FEES AND ACCOUNTS

1958 No. 1873 (S. 98)

Act of Sederunt (Alteration of Sheriff Court Fees), 1958

Made - - - -	*28th October*, 1958
Laid before Parliament	*17th November*, 1958
Coming into Operation	*1st December*, 1958

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 undefended actions of separation and aliment or adherence and aliment, where the pursuer has been throughout the whole of the proceedings an assisted person under the Legal Aid (Scotland) Act, 1949(b), the pursuer's solicitor may, in his option, and with the consent of the Law Society of Scotland, elect to charge an inclusive fee of £27 0s. 0d. to cover all work from taking instructions up to and including obtaining extract decree. The option shall be exercised by the pursuer's solicitor endorsing a minute to that effect on the initial writ after the close of the proof and before extract of the decree is ordered and when the option is so exercised decree for expenses shall be granted against the defender for said sum with outlays as hereinafter provided.

(2) The percentage increases shall not apply to the aforesaid inclusive fee.

(3) In addition to the said fee a sum of £3 0s. 0d. shall be allowed as outlays, provided that if outlays in excess of that amount are claimed an account of said outlays shall be remitted to the Auditor of Court for taxation and the sum allowed for outlays shall be the amount of the account as taxed.

2. The Act of Sederunt (Alteration of Sheriff Court Fees), 1957(c), is hereby repealed.

3. This Act of Sederunt may be cited as the Act of Sederunt (Alteration of Sheriff Court Fees), 1958, and shall come into operation on 1st December, 1958.

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

J. L. Clyde,
I.P.D.

Edinburgh, 28th October, 1958.

(a) 7 Edw. 7. c. 51. (b) 12, 13 & 14 Geo. 6. c. 63. Pt. 1.
(c) S.I. 1957/327 (1957 II, p. 2278).

EXPLANATORY NOTE

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

This Act of Sederunt repeals the Act of Sederunt (Alteration of Sheriff Court Fees), 1957, but re-enacts its provisions subject to an increase of the optional fee.

1958 No. 1210 (S. 52)

Act of Sederunt (Sheriff Court Fees Amendment) 1958

Made - - -	*11th July*, 1958
Laid before Parliament	*30th July*, 1958
Coming into Operation	*1st August*, 1958

The Lords of Council and Session under and by virtue of the provisions of the Sheriff Courts (Scotland) Act, 1907(a), and of the Administration of Justice (Scotland) Act, 1933(b) and of the powers thereby conferred on them, and of all other powers competent to them in that behalf do hereby enact as follows:—

1. The Schedule to the Act of Sederunt anent fees of solicitors and others in the Sheriff Court dated 7th May, 1935(c) shall be amended as follows:—

(*a*) By deleting Chapter I of the Table of Fees and by substituting therefor the following:—

CHAPTER I.—GENERAL BUSINESS IN SHERIFF COURTS.

	SCALE I. £50 and under. £ s. d.	SCALE II. Above £50 £ s. d.
1. Taking Instructions to conduct case of pursuers or defenders, including obtaining deliverance, borrowing and returning initial writ or petition, certifying same, entering or inquiring for appearance, making up interlocutor sheets and inventory of process and productions lodged with initial writs or petitions, and lodging same, and attendance at tabling or enrolment of case or at first diet in case, or getting endorsement on initial writ where no appearance entered	1 5 0	2 10 0
(*a*) If pursuer outwith the jurisdiction of the Court in which the action is brought...	1 11 6	3 0 0
(*b*) In all undefended cases the pursuer's solicitor may in his option elect to charge an inclusive fee to cover all work from taking instructions up to and including obtaining extract decree. Outlays such as Court dues for deliverance shall be chargeable in addition and taxation shall be unnecessary. The option shall be exercised by the pursuer's solicitor endorsing a Minute to the above effect on the initial writ before ordering extract of the decree. Inclusive fee	3 13 6	5 5 0

(a) 7 Edw. 7. c. 51. (b) 23 & 24 Geo. 5. c 41.
(c) S.R. & O. 1935/488 (Rev. XX, p. 880: 1935, p. 1588).