

20/3/03

NOTE

by

THE AUDITOR OF THE
COURT OF SESSION

in the cause

— of

Pursuer

against

First Defender

and

Second Defender

REC'D
31 MAR 2003

RECEIVED
ACCOUNTS DEPARTMENT
31 MAR 2003

Counsel's Fee as Curator ad litem were remitted to the Auditor for taxation in terms of Interlocutor of 15th January 2002. Inter alia this Interlocutor "finds the agents for the Curator ad Litem, and further the Curator ad Litem herself, entitled to charge an Additional Fee in terms of Regulation 5(4) of the Civil Legal Aid (Scotland) (Fees) Regulations 1989 under reference to heads (a), (b), (c), (d), (e) and (g) thereof." The said Regulation states: "In all Court of Session proceedings a fee, additional to those set out in Schedules 1 or 3, may be allowed at the discretion of the court to cover the responsibility undertaken by a solicitor in the conduct of the proceedings." It is clearly restricted to Solicitor's fees. Counsel's fees can only be dealt with under

2.

Regulations 9 and 10. The Auditor, therefore, has no power to grant an increase to Counsel's fees in terms of said Regulation 5(4) stated in ----- Interlocutor. Counsel's fees have, therefore, been taxed at the sum brought out in the Account.