

**2012 No. 270**

**COURT OF SESSION**

**Act of Sederunt (Rules of the Court of Session Amendment  
No. 4) (Fees of Solicitors) 2012**

*Made* - - - - - *4th October 2012*  
*Laid before the Scottish Parliament* *8th October 2012*  
*Coming into force* - - - *5th November 2012*

The Lords of Council and Session, under and by virtue of the powers conferred by section 5 of the Court of Session Act 1988(a) 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. 4) (Fees of Solicitors) 2012 and comes into force on 5th November 2012.

(2) A certified copy of this Act of Sederunt is to be inserted in the Books of Sederunt.

**Amendment of the Rules of the Court of Session**

2. The Rules of the Court of Session 1994(b) are amended in accordance with paragraph 3.

**Table of fees**

3.—(1) Subject to subparagraph (6), the table of fees in rule 42.16(c) is amended in accordance with the following subparagraphs.

(2) In paragraph 1 of Chapter I (table of detailed charges, framing documents)—

(a) in subparagraph (a) after “affidavits” insert “, witness summaries and witness statements”;

(b) for subparagraph (c) substitute—

		“£
(c)	Framing affidavits and (where ordered by the court) witness summaries and witness statements, per sheet	35.70”

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(a) 1988 c.36. Section 5 was amended by the Civil Evidence (Scotland) Act 1988 (c.32), section 2(3); the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40), Schedule 9; the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 45; the Vulnerable Witnesses (Scotland) Act 2004 (asp 3), section 14(1); the Judiciary and Courts (Scotland) Act 2008 (asp 6), section 46(3); and the Legal Services (Scotland) Act 2010 (asp 16), section 126.

(b) S.I. 1994/1443, last amended by S.S.I. 2012/189.

(c) The table of fees was last amended by S.S.I. 2012/100.

(3) In Part V of Chapter III (defended actions)—

- (a) in paragraph 1A (work before action commences) for “£438.20” substitute “£699.30”;
- (b) in paragraph 5 (precognitions and (where ordered by the court) witness summaries etc.)—
  - (i) for subparagraph (b) substitute—

“£

- (b) All work in connection with preparation and lodging of affidavits and (where ordered by the court) witness summaries and witness statements, per sheet 77.70”

- (ii) for the heading substitute “Precognitions, affidavits and (where ordered by the court) witness summaries and witness statements”.

(4) In Part VA of Chapter III (defended personal injuries actions etc.) in paragraph 2 (pre-litigation fee) for “£437.35” substitute “£699.30”.

(5) In Chapter IV (transcripts of evidence etc.), notes 1 and 2 are omitted.

(6) This paragraph does not affect fees chargeable for work done, or outlays incurred, before 5th November 2012.

*BRIAN GILL*  
Lord President  
I.P.D.

Edinburgh  
4th October 2012

## 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 (S.I. 1994/1443).

Paragraph 3 amends the table of fees provided in rule 42.16.

Paragraph 3(2) amends paragraph 1 of Chapter I (table of detailed charges) in respect of the expenses recoverable for framing affidavits and (where ordered by the court) witness summaries and witness statements. This addresses concerns that the recoverable expenses for framing such documents does not meet the actual cost. Paragraph 3(3)(b) makes a similar amendment to paragraph 5 of Part V of Chapter III (defended actions).

Paragraph 3(3)(a) amends paragraph 1A of Part V of Chapter III in respect of pre-litigation fees and paragraph 3(4) makes a similar amendment to paragraph 2 of Part VA of Chapter III (defended personal injuries actions).

Paragraph 3(5) removes notes 1 and 2 from Chapter IV dealing with transcripts of evidence. Provision in this regard is made in rule 36.11.

Paragraph 3(6) provides that the amendments to the table of fees do not apply as respects fees chargeable for work done, or outlays incurred, before the coming into force date.

The table of fees was last amended by the Act of Sederunt (Rules of the Court of Session Amendment) (Fees of Shorthand Writers) 2012 (S.S.I. 2012/100).

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