
STATUTORY INSTRUMENTS

1991 No. 272 (S.22)

COURT OF SESSION, SCOTLAND

**Act of Sederunt (Rules of the Court of Session
Amendment No. 1) (Fees of Solicitors) 1991**

Made - - - - *14th February 1991*

Coming into force - - *11th March 1991*

The Lords of Council and Session, under and by virtue of the powers conferred on 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 No. 1) (Fees of Solicitors) 1991 and shall come into force on 11th March 1991.

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

Amendment of the Rules of the Court of Session

2.—(1) The Rules of the Court of Session(2) shall be amended in accordance with the following paragraphs.

(2) In rule 347(d) (additional fee)(3)—

(a) omit the word “and” at the end of paragraph (6); and

(b) in paragraph (7) after the word “account”, insert the following:—

“; and

(8) the steps taken with a view to settling the litigation, limiting the matters in dispute or limiting the scope of any hearing.”.

(3) In Part IV of Chapter III of rule 347 (Defended Actions)(4) for paragraphs 15 and 16, substitute the following paragraphs:—

“15. Settlement

(1) 1988 c. 36.

(2) S.I.1965/321; relevant amending instruments are S.I. 1970/1746 and 1989/445.

(3) Rule 347(d) was substituted by S.I. 1970/1746.

(4) Part IV of Chapter III of rule 347 was substituted by S.I. 1989/445 and amended by S.I. 1990/717.

(a) Settlement by Tender-Fees for either party:—

-
- (i) Basic fee for lodging or for £60.00 considering first tender
- (ii) Fee for lodging, or for considering, £40.00 each further tender
- (iii) If tender accepted, an additional fee to £40.00 each party
- (b) Extrajudicial settlement— £100.00
Basic fee for advising on, negotiating and agreeing extra-judicial settlement (not based on judicial tender) to include preparation and lodging of joint minute
- (c) In addition to any fee £200.00 awarded under subparagraph (a) or (b), the Auditor may allow a further fee in respect of additional work undertaken with a view to settlement (whether or not settlement is in fact agreed), including offering settlement, not exceeding
- 16. Hearing Limitation Fee— £250.00.”.**
to include all work undertaken with a view to limiting the matters in dispute or limiting the scope of any hearing, and including exchanging documents, precognitions and expert reports, agreeing any fact, statement or document not in dispute, and preparing and lodging any joint minute
-

Edinburgh
14th February 1991

J. A. D. Hope
Lord President, IPD

EXPLANATORY NOTE

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

This Act of Sederunt amends rule 347 of the Rules of the Court of Session in relation to fee of solicitors by—

(1) providing that one of the factors to be taken into account in deciding whether or not to allow and in fixing an additional fee under rule 347(d) shall be steps taken with a view to settling the litigation, limiting the matters in dispute or limiting the scope of any hearing (paragraph 2(2)); and

(2) amending Part IV of Chapter III of the Table of Fees in relation to defended actions, to allow a fee to be awarded for:—

- (a) work undertaken with a view to settlement (even if not ultimately successful); and
- (b) work undertaken with a view to limiting the matters in dispute or limiting the scope of any hearing (paragraph 2(3)).