STATUTORY INSTRUMENTS

1963 No. 1829 (S. 90)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Alteration of Sheriff Court Fees) 1963

Made - - - -	*6th November* 1963
Laid before Parliament	13*th November* 1963
Coming into Operation	14*th November* 1963

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(b), and of all other powers competent in that behalf, do hereby enact as follows :—

1. The Act of Sederunt of 7th May 1935(c) shall be amended as follows :—

(i) by deleting Chapter IX of the Table of Fees annexed thereto and substituting therefor the Chapter contained in the Schedule hereto ;

(ii) by deleting the figure £50 wherever it occurs in Chapters I to V inclusive of the Table of Fees annexed thereto and substituting therefor the figure £250.

2. The Act of Sederunt of 3rd July 1956(d), which made provision for an increase of 75 per cent. in certain fees chargeable in the Sheriff Court, shall be amended by the substitution of 100 per cent. for 75 per cent.

3. The current percentage increases and the percentage increases provided for by paragraph 2 hereof shall not apply to the fees chargeable in terms of paragraph 1 and the Schedule hereof.

4. This Act of Sederunt may be cited as the Act of Sederunt (Alteration of Sheriff Court Fees) 1963 and shall come into operation on 14th November 1963.

5. The amendments made by this Act of Sederunt shall not apply in relation to any proceedings commenced before the date upon which it shall come into operation with the exception of the amendment made by paragraph 1(ii) hereof which shall take effect as from the date of coming into operation of this Act of Sederunt.

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

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

Edinburgh,
6th November 1963.

SCHEDULE

Chapter IX—Small Debt Cases

1. Uncontested cases in which the sum sued for is under £20—if Sheriff allows fees :—

	£	s.	d.
Taking out summons and drawing claim where that is necessary, making copy and attendance at calling	1	–	–
(*a*) where the case is settled before calling, fee to be allowed against the defenders	–	13	6

(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).
(d) S.I. 1956/1083 (1956 II, p. 2225).

	£	s.	d.
2. Uncontested cases in which the sum sued for is £20 or over—if Sheriff allows fees :—			
Inclusive fee to cover all work from taking instructions up to and including obtaining extract decree	4	4	–
(*a*) where the case is settled before calling, fee to be allowed against the defenders	2	12	6
3. Contested cases in which the sum sued for is under £20—if Sheriff allows fees :—			
Fee as in (1), and for conduct of the case, per hour	1	–	–
4. Contested cases in which the sum sued for is £20 or over—if Sheriff allows fees :—			
Fee as in (2), and for conduct of the case, per hour	1	–	–
(*b*) Irrespective of the sum sued for, cases shall be considered contested only where the defender appears or is represented, and states a defence.			
5. Where a case is remitted under section 48 of the Sheriff Courts Act 1907, to the Ordinary Court Roll, the fees chargeable from the date of the remit shall be the same as if the cause had been originally raised in the Ordinary Court: and, in addition, there shall be allowed to cover the procedure anterior to the remit a fee of			
(*a*) in cases in which the sum sued for is under £20	3	18	–
(*b*) in cases in which the sum sued for is £20 and over	6	2	–
6. When a case is remitted under Rule 61 of the Sherriff Courts Act 1907, to be dealt with under the provisions of the Small Debt Acts, there shall be allowed for the trial of the case to cover all trouble thereafter a fee of	4	–	–
(*c*) Unless where the case is transferred to the Ordinary Roll, or the Sheriff shall otherwise order, judicial fees, if allowed, shall not exceed one-third of the sum sued or decerned for, but with a minimum fee of 15s. in uncontested cases and £1 10s. in contested cases. Necessary outlays also to be allowed.			
(*d*) In all cases where a proof has been allowed it shall be in the power of the Sheriff, if he shall think proper, to allow a fee not exceeding £1 10s. per hour for taking instructions and seeing witnesses; and in very special cases he may allow a fee to the successful party not exceeding seven and a half guineas for the conduct of the cause, and in that event a like fee shall be chargeable to his client by the solicitor of the unsuccessful party.			
7. Fees of diligence in terms of Scale I of sections 6 and 23 of Chapter I so far as applicable to diligence.			

EXPLANATORY NOTE

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

This Act of Sederunt prescribes a new scale of fees chargeable for business in the Small Debt Court, and provides for an overall increase in the fees fixed in 1935 for ordinary and summary causes in the Sheriff Court.