

COURT OF SESSION

PRACTICE NOTE

No. 2 of 2008

UNOPPOSED MOTIONS FOR ADDITIONAL FEE: RULE 42.14

1. This practice note has effect from 14th July 2008.
2. Parties are reminded that motions for an additional fee under Rule of Court 42.14 should give sufficiently clear and detailed written reasons for the additional fee sought, with reference to the relevant sub-headings of the rule. Unopposed motions will be placed before a Lord Ordinary in chambers. Where the Lord Ordinary considers that sufficiently clear and detailed reasons have been provided, he or she may grant the motion without hearing the parties. If the Lord Ordinary wishes to be addressed on the motion, the motion will be starred and normally only the party making the motion will be required to appear.
3. A motion for an additional fee under regulation 5(4) of the Civil Legal Aid (Scotland) (Fees) Regulations 1989 should give sufficiently clear and detailed written reasons for the additional fee sought with reference to the relevant sub-headings of rule 7 of the Act of Sederunt (Civil Legal Aid Rules) 1987. A motion which is not opposed by the defender or by the Scottish Legal Aid Board shall be dealt with as noted in paragraph 2.

Lord President

Edinburgh
13th June 2008