

**ACT OF SEDERUNT (FEES OF SOLICITORS IN THE SHERIFF COURT)
(AMENDMENT AND FURTHER PROVISION) 1993 (1993/3080)**

**SCHEDULE 1
GENERAL REGULATIONS**

Paragraph 2(1)

1. The Table of Fees in this Schedule shall regulate the taxation of accounts between party and party; and shall be subject to the aftermentioned powers of the court to increase or modify such fees.
2. The pursuer's solicitor's account shall be taxed by reference to the sum decerned for unless the court otherwise directs.
3. Where an action has been brought under summary cause procedure, only expenses under Chapter IV of the Table of Fees shall be allowed unless the court otherwise directs.
- 3A. In a simple procedure case, unless the sheriff orders otherwise—
 - (a) only expenses under Chapter V of the Table of Fees shall be allowed;
 - (b) where the total value of the claim is £1000 or less, those expenses must be reduced by 50%;
 - (c) where the total value of the claim is more than £1000 and not more than £2,500, those expenses must be reduced by 25%.
4. Fees for work done under the Social Work (Scotland) Act 1968 and summary applications shall be chargeable under Chapter III of the Table of Fees.
5. The court shall have the following discretionary powers in relation to the Table of Fees:—
 - (a) In any case the court may direct that expenses shall be subject to modification.
 - (b) The court may, on a motion made on or after the date of any interlocutor disposing of expenses, pronounce a further interlocutor regarding those expenses allowing a percentage increase in the fees authorised by the Table of Fees to cover the responsibility undertaken by the solicitor in the conduct of the cause. In fixing the amount of the percentage increase the following factors shall be taken into account:—
 - (i) the complexity of the cause and the number, difficulty or novelty of the questions raised;
 - (ii) the skill, time and labour, and specialised knowledge required, of the solicitor;
 - (iii) the number and importance of any documents prepared or perused;
 - (iv) the place and circumstances of the cause or in which the work of the solicitor in preparation for, and conduct of, the cause has been carried out;
 - (v) the importance of the cause or the subject-matter of it to the client;
 - (vi) the amount or value of money or property involved in the cause;
 - (vii) the steps taken with a view to settling the cause, limiting the matters in dispute or limiting the scope of any hearing.

- (c) Where a party or his solicitor abandons, fails to attend or is not prepared to proceed with any diet of proof, debate, appeal or meeting ordered by the court, the court shall have power to decern against that party for payment of such expenses as it considers reasonable.
- 6.** The expenses to be charged against an opposite party shall be limited to proper expenses of process subject to this proviso that precognitions, plans, analyses, reports, and the like (so far as relevant and necessary for proof of the matters in the Record between the parties), although taken or made before the bringing of an action or the preparation of defences, or before proof is allowed, and although the case may not proceed to trial or proof, may be allowed.
- 7.** Except as otherwise provided in the Table of Fees, a solicitor may charge an account either on the basis of the inclusive fees of Chapters I and II or on the basis of the detailed fees of Chapter III of the Table of Fees, but he may not charge partly on one basis and partly on the other.
- 7A.** The Auditor may increase or reduce an inclusive fee in Chapter II in appropriate circumstances.
- 8.** In order that the expense of litigation may be kept within proper and reasonable limits only such expenses shall be allowed in the taxation of accounts as are reasonable for conducting it in a proper manner. It shall be competent to the auditor to disallow all charges for papers, parts of papers or particular procedure or agency which he shall judge irregular or unnecessary.
- 9.** Notwithstanding that a party shall be found entitled to expenses generally yet if on the taxation of the account it appears that there is any particular part of the cause in which such party has proved unsuccessful or that any part of the expenses has been occasioned through his own fault he shall not be allowed the expense of such part of the proceedings.
- 10.** When a remit is made by the court regarding matters in the Record between the parties to an accountant, engineer, or other reporter the solicitors shall not, without special agreement, be personally responsible to the reporter for his remuneration, the parties alone being liable therefor.
- 11.** Subject to paragraph 14 of these General Regulations, in] 1 all cases, the solicitor's outlays reasonably incurred in the furtherance of the cause shall be allowed.
- 12.** Where the court has sanctioned work in a cause as suitable for the employment of counsel, the Auditor is to allow—
- (a) where counsel is instructed, the reasonable fees of counsel for doing that work and the applicable fees for instructing counsel in Chapter II, Chapter III or Chapter IV of the Table of Fees; or
- (b) where a solicitor advocate is instructed, the reasonable fees of a solicitor advocate for doing that work and, where the solicitor advocate is appearing on the instructions of another solicitor rather than on his or her own, the applicable fees for instructing counsel in Chapter II, Chapter III or Chapter IV of the Table of Fees.
- 12A.** The Auditor may also allow fees of counsel or a solicitor advocate and of the instructing solicitor for consultations reasonably required in relation to the work for which

sanction is granted, but except on cause shown, fees for only two consultations in the course of the cause are to be allowed.

12B. Otherwise, no fees are to be allowed for the work of counsel and no special account is to be taken of the work of a solicitor advocate.

12C. In paragraphs 12 to 12B of these general regulations and in the Table of Fees, “solicitor advocate” means a solicitor who possesses a right of audience in the Court of Session by virtue of section 25A of the Solicitors (Scotland) Act 1980 (rights of audience in the Court of Session etc.).

13. Where work done by a solicitor constitutes a supply of services in respect of which value added tax is chargeable by him, there may be added to the amount of fees an amount equal to the amount of value added tax chargeable.

14. In Chapter IV of the Table of Fees—

(a) necessary outlays, including fees for witnesses, are allowable in addition to the fees allowable under that Chapter;

(b) in Parts I, II, III, IIIA and IIIB, sheriff officers' fees and the costs of advertising are allowable as outlays;

(c) No fee is allowable under the following provisions for attendance at a continuation of the first calling, unless specially authorised by the court—

(i) in Part I, paragraph 3 (attendance at court);

(ii) in Part II, paragraph 3 (attendance at court);

(iii) in Part III, paragraph 5 (attendance at court);

(iv) in Part IIIA, paragraph 5 (attendance at court);

(v) In Part IIIB, paragraph 18 (attendance at court);

(d) in Part II, in respect of paragraph 7 (precognitions) in a case where a skilled witness prepares his own precognition or report, half of the drawing fee is allowable to the solicitor for perusing it (whether or not in the course of doing so he revises or adjusts it);

(e) in Part II, in respect of paragraph 15 (appeals), in Part III, in respect of paragraph 18 (appeals), in Part IIIA, in respect of paragraph 18 (appeals) and Part IIIB, in respect of paragraph 22 (appeals), no fees shall be allowed in respect of accounts of expenses when the hearing on the claim for expenses takes place immediately on the sheriff or sheriff principal announcing his decision;

(f) except in personal injury claims falling within paragraph 1 (actions of a value from £1,000 to £2,500) of the following table, all fees chargeable under that Chapter in respect of the actions mentioned in the left-hand column of the following table shall, unless the sheriff, on a motion in that behalf, otherwise directs, be reduced by the amount of the percentage specified opposite those actions in the right-hand column of the following table:—

TABLE

<i>Actions</i>	<i>Percentage reduction</i>
1. of a value ¹¹ from £1,000 to £2,500	25%
2. of a value ¹¹ of less than £1,000	50%

(g) in Part I, in respect of paragraph 1 (instruction fees), in relation to actions for reparation there are allowable such additional fees for precognitions and reports as are necessary to permit the framing of the writ and necessary outlays in connection therewith; and

(h) in Part II, the fee allowable in respect of paragraph 14 (supplementary note of defence) is a fixed fee allowable only when a supplementary note of defence is ordered by the court.

15. In addition to the matters set out in the Table of Fees, travel time at a rate of £35 per quarter hour may be claimed on cause shown at the discretion of the Auditor.