

FINALISING A SIMPLIFIED TABLE OF FEES

Purpose

1. To approve the finalised draft fees rules (**Paper 5.4A**) that will implement the change to a simplified table of fees for ‘officers of court’.
2. Please note – members considered an earlier version of this statutory instrument as IBC 2026.02 during March 2026. The amendments made within this latest version (**Paper 5.4A**) reflects the feedback received. For completeness, copies of those previous papers are attached:
 - Copy of IBC 2026.02 – Approving a simplified table of fees (**Paper 5.4B**)
 - Copy of IBC 2026.02 - Policy Note (**Paper 5.4C**)
 - Copy of IBC 2026.02 - BRIA (**Paper 5.4D**)

Timing

3. **PRIORITY** – the intention is to have this finalised instrument laid and made at the earliest date possible under negative parliamentary procedure.

Virie’s

4. Under section 2 (1) (c) (ia) of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 the SCJC (as the regulator) holds the statutory function for proposing draft fees rules for consideration and approval by the Court of Session.
5. Under subsection 105 (1) (b) (for Messengers at Arms) and subsection 106 (1) (b) (for Sheriff Officers) of the Courts Reform (Scotland) Act 2014 the Court of Session holds the statutory power to enact draft fees rules proposed by the SCJC.

Background

6. To simplify the procedure for the recovery of expenses on a ‘*party & party paying*’ basis the Council adopted ‘unit-based charging’ as its preferred pricing methodology for use within the Taxation of Judicial Expenses Rules 2019.
7. As that change successfully delivered its intended aims, the subsequent policy decision in 2025 was to replicate unit-based charging for use when the Council is regulating the fees that an officer of court can charge for the services they provide on a ‘*provider & client paying*’ basis.

Amendment 1 – the commencement date

8. The previous version of this instrument used a commencement date of 1 April 2026. As implementation was deferred pending the new government taking up

office post-election, this instrument uses a holding date of XX XXX 2026. Following approval by members, that will be amended to a commencement date that aligns with parliamentary procedure, and the dates for summer recess.

Amendment 2 – the content required within a Fee Note

9. Subsection 12 (1) (b) has been inserted to highlight the need for providers to detail any reductions made within the fee note issued. That amended rule reads:

12. Fee notes

- (1) *Every fee note rendered by an officer of court must set out in detail—*
- (a) the fees which are being charged by that officer;*
 - (b) any reductions which apply to those fees under paragraph 8 (reductions on fees);***
 - (c) any surcharges which apply to those fees under paragraph 9 (surcharge on fees);*
 - (d) any additional fees agreed under paragraph 10 (additional fees);*
 - (e) any outlays which have been charged,*

Amendment 3 – the value thresholds for attachments

10. Within schedule 1, the previous pricing methodology had specified 5 static value thresholds within the fee narratives shown at line items 4 (c) for attachments, 5 (a) for attachment of vehicles etc. and 6 (b) for money attachments.
11. Retaining those multiple variable thresholds is inconsistent with the simplification sought through this change to a unit-based charging methodology. To make the rules easier to understand and use the policy intent was to reduce from 5 to 2 sub line items, with reworded fee narratives aligned to having just 2 units of work fixed at 22 units and 34 units. Within this instrument the revised thresholds (*rounded to the nearest £1,000*) are shown at line item 4 (c), 5 (a) and 6(c) with:
- 22 units of work applicable for cases up to £1000
 - 34 units of work applicable for cases over £1,000.

Summary

12. This instrument was previously circulated to members for consideration on 8 March 2026 (as IBC 2026.02). As this latest version contains modifications it has been tabled for members to consider and approve the above changes

Recommendation

13. It is recommended that the Council:

- **Approves the attached draft Act of Sederunt (*Paper 5.4A*) for submission to the Court of Session for its consideration and approval, subject to any typographical or stylistic changes made.**

**Secretariat to the Scottish Civil Justice Council
June 2026**