

2009 No. 162

SHERIFF COURT

**Act of Sederunt (Fees of Members of the Association of
Commercial Attorneys in the Sheriff Court) 2009**

Made - - - - - *24th April 2009*

Laid before the Scottish Parliament *27th April 2009*

Coming into force - - - *20th May 2009*

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 40 of the Sheriff Courts (Scotland) Act 1907(a) and of all other powers enabling them in that behalf, do hereby enact and declare:

Citation and commencement, etc

1.—(1) This Act of Sederunt—

- (a) may be cited as the Act of Sederunt (Fees of Members of the Association of Commercial Attorneys in the Sheriff Court) 2009; and
- (b) comes into force on 20th May 2009.

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

Fees of members of the Association of Commercial Attorneys

2.—(1) This Act of Sederunt regulates the preparation and taxation or assessment of accounts between party and party in relation to the work done and expenses incurred where at the material time the litigation was conducted on behalf of the receiving party by a member of the Association of Commercial Attorneys.

(2) The reference in paragraph (1) to a member of the Association of Commercial Attorneys is a reference to any person who has rights to conduct litigation or rights of audience by virtue of the scheme to which effect was given by the Act of Sederunt (Sections 25 to 29 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990) (Association of Commercial Attorneys) 2009(b).

(a) 1907 c.51; section 40 was amended by Schedule 1 to the Sheriff Courts (Scotland) Act 1913 (c.28); section 1(3) of the Secretaries of State Act 1926 (c.18); the Schedule to the Administration of Justice (Scotland) Act 1933 (c.41); Schedule 1, paragraph 7 and Schedule 2 to the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c.12); and Schedule 9 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40).

(b) S.S.I. 2009/163.

(3) The account shall be prepared and taxed or assessed as if the receiving party was represented by a solicitor.

A. C. HAMILTON
Lord President
I.P.D.

Edinburgh
24th April 2009

EXPLANATORY NOTE

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

By virtue of the scheme to which effect was given by the Act of Sederunt (Sections 25 to 29 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990) (Association of Commercial Attorneys) 2009, members of the Association of Commercial Attorneys who are properly qualified and trained may exercise certain rights to conduct litigation and certain rights of audience in the sheriff court.

This Act of Sederunt provides for the fees chargeable in respect of work carried out by such individuals when exercising those rights. It requires accounts of expenses to be prepared and taxed (or assessed) as if the case had been conducted by a solicitor.

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