

Act of Sederunt (Fees of Witnesses and Shorthand Writers in the Sheriff Court) 1992/1878

Schedule 1 WITNESSES' FEES

1.— Skilled Persons

(1) If, at any time before the diet of taxation, the sheriff has granted a motion for the certification of a person as skilled, charges shall be allowed for any work done or expenses reasonably incurred by that person which were reasonably required for a purpose in connection with the cause or in contemplation of the cause.

(2) A motion under paragraph (1) may be granted only if the sheriff is satisfied that—

- (a) the person was a skilled person; and
- (b) it was reasonable to employ the person.

(3) Where a motion under paragraph (1) is enrolled after the sheriff has awarded expenses, the expenses of the motion shall be borne by the party enrolling it.

(4) The charges which shall be allowed under paragraph (1) shall be such as the Auditor of Court determines are fair and reasonable.

(5) Where a sheriff grants a motion under paragraph (1), the name of the person shall be recorded in the interlocutor.

2.— Witnesses

(1) Charges for the attendance at a proof or jury trial of a witness present but not called to give evidence may be allowed if the sheriff has, at any time before the diet of taxation, granted a motion for the name of that witness to be noted in the minute of proceedings in the cause.

(2) A person who is cited to give evidence and in consequence incurs financial loss shall be allowed reimbursement, being such sum as the Auditor of Court may determine to have been reasonably and necessarily incurred by the witness, but not exceeding £400 per day.

3. Travelling Allowance

In respect of any witness there shall be allowed a travelling allowance, being such sum as the Auditor may determine to have been reasonably and necessarily incurred by the witness in the travelling from and to the witnesses' residence or place of business and the Court.

4. Subsistence Allowance

In respect of any witness there shall be allowed a subsistence allowance, being such sum as the Auditor may determine to have been reasonably incurred by the witness for the extra cost of subsistence during the witnesses' absence from the witnesses' home or place

of business for the purpose of giving evidence, and where the witness reasonably requires to stay overnight, for the reasonable cost of board and lodging.

5. Value Added Tax

Where any witness is a taxable person in terms of the Value Added Tax Act 1983, the amount of value added tax may be added by the witness to the witnesses' note of fee, and may be paid to the witness by the Solicitor.

6. Receipts and Vouchers

Receipts and detailed vouchers for all payments claimed in respect of a witness shall be produced to the party found liable in expenses, prior to the taxation of the Account of Expenses, and to the Auditor, if the Auditor requires.

7. Account of fees of Witnesses

The fees charged for any witness shall be stated in the Account of Expenses in a lump sum and the details of the charges shall be entered in a separate schedule appended to the Account as follows:

<i>Name & Designation</i>	<i>Where From</i>	<i>Days Charged</i>	<i>Rate Per Day</i>	<i>Travelling & Subsistence Allowance</i>	<i>Total</i>	<i>Taxed Off</i>