1971 No. 198 (S.27)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 5 1970) (Alteration of Fees to Shorthand Writers) 1971

Made - - - *5th February* 1971

Coming into Operation *9th February* 1971

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 and declare as follows :—

1. The Act of Sederunt (Rules of Court Amendment No. 5) 1970(b), which comes into operation on 15th February 1971, shall come into operation with the substitution of a new Chapter IV in the following terms in place of Chapter IV of the Schedule thereto, and the said Schedule is hereby amended by the substitution of the new Chapter IV accordingly :

"CHAPTER IV

TABLE OF FEES TO SHORTHAND WRITERS

"1. Attending trials, proofs and commissions, per hour, with a minimum fee of £5 per day ... ... £1·70

The above fees will be paid by the Exchequer.

No fee will be paid where intimation of postponement or settlement is made by 4 p.m. on the previous day.

2. Extending Notes, except when these are transcribed daily, per sheet of 250 words ... ... £0·36

Extending Notes, when these are transcribed daily but not on stencils, per sheet of 250 words ... ... £0·46

Extending Notes, when these are transcribed daily on stencils, per sheet of 250 words ... ... £0·55

3. Transcripts of Notes of Evidence will only be made on directions from the Court, and the cost thereof in defended cases will in the first instance be payable by the solicitors for the parties in equal shares. The daily transcript of Notes of Evidence shall be made only if all compearing parties shall consent thereto, and the daily transcript of Notes of Evidence on stencils shall be made only if all compearing parties shall consent to such transcript stencils. Where an undefended case is continued, or where for other reasons the Court considers it necessary that the Notes should be extended for the use of the Court and so directs, the cost will be borne by the pursuer's solicitor in the first instance. In any case where the

(a) 1933 c. 41.

(b) S.I. 1970/1746 (1970 III, p. 5718).

Notes of Evidence have not been extended, but are required for a reclaiming motion, the solicitor for the reclaimer may request the shorthand writer to extend the Notes, and the transcript thereof will thereupon be lodged in process, the cost being payable in the first instance by the reclaimer's solicitor.

4. In any case where the Court on a motion enrolled for that purpose certifies that there is reasonable ground for reclaiming and that the reclaimer is unable, for financial reasons, to meet the cost of the necessary transcript from which copies for the use of the Inner House are made, the cost of such transcript will be paid out of public funds.

5. Carbon Copies—

Where Notes of Evidence have been directed to be supplied for the use of the Court, carbon or duplicate copies may be made available to parties at a cost of £0·06 per sheet payable to the shorthand writer by the solicitor for the parties obtaining the said copies."

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 5 1970) (Alteration of Fees to Shorthand Writers) 1971, and shall come into operation on 9th February 1971.

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

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

Edinburgh,
5th February 1971.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt amends the Act of Sederunt (Rules of Court Amendment No. 5) 1970, which comes into operation on 15th February 1971 and which prescribed new tables of fees for work done or expenses incurred in the Court of Session. It alters the Chapter of the tables of fees which prescribes fees payable to Shorthand Writers, to the effect that the fees now in force shall continue to be applicable after 15th February 1971 subject only to their conversion to new pence on the scale set forth in Schedule 1 to the Decimal Currency Act 1969.