

SCHEDULE 1

The Simple Procedure Rules

Part 14: Expenses

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14.1 What is this Part about?

- (1) This Part is about the expenses of a claim which the sheriff can order a party to pay for.

14.2 What orders about expenses can the sheriff make?

- (1) Once a claim has been resolved, the sheriff must make an order about expenses, such as:
 - (a) that no payments are to be made in respect of the expenses of any party,
 - (b) that a payment is to be made to a party or to a party's solicitor.
- (2) Expenses incurred by a party to do with a courtroom supporter may not be part of an order about expenses.

14.3 When will the sheriff make an order about expenses?

- (1) In a case where the expenses of a claim are capped, the sheriff must make an order about expenses when deciding the claim.
- (2) In any other case, the sheriff must, if able to, make an order about expenses when deciding the claim.
- (3) If not able to make an order about expenses when deciding the claim, the sheriff may make an order about expenses after deciding the claim.

14.4 What if the sheriff does not make an order about expenses when deciding the claim?

- (1) If the sheriff makes an order about expenses after deciding the claim, then the sheriff must not set out the final decision in a case in a Decision Form until the order about expenses is made.
- (2) If the sheriff does not make an order about expenses when deciding the claim, the sheriff must give the parties written orders.
- (3) Those orders must arrange an expenses hearing.
- (4) Those orders may require a party to send an account of expenses to the court and to each other before the expenses hearing.
- (5) Those orders may then require the sheriff clerk to assess the level of expenses (if any) that should be awarded to a party and to send notice of that assessment to the parties before the expenses hearing.

14.5 What is an expenses hearing?

- (1) The purpose of an expenses hearing is to assess the level of expenses (if any) that should be awarded to a party.
- (2) At the expenses hearing, the sheriff must make an order about expenses, such as:
 - (a) that no payments are to be made in respect of the expenses of any party,
 - (b) that a payment is to be made to a party or to a party's solicitor.