.85	277.15
(b)	78.55	83.45
Chapter III Part VI:		
1(a)	193.40	205.50
(b)	96.45	102.50
(c)	80.90	85.95
2(a)	233.75	248.35
(b)	115.85	123.10
(c)	79.00	83.95
3(a)	193.45	205.55
(b)	34.80	37.00
6	79.00	83.95

EXPLANATORY NOTE

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

This Act of Sederunt amends Chapter 42 (taxation of accounts and fees of solicitors) of the Rules of the Court of Session 1994.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Paragraph 2 amends rule 42.9 (form of account of expenses) to remove the requirement for an account of expenses to be taxed as if the whole work had been carried out by one solicitor.

Paragraph 3 amends the Table of Fees recoverable in respect of work carried out by solicitors in the Court of Session by increasing the fees which are recoverable by about 6.5%. The last increase in fees was made by Act of Sederunt (Rules of the Court of Session Amendment No. 2) (Fees of Solicitors) 2007.

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