

ITEM 5.1A: LORD PRESIDENT'S ADVISORY COMMITTEE ON SOLICITORS FEES

Background

The part of solicitors' fees in "party and party" expenses in civil actions in the Court of Session and sheriff courts is regulated by the Court of Session in Acts of Sederunt.

The principal rules relating to such fees in the Court of Session are in:
[Chapter 42 of the Rules of the Court of Session \(S.I. 1994/1443\)](#).

The principal rules relating to such fees in the Sheriff Court are in:
[Act of Sederunt \(Fees of Solicitors in the Sheriff Court\) \(Amendment and Further Provisions\) 1993 \(S.I. 1993/3080\)](#).

Function

The Lord President's Advisory Committee on Solicitors' Fees (LPAC) considers proposals for changes to the rules relating to solicitors' fees in civil court actions and makes recommendations to the Lord President. Any changes to the rules are then made by the Court of Session by Act of Sederunt. Proposals for changes to the rules can be received from a number of sources including the Law Society of Scotland, the Court of Session Rules Council, the Sheriff Court Rules Council and litigants.

Members

LPAC is chaired by a Court of Session judge. The other members of LPAC are the Auditor of the Court of Session, a representative nominated by the Faculty of Advocates and three solicitors from different geographical locations nominated by the Law Society of Scotland having experience of Court of Session and sheriff court practice.

The current members of LPAC are:

- Lord Burns (Chair)
- Kenneth Cumming (Auditor of the Court of Session)
- Gerald Hanretty QC (Faculty nominee)
- Jack Grant of Messrs Jack Grant & Co, Motherwell (Law Society nominee)
- Fred Tyler of Balfour & Manson LLP, Edinburgh (Law Society nominee)
- Peter Littlejohn of Raeburn Christie Clark & Wallace, Aberdeen (Law Society nominee)

Secretarial support to LPAC is provided by the Lord President's Private Office.

Process

The Law Society makes an annual submission to LPAC, usually in December, regarding increases to the hourly rate and the other fees in the tables of fees. The submission usually

includes requests on a variety of matters concerning the court rules and the tables of fees. LPAC meets as necessary to consider the submission and then reports to the Lord President making recommendations on the matters raised. The Lord President then instructs the preparation of appropriate amending Acts of Sederunt, which are made by the Court of Session. In addition, submissions on changes to the rules on solicitors' fees may be made to the Lord President at any time by any interested party. Ordinarily the Lord President would refer any such submission to LPAC for advice.