
STATUTORY INSTRUMENTS

1998 No. 2674

**Act of Sederunt (Rules of the Court of Session
Amendment No. 3) (Fees of Solicitors) 1998**

Amendment of the Rules of the Court of Session

2.—(1) Chapter 42 of the Rules of the Court of Session 1994(1) shall be amended in accordance with the following sub-paragraphs.

(2) Omit rule 42.11 (which provides for the addition to accounts of expenses of a sum to cover posts and incidents).

(3) In the Table of Fees in rule 42.16 (which lists fees of a solicitor which may be charged between party and party in an account in any cause), in the provisions mentioned in column 1 of the Schedule to this Act of Sederunt, for the amounts respectively specified in column 2 of that Schedule substitute the amounts so specified in column 3.

(4) Rule 42.16 shall be further amended as follows

(a) in Chapter I—

(i) omit the first note to paragraph 1;

(ii) in the second note to that paragraph, for the words “fees for revising and adjusting it” substitute “fee for perusing it (whether or not in the course of doing so he revises or adjusts it)”; and

(iii) for paragraph 2, substitute—

“Copying

2. For the copying of papers by whatever means-

(a) where a copy is required to be lodged, or sent, in pursuance of any of rules 4.7, 22.1 and 22.3, such charge as the Auditor may from time to time determine (and he may make different provision for different classes of case); and

(b) in any other case, if the Auditor determines (either or both) that-

(i) the copying had to be done in circumstances which were in some way exceptional;

(ii) the papers which required to be copied were unusually numerous having regard to the nature of the cause,

such charge, if any, as the Auditor considers reasonable (but a charge based on time expended by any person in copying shall not be allowed).

Notes

1. Where a determination is required under sub-paragraph (b), the purpose of copying, the number of copies made and the charge claimed shall be shown in the account.

2. Copying done other than in the place of business of the solicitor shall be shown as an outlay”;

- (b) in Part I of Chapter III, in paragraph 1(b), for the words “£225.00” substitute “£322.40”;
- (c) in Part IV of Chapter III, in paragraph 2(c), after the word “paragraphs” insert “1A,”; and
- (d) in Part V of Chapter III—
 - (i) at the beginning insert the following paragraph —

“Work before action commences

1A. All work which the Auditor is satisfied has reasonably been undertaken in contemplation of, or preparatory to, the commencement of proceedings £250;

or such lesser sum as in the opinion of the Auditor is justified.”;

- (ii) in paragraph 1, the word “fee” in the heading shall be omitted and in paragraph (a), after the word “precognitions)”, insert “from commencement”;
- (iii) in paragraph 2, in the heading, omit the word “fee”;
- (iv) omit the first note to paragraph 5;
- (v) in the second note to that paragraph, for the words’ “revising and adjusting it” substitute “perusing it (whether or not in the course of doing so he revises or adjusts it)”;
- (vi) for paragraph 14 (and the note to that paragraph) substitute, appropriately numbered, the same paragraph and notes as are substituted for paragraph 2 of Chapter I of rule 42.16 by head (a)(iii) of this sub paragraph.