1961 No. 548 (S. 29)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Alteration of Court of Session Fees), 1961

Made - - - -	*7th March*, 1961
Coming into Operation	*7th March*, 1961

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 from taking instructions up to and including obtaining extract decree with in addition a charge for outlays as hereinafter provided. Provided that such inclusive charge shall be—

(i) where only an Edinburgh solicitor is engaged in the case—£31 : 10 : – 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—£42.

In addition to the said inclusive charge a sum of up to £21 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

if outlays in excess of £21 are claimed an account for the said sums of £31 : 10 : – and £42 and the said outlays shall be remitted to the Auditor of Court for taxation.

This option 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 £21 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

(*b*) 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 option (*a*) of this paragraph.

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

2. The Act of Sederunt (Alteration of Court of Session Fees), 1959(a), is hereby repealed.

3. This Act of Sederunt may be cited as the Act of Sederunt (Alteration of Court of Session Fees), 1961, and shall come into operation on the 7th March, 1961.

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

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

Edinburgh, 7th March 1961.

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), 1959, 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. 1959/584 (1959 I, p. 839).