2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 5) 1959 and shall come into operation on 9th October, 1959.

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

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

Edinburgh,
9th October, 1959.

EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of Court by providing for intimation to heritable creditors in certain actions relating to the heritage, thereby obviating the necessity of their names appearing in the Register of Inhibitions and Adjudications.

FEES

1959 No. 584 (S. 27)

Act of Sederunt (Alteration of Court of Session Fees), 1959

Made - - - -	10*th March*, 1959
Coming into Operation	10*th March*, 1959

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 16 of the Administration of Justice (Scotland) Act, 1933(**a**), and of all other powers competent to them in that behalf, do hereby enact as follows :—

1. In undefended consistorial actions in which 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 either,—

(*a*) elect to charge an inclusive charge to cover all work, and including fees and outlays, from taking instructions up to and including obtaining extract decree. This inclusive charge shall be—

(i) where only an Edinburgh solicitor is engaged in the case £40, or

(ii) where the Legal Aid Certificate shows that both an Edinburgh solicitor and a solicitor outside Edinburgh are engaged in the case or where an official on behalf of the Legal Aid Supreme Court Committee of the Law Society of Scotland so certifies,—£52

and the Court shall grant decree accordingly

or

(**a**) 23 & 24 Geo. 5. c. 41. (**b**) 12, 13 & 14 Geo. 6. c. 63.

(*b*) elect to charge an inclusive charge to cover all work from taking instructions up to and including obtaining extract decree with in addition a charge for outlays as hereinafter provided. Provided that (1) such inclusive charge shall be—

(i) where only an Edinburgh solicitor is engaged in the case—£26 or

(ii) where the Legal Aid Certificate shows that both an Edinburgh solicitor and a solicitor outside Edinburgh are engaged in the case or where an official on behalf of the Legal Aid Supreme Court Committee of the Law Society so certifies—£38.

In addition to the said inclusive charge a sum of up to £18 shall be allowed as outlays where a Certificate by the Law Society is lodged certifying the outlays which have been incurred, and the Court shall grant decree accordingly. And

(*c*) if outlays in excess of £18 are claimed an account for the said sums of £26 and £38 as in Paragraph 1 (*b*) hereof and the said outlays shall be remitted to the Auditor of Court for taxation.

These options shall be exercised by the pursuer's solicitor enrolling a motion for decree for either the appropriate inclusive charge and for a sum for outlays as shown in the said Certificate not exceeding £18 or a motion for the appropriate inclusive charge and an order remitting the account of outlays to the Auditor of the Court for taxation.

or

(*d*) move the Court for decree for expenses, and for a remit to the Auditor for taxation in common form.

Provided that percentage increases shall not apply to the sum or inclusive charges prescribed in options (*a*) or (*b*) of this paragraph.

2. Paragraph 2 of the Act of Sederunt (Alteration of Court of Session Fees), 1954(**a**), is hereby repealed.

3. This Act of Sederunt may be cited as the Act of Sederunt (Alteration of Court of Session Fees), 1959, and shall come into operation on the 10th March, 1959.

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

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

Edinburgh, 10th March, 1959.

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 and re-enacts with an increase in fees and outlays the provisions of the Act of Sederunt (Alteration of Court of Session Fees), 1954, for the charging of inclusive fees and outlays by solicitors acting for Assisted Persons under the Legal Aid (Scotland) Act, 1949, in undefended consistorial actions.

(**a**) S.I. 1954/1313 (1954 II, p. 2020).