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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 288**

**Act of Sederunt (Rules of the Court of Session  
Amendment No. 4) (Miscellaneous) 2011**

**Charges for witnesses and skilled persons**

- 3.—(1) The Rules are amended in accordance with the following subparagraphs.  
(2) For rule 42.13 (charges for witnesses)(1) substitute—

**“Charges for witnesses**

**42.13.** Charges for the attendance at a proof or jury trial of a witness present but not called to give evidence may be allowed if the court has, at any time before the diet of taxation, granted a motion for the name of that witness to be noted in the minute of proceedings in the cause.

**Charges for skilled persons**

**42.13A.**—(1) If, at any time before the diet of taxation, the court has granted a motion for the certification of a person as skilled, charges shall be allowed for any work done or expenses reasonably incurred by that person which were reasonably required for a purpose in connection with the action or in contemplation of the action.

- (2) A motion under paragraph (1) may be granted only if the court is satisfied that—  
(a) the person was a skilled person; and  
(b) it was reasonable to employ the person.

(3) Where a motion under paragraph (1) is enrolled after the court has awarded expenses, the expenses of the motion shall be borne by the party enrolling it.

(4) The charges which shall be allowed under paragraph (1) shall be such as the Auditor determines are reasonable.

(5) Where the court grants a motion under paragraph (1), it shall record the name of the skilled person in its interlocutor.”

- (3) In the table of fees in rule 42.16(2)—  
(a) in Chapter II (witnesses’ fees)—  
(i) for the heading, substitute “SKILLED PERSONS’ AND WITNESSES’ FEES”;  
(ii) for paragraph 1, substitute—

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**“1. Skilled persons**

Where it was reasonable to employ a skilled person to carry out work for any purpose, any charges for such work and for any attendance at any proof or jury trial shall be allowed at such a rate which the Auditor of Court shall determine is fair and reasonable.”;

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(1) Rule 42.13 was amended by [S.I. 1995/1396](#) and [1996/1756](#) and [S.S.I. 2001/305](#) and [2006/294](#).  
(2) The table of fees was last amended by [S.S.I. 2011/87](#).

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

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- (b) for the heading to Part VII of Chapter III substitute “ADMIRALTY, MERCANTILE SEQUESTRATIONS AND APPLICATIONS FOR SUMMARY TRIAL UNDER SECTION 26 OF THE ACT OF 1988 AND CAUSES REMITTED FROM THE SHERIFF COURT”.