1961 No. 550 (S. 31)

SHERIFF COURT, SCOTLAND

FEES, STAMPS AND ACCOUNTS

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

Made - - - -	21*st March*, 1961
Laid before Parliament	29*th March*, 1961
Coming into Operation	30*th March*, 1961

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 £28 10s. 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 The Act of Sederunt (Alteration of Sheriff Court Fees), 1958(c) is hereby repealed.

3. This Act of Sederunt may be cited as the Act of Sederunt (Alteration of Sheriff Court Fees), 1961 and shall come into operation on 30th 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, 21st 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 the Act of Sederunt (Alteration of Sheriff Court Fees), 1958 but re-enacts its provisions subject to an increase of the optional fee.

(a) 7 Edw. 7. c. 51. (b) 12, 13 & 14 Geo. 6. c. 63. (c) S.I. 1958/1873 (1958 II, p. 2147).