
 STATUTORY INSTRUMENTS

1980 No. 1678 (S142)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Solicitors' Fees in Summary Causes) 1980

<i>Made</i> - - - -	30th October 1980
<i>Laid before Parliament</i>	10th November 1980
<i>Coming into Operation</i>	1st December 1980

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

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Solicitors' Fees in Summary Causes) 1980 and shall come into operation on 1st December, 1980.

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

New fees in Summary Causes

2. In the Act of Sederunt (Alteration of Sheriff Court Fees) 1971 (b), in the Table of Fees, for the table of fees set out in Chapter IV, there is substituted the table of fees set out under that Chapter in the Schedule to this Act of Sederunt, and the fees so substituted shall have effect on and after 1st December 1980 and are the fees chargeable by solicitors in respect of the matters specified in the Schedule opposite those fees, being matters relating to work done or expenses incurred on and after that date.

Amendments to General Regulations

3. In the said Act of Sederunt of 1971, in Schedule 2:—

(a) in regulation 7, in head (iv), after the words “special preparations” insert the words “(whether on the ordinary roll or on the summary cause roll)”;

(b) in regulation 18:—

(i) after the words “the following table shall” insert the words “unless the sheriff, on a motion in that behalf, otherwise directs”;

(a) 1907 c.51, amended by the Administration of Justice (Scotland) Act 1933 (c.41), section 39.

(b) S.I. 1971/90, as amended by S.I. 1976/1119, 1979/1633.

- (ii) after the Table, add the following words—“ “value” in relation to any action in which a counterclaim has been lodged, is the total of the sums craved in the writ and the sum claimed, in the counterclaim.”;
- (iii) at the end add the following paragraphs:-
- “(g) in Part I, in respect of item 1 (instructors’ fees), in relation to actions for reparation there are allowable such additional fees for precognitions and reports as are necessary to permit the framing of the writ, together with necessary outlays in connection therewith.
- (h) in Part II, the fee allowable in respect of item 14 (supplementary note of defence) is a fixed fee allowable only when a supplementary note of defence is ordained by the Court”.

Revocation

4. The following enactments are revoked:-

- (a) Chapter IV of the Schedule to the Act of Sederunt (Alteration of Sheriff Court Fees) 1971 (a);
- (b) Paragraph 2 of the Act of Sederunt (Solicitors’ Fees) 1979 (b) in so far as it relates to the said Chapter IV.

SCHEDULE

CHAPTER IV—SUMMARY CAUSE—PART I—UNDEFENDED ACTIONS

1. To include—taking instructions, framing Summons and statement of claim, obtaining warrant for service, attendance endorsing minute for and obtaining decree in absence	17.25
2. Service		
(a) Citation by post within the United Kingdom, Isle of Man, Channel Islands, or the Republic of Ireland—for each party	2.20
Citation by post elsewhere—for each party	4.40
(b) Instructing service or reservice by Sheriff Officer including perusing execution of citation and settling Sheriff Officers’ fee—for each party	2.20
(c) Framing and instructing service by advertisement—for each party	6.50
3. Attendance at Court	6.50

PART II—DEFENDED ACTIONS

1. Instruction fee, to include taking instructions (including instructions for a counter-claim) framing Summons and statement of claim; obtaining warrant for service, enquiring for notice of intention to defend, attendance at first calling, noting defence	24.00
2. Service		
(a) Citation by post within the United Kingdom, Isle of Man, Channel Islands, or the Republic of Ireland—for each party	2.20
Citation by post elsewhere—for each party	4.40

(a) S.I. 1971/90.

(b) S.I. 1979/1633.

(b) Instructing service or reservice by Sheriff Officer including perusing execution of citation and settling Sheriff Officers' fee—for each party	2.20
(c) Framing and instructing service by advertisement—for each party	6.50
3. Attendance at Court	
Attendance at any diet except as otherwise specifically provided	6.50
4. Preparing for proof, to include all work in connection with proof not otherwise provided for	22.10
5. Fee to cover preparing for adjourned diet and all incidental work if diet postponed for more than six days. For each adjourned diet	11.05
6. Drawing and lodging inventory of productions, lodging the productions specified therein and considering opponents' productions (to be charged only one in each process)	9.10
Where only one party lodges productions, opponents' charges for considering same	4.40
7. Precognitions	
Drawing precognitions, including instructions, attendances with witnesses and all relative meetings and correspondence, per witness	9.10
Where precognitions exceed 2 sheets—for each additional sheet	4.40
8. Motions and Minutes	
Fee to cover drawing, intimating and lodging of any written Motion or Minute, excluding a Minute or Motion to recall decree, and relative attendance at Court (except as otherwise provided in this chapter)	
(a) Where opposed	13.00
(b) Where unopposed (including for each party a Joint Minute or Joint Motion)	7.80
9. Fee to cover considering opponents' written Motion or Minute excluding a Minute or Motion to recall decree and relative attendance at Court—	
(a) Where Motion or Minute opposed	11.05
(b) Where Motion or Minute unopposed	6.50
10. Conduct of Proof	
Fee to cover conduct of proof or trial and debate on evidence taken at close of proof—per half hour	6.50
Waiting time—per half hour	3.40
11. Settlements	
(a) Judicial Tender, fee for consideration of, preparing and lodging Minute of Tender	13.00
Fee for consideration and rejection of Tenders	9.10
Fee on acceptance of Tender—to include preparing and lodging, or consideration of Minute of Acceptance and attendance at Court when decree granted in terms thereof	9.10
(b) Extra judicial settlement—fee to cover negotiations resulting in settlement, framing or revising Joint Minute and attendance at Court when authority interponed thereto	22.10
12. Specification of Documents	
(a) Fee to cover drawing, intimating and lodging specification of documents and relative motion and attendance at Court	11.05

(b) Inclusive fee to opposing solicitor	9.75
(c) Fee for citation of havers, preparation for and attendance before Commissioner To each party—for each half hour	6.50
(d) If alternative procedure adopted, a fee per person upon whom order served, of	4.40
13. Commissions to take evidence		
(a) Fee to cover drawing, lodging and intimating motion and attendance at Court,		
(i) Where opposed	13.00
(ii) Where unopposed	7.80
(b) Fee to cover considering such motion and attendance at Court,		
(i) Where opposed	11.05
(ii) Where unopposed	6.50
(c) Fee to cover instructing Commissioner and citing witness	6.50
(d) Fee to cover drawing and lodging interrogatories and cross-interrogatories—per sheet	4.40
(e) Attendance before Commissioner per hour	6.50
Travelling time per hour	3.90
14. Supplementary Note of Defence (when ordained)	4.40
15. Appeals		
Fee to cover instructions, marking of appeal or noting that appeal marked, noting of diet of hearing thereof and preparations for hearing	29.25
Fee to cover conduct of hearing, per half hour	6.50
16. Final Procedure		
Fee to cover settling with witnesses, enquiries at avizandum noting final interlocutor	13.00
Fee to cover drawing Account of Expenses, arranging intimating and attending hearing on expenses, and obtaining approval of Sheriff Clerk's report	13.00
Fee to cover considering opponents' Account of Expenses and attendance at hearing on expenses	6.50

Edinburgh
30th October 1980.

Emslie
Lord President I.P.D.

EXPLANATORY NOTE

(This Note is not Part of the Act of Sederunt.)

This Act of Sederunt makes new provision in respect of solicitors' fees in Summary causes in the Sheriff Court, and makes certain consequential amendments.

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