SHERIFF COURT, SCOTLAND

1953 No. 1185 (S. 99)

Act of Sederunt (Alteration of Sheriff Court Fees), 1953

Made - - - -	*22nd July*, 1953
Laid before Parliament	*31st July*, 1953
Coming into Operation	*1st August*, 1953

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**), as amended, and of all other powers competent to them in that behalf, do hereby enact as follows:—

1.—(1) In the following undefended actions where the pursuer is an assisted person under the Legal Aid (Scotland) Act, 1949(**b**), except where the legal aid certificate was granted in the course of the proceedings, the pursuer's solicitor may, in his option, and with the consent of the Law Society of Scotland, elect to charge an inclusive fee to cover all work from taking instructions up to and including obtaining extract decree. The option shall be exercised by a motion to that effect endorsed on the initial writ or the interlocutor sheet after a finding for expenses has been pronounced. Such inclusive fee shall be such an amount as after deduction of 15 per cent. will amount to:—

(*a*) in actions of separation and aliment or adherence and aliment, £18,

(*b*) in actions of affiliation and aliment, £10 12s.

(2) The current percentage increases shall not apply to the foregoing fees.

(3) In addition to the said fee there shall be payable the sum of £3 as outlays in respect of actions specified in paragraph (*a*) and £2 in respect of actions specified in paragraph (*b*), provided that any outlays in excess of these sums shall be recoverable on taxation.

2. This Act of Sederunt may be cited as the Act of Sederunt (Alteration of Sheriff Court Fees), 1953, and shall come into operation on the 1st day of August, 1953.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

T. M. Cooper,
I.P.D.

Edinburgh,
22nd July, 1953.

EXPLANATORY NOTE

(*This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.*)

This Act of Sederunt enables an inclusive fee to be charged for certain types of action in the Sheriff Court in which the pursuer is an Assisted Person.

(a) 7 Edw. 7. c. 51. (b) 12, 13 & 14 Geo. 6. c. 63.