
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 316

Act of Sederunt (Fees of Solicitors and Shorthand Writers in the Court of Session, Sheriff Appeal Court and Sheriff Court Amendment) 2016

Amendment of the Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment and Further Provisions) 1993

3.—(1) Schedule 1 of the Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment and Further Provisions) 1993⁽¹⁾ is amended in accordance with this paragraph.

(2) In the General Regulations—

(a) after paragraph 3, insert—

“**3A.** In a simple procedure case, unless the sheriff orders otherwise—

- (a) only expenses under Chapter V of the Table of Fees shall be allowed;
- (b) where the total value of the claim is £1000 or less, those expenses must be reduced by 50%;
- (c) where the total value of the claim is more than £1000 and not more than £2,500, those expenses must be reduced by 25%.”; and

(b) after paragraph 7, insert—

“**7A.** The Auditor may increase or reduce an inclusive fee in Chapter II in appropriate circumstances.”.

(3) In Chapter II of the Table of Fees, in Part IIA (defended personal injuries actions proceeding under Part AI of Chapter 36 of the ordinary cause rules), for paragraph 2 (pre-litigation fee), substitute—

“2. Pre-litigation fee

- (1) Where the Protocol in Appendix 4 of the Ordinary Cause Rules 1993⁽²⁾ applied to the claim prior to the commencement of proceedings, the sum of—
 - (a) £546;
 - (b) 3.5% of the total amount of any damages awarded, or payable under a settlement, up to £25,000; and
 - (c) such further sum, not exceeding 50% of the sum of (a) and (b), as the Auditor considers to be justified in respect of work undertaken prior to the commencement of proceedings that (i) was not required for the purposes of complying with the Protocol, (ii) involved the sharing of information with the

(1) [S.I. 1993/3080](#), last amended by [S.S.I. 2015/246](#).

(2) Appendix 4 was inserted by [S.S.I. 2016/215](#).

Status: This is the original version (as it was originally made).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

“2. Pre-litigation fee

opposing party, and (iii) is not included in any other fee in this Part.

- (2) In any other case, all work which the Auditor is satisfied has reasonably been undertaken in contemplation of, or preparatory to the commencement of proceedings (or such lesser sum as in the opinion of the Auditor is justified) 624.00

Note: Where the Protocol applied and the Auditor is satisfied that the party found entitled to expenses failed to adhere to its terms in material respects, there may be substituted for the fees specified at paragraph 2(1)(a) and (b) such lesser sum as in the opinion of the Auditor is justified.”

(4) In Chapter IV of the Table of Fees, in Part IIIB (defended actions: personal injury claims commenced on or after 1st March 2014), for paragraph 2 (work before action commences), substitute—

“2. Work before action commences

- (1) Where the Protocol in Appendix 3 of the Summary Cause Rules 2002(3) applied to the claim prior to the commencement of proceedings, the sum of—
- (a) £546;
 - (b) 3.5% of the total amount of any damages awarded, or payable under a settlement; and
 - (c) such further sum, not exceeding 50% of the sum of (a) and (b), as the Auditor considers to be justified in respect of work undertaken prior to the commencement of proceedings that (i) was not required for the purposes of complying with the Protocol, (ii) involved the sharing of information with the opposing party, and (iii) is not included in any other fee in this Part.
- (2) In any other case, all work which the Auditor is satisfied has reasonably been undertaken in contemplation of, or preparatory to the commencement of proceedings (or such lesser sum as in the opinion of the Auditor is justified) 426.00

Note: Where the Protocol applied and the Auditor is satisfied that the party found entitled to expenses failed to adhere to its terms in material respects, there may be substituted for the fees specified at paragraph 2(1)(a) and (b) such lesser sum as in the opinion of the Auditor is justified.”

(5) After Chapter IV of the Table of Fees (summary causes), insert the chapter in the schedule of this Act of Sederunt(4).

(3) Appendix 3 was inserted by [S.S.I. 2016/215](#).

(4) Provision previously comprising Chapter V of the Table of Fees was revoked by [S.I. 1998/2675](#).