

## SCHEDULE

### Chapter IV – Summary Cause Part II – Defended Actions

#### *Personal Injury Claims Only*

---

1. Work before action commences – to 284.60  
cover all work of a pre-litigation basis,  
to include discussions/correspondence with  
opposing party, exchange of documentation, etc  
(not exceeding 3 hours)

- (a) (a) Instruction fee to include 300.00  
taking instructions, framing summons  
and statement of claim, statement  
of valuation, obtaining warrant  
for service, enquiring for and  
consideration of Response Form (not  
exceeding 2\_ hours)
- (b) (b) Where counter claim and 150.00  
answers lodged, additional fee of (not  
exceeding 1½ hours)
- (c) (c) If additional defender/third 150.00  
party brought in, additional fee to each  
original party’s agent (not exceeding  
1½ hours)

3. Service–

- (a) (a) Citation by post within 12.35  
the United Kingdom, Isle of Man,  
Channel Islands, or the Republic of  
Ireland – for each party
- Citation by post elsewhere – for each party 27.25
- (b) (b) Instructing service or reservice 12.35  
by sheriff officer including perusing  
execution of citation and settling  
sheriff officer’s fee – for each party
- (c) (c) Framing and instructing service 32.85  
by advertisement – for each party

4. Attendance at first calling–

- (a) (a) To include necessary 195.60  
preparation for and conduct of

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(each of) such hearings and noting interlocutor (2 hours)

- (b) (b) Where waiting/hearing exceeds 27.15 one half hour – for every extra quarter hour

**5. Attendance at Court–**

Attendance at any diet except as otherwise 54.50 specially provided – per half hour

**6. Precognitions–** taking and drawing – per 45.50 sheet

Note: Where a skilled witness prepares his own precognition or report, the solicitor shall be allowed half of above drawing fee for perusing it (whether or not in the course of doing so he revises or adjusts it).

**7. Reports obtained under Order of Court–**

- (a) (a) All work incidental to it 100.00
- (b) (b) Additional fee for perusal of 12.65 report, per quarter hour

**8. Productions–**

- (a) (a) For lodging productions – each 54.50 inventory
- (b) (b) For considering opponent’s 27.15 productions – each inventory

**9. Affidavits–** to framing affidavits (where 18.15 ordered) per sheet

**10. Motions and minutes–**

Fee to cover drawing, intimating and lodging of any written motion or minute, excluding a minute or motion to recall decree, and relative attendance at court (except as otherwise provided in this Chapter)–

- (a) (a) Where opposed 127.35
- (b) (b) Where unopposed – including 54.50 for each party a joint minute or joint motion (other than under paragraph 14(b))
- (c) (c) Where motion exceeds half 27.15 hour, additional fee per quarter hour

**11. Fee to cover considering opponent’s written motion or minute excluding minute or motion to recall decree and relative attendance at court–**

- (a) (a) Where motion or minute opposed 127.35
- (b) (b) Where motion or minute unopposed 54.50
- (c) (c) Where motion exceeds half hour, additional fee per quarter hour 27.15

**12. Procedure preliminary to proof–**

- (a) Fee to cover all work preparing proof – as follows – exchanging of witness list, documents list, skilled witnesses, reports, consideration of defender’s schedule of damages, citation of witnesses, general preparation for Proof (except as otherwise specially provided for in this chapter) (not exceeding 3 hours)
- (i) If action settled or abandoned not later than 7 days before the diet of proof 400.00
- (ii) In any other case 526.95
- (b) (b) Fee to cover preparing for adjourned diet and all incidental work as in (a) if diet postponed for more than 6 days, for each additional diet 118.25

**13. Hearing Limitation–**

Fee to include work done (except as otherwise specially provided for in this Chapter) undertaken with a view to limiting the scope of any hearing and including the agreement of evidence generally, including the agreement of photographs, sketch plans, documents, recognitions and expert reports, agreeing any fact, statement or documents, agreeing Schedule of Damages and preparing and lodging joint minute of admissions (not exceeding 3 hours) 400.00

**14. Conduct of proof–**

- (a) (a) Fee to cover conduct of proof or trial and debate on evidence taken at close of proof – per quarter hour 27.15
- (b) (b) Waiting Time – per half hour 24.45

**15. Debate on Evidence–**

- (a) (a) Where debate on evidence not taken at conclusion of proof, preparing for debate 90.85

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (b) (b) Fee for conduct of debate – per 27.15  
quarter hour
- 16. Settlements–**
  - (a) Judicial tender–
    - (i) Fee for preparation and lodging or for 99.90  
consideration of each minute of tender
    - (ii) Fee on acceptance of tender, to include 81.85  
preparation and lodging or consideration  
of minute of acceptance and attendance  
at court when decree granted in terms  
thereof
  - (b) (b) Extra judicial settlement–
    - Fee to cover negotiations resulting in 181.65  
settlement, framing or revising joint minute and  
attendance at court when authority interponed  
thereto
    - (c) (c) Whether or not fees are 136.40  
payable under (a) or (b) above where  
additional work has been undertaken  
with a view to effecting settlement,  
including offering settlement,  
although settlement is not agreed – not  
exceeding
- 17. Specification of documents–**
  - (a) Fee to cover drawing, intimating and  
lodging specification and relative  
motion
    - (i) Where motion unopposed 99.90
    - (ii) Where motion opposed – additional fee 24.45  
per quarter hour
  - (b) (b) Fee to opposing solicitor
    - (i) Where motion unopposed 99.90
    - (ii) Where motion opposed – additional fee 24.45  
per quarter hour
  - (c) (c) Fee for citation of havers,  
preparation for and attendance  
before commissioner at execution of  
commission–
    - (i) Where attendance before commissioner 99.90  
does not exceed one hour
    - (ii) For each additional quarter hour after the 27.15  
first hour

- (d) (d) If optional procedure adopted 24.45  
– fee per person upon whom order is served
- (e) (e) Fee for perusal of documents 24.45  
recovered – per quarter hour

**18. Commissions to take evidence–**

**Open Commissions–**

- (a) (a) Fee to solicitor applying 181.75  
for commission to include all work (except as otherwise specially provided for in this chapter) up to lodging report of commission but excluding attendance thereat
- (b) (b) Fee to opposing solicitor 90.85
- (c) (c) Fee for attendance at execution 27.15  
of commission – per quarter hour

**19. Appeals–**

- (a) (a) Fee to cover instructions, 272.65  
marking of appeal or noting that appeal marked, noting of diet of hearing thereof, perusing Stated Case, framing Questions in Law and Adjustment thereof, preparation for hearing
- (b) (b) If Counsel employed 154.60
- (c) (c) Fee to cover conduct of hearing 27.15  
on Adjustments – per quarter hour
- (d) (d) Conduct of Appeal – per quarter 27.15  
hour

**20. Final Procedure–**

- (a) (a) Fee to cover settling with 136.40  
witnesses and noting final interlocutor
- (b) (b) Fee to cover drawing 118.25  
of expenses, arranging, intimating and attending diet of taxation and obtaining approval of auditor's report and where necessary, ordering, procuring and examining extract decree or adjusting account with opponent
- (c) (c) Fee to cover considering 24.45  
opponent's account of expenses and attendance at hearing on expenses

**21. Instruction of Counsel–**

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- |      |   |        |
|------|---|--------|
| (a)  | (a) Fee for instructing counsel to attend court   | 118.25 |
| (b)  | (b) Fee for attending consultation with counsel—  |        |
| (i)  | Where total time engaged does not exceed one hour | 118.25 |
| (ii) | For each additional quarter hour                  | 24.45  |

Note: Excludes Adjustment, Debate, Amendment, Interrogatories, Process Fee.

---