STATUTORY INSTRUMENTS

1964 No. 887 (S. 62)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Alteration of Sheriff Court Fees) 1964

Made - - - -	16*th June* 1964
Laid before Parliament	24*th June* 1964
Coming into Operation	1*st July* 1964

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, having a finding for expenses, 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 £35 12s. 6d. 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 the 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 15s. shall be allowed as outlays, provided that if outlays in excess of that amount are claimed an account of the 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 The Act of Sederunt (Alteration of Sheriff Court Fees) 1961(c) is hereby repealed.

3. This Act of Sederunt may be cited as the Act of Sederunt (Alteration of Sheriff Court Fees) 1964 and shall come into operation on 1st July 1964.

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

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

Edinburgh,
16th June 1964.

(a) 7 Edw. 7. c. 51. (b) 12, 13 & 14 Geo. 6. c. 63.
(c) S.I. 1961/550 (1961 I, p. 1216).

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 Sheriff Court Fees) 1961, for the charging of inclusive fees and outlays by solicitors acting for Assisted Persons under the Legal Aid (Scotland) Act 1949, in undefended actions of separation and aliment or adherence and aliment.