
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 14

SHERIFF COURT

**Act of Sederunt (Fees of Solicitors in
the Sheriff Court) (Amendment) 2014**

Made - - - - 20th January 2014
*Laid before the Scottish
Parliament* - - - - 21st January 2014
Coming into force - - 1st March 2014

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 40(1) of the Sheriff Courts (Scotland) Act 1907(1) and of all other powers enabling them in that behalf, do hereby enact and declare:

Citation, commencement and interpretation

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment) 2014.

(2) It comes into force on 1st March 2014.

(3) A certified copy of this Act of Sederunt is to be inserted in the Books of Sederunt.

(4) In this Act of Sederunt—

“the 1993 Act of Sederunt” means the Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment and Further Provisions) 1993(2); and

“the Table of Fees” means the Table of Fees set out in Schedule 1 to the 1993 Act of Sederunt.

Amendment of general regulations

2.—(1) The general regulations set out in Schedule 1 to the 1993 Act of Sederunt are amended in accordance with the following subparagraphs.

(2) In paragraph 14(b) of the general regulations, for “Parts I, II and III” substitute “Parts I, II, III, IIIA and IIIB”.

(1) 1907 c.51. Section 40 was amended by Schedule 1 to the Sheriff Courts (Scotland) Act 1913 (c.28); section 1(3) of the Secretaries of State Act 1926 (c.18); the Schedule to the Administration of Justice (Scotland) Act 1933 (c.41); paragraph 7 of Schedule 1 and Schedule 2 to the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c.12). Section 40 was renumbered as section 40(1), words were repealed and section 40(2) was inserted by S.S.I. 2011/396.

(2) S.I. 1993/3080; last amended by S.S.I. 2011/403.

- (3) For paragraph 14(c) of the general regulations substitute—
- “(c) No fee is allowable under the following provisions for attendance at a continuation of the first calling, unless specially authorised by the court—
- (i) in Part I, paragraph 3 (attendance at court);
 - (ii) in Part II, paragraph 3 (attendance at court);
 - (iii) in Part III, paragraph 5 (attendance at court);
 - (iv) in Part IIIA, paragraph 5 (attendance at court);
 - (v) In Part IIIB, paragraph 18 (attendance at court);”.
- (4) In paragraph 14(d) of the general regulations, omit “and in Part III (Defended Actions and Defended Actions: Personal Injury Claims only), in respect of paragraph 6 (precognitions),”.
- (5) In paragraph 14(e) of the general regulations, for “in Part II, in respect of paragraph 15 and in Part III (Defended Actions and Defended Actions: Personal Injury Claims only), in respect of paragraph 19 (appeals)”, substitute “in Part II, in respect of paragraph 15 (appeals), in Part III, in respect of paragraph 18 (appeals), in Part IIIA, in respect of paragraph 18 (appeals) and Part IIIB, in respect of paragraph 22 (appeals),”.
- (6) After paragraph 14 of the general regulations, insert—
- “**15.** In addition to the matters set out in the Table of Fees, travel time at a rate of £35 per quarter hour may be claimed on cause shown at the discretion of the Auditor.”.

Amendment of the Table of Fees

- 3.**—(1) The Table of Fees is amended in accordance with the following subparagraphs.
- (2) In Chapter I—
- (a) for Part I substitute the Part set out in Schedule 1;
 - (b) in Part II for Tables A, B and C substitute the respective tables set out in Schedule 2.
- (3) In Chapter II—
- (a) for Part II substitute the Part set out in Schedule 3;
 - (b) for Part IIA substitute the Part set out in Schedule 4.
- (4) For Chapter III substitute the Chapter set out in Schedule 5.
- (5) In Chapter IV—
- (a) for Part I substitute the Part set out in Schedule 6;
 - (b) for Part III – DEFENDED ACTIONS (COMMENCED AFTER 10TH JUNE 2002) substitute the Part set out in Schedule 7;
 - (c) for Part III – DEFENDED ACTIONS: PERSONAL INJURY CLAIMS ONLY (COMMENCED ON OR AFTER 10TH JUNE 2002) substitute the Part set out in Schedule 8;
 - (d) after the Part substituted by paragraph (c), insert the Part set out in Schedule 9.

Savings

- 4.** Paragraphs 2 and 3 do not affect fees chargeable for work done, or outlays incurred, before 1st March 2014.

Edinburgh
20th January 2014

BRIAN GILL
Lord President
I.P.D.

SCHEDULE 1

Paragraph 3(2)(a)

PART I – UNDEFENDED ACTIONS (OTHER THAN ACTIONS OF
DIVORCE OR SEPARATION AND ALIMENT (AFFIDAVIT PROCEDURE))

1. Actions (other than those specified in Part II of this Chapter) in which decree is granted without proof	£
(a) Inclusive fee to cover all work from taking instructions up to and including obtaining extract decree	273.00
(b) In cases where settlement is effected after service of a writ but before the expiry of the <i>induciae</i>	234.00
(c) In cases where a court appearance is necessary because of a time to pay direction an additional fee of	58.50
Note:	
1. If the pursuer's solicitor elects to charge this inclusive fee he or she shall endorse a minute to that effect on the initial writ before ordering extract of decree.	
2. Outlays such as court fees shall be chargeable in addition and taxation shall be unnecessary.	
2. Actions of separation and aliment, adherence and aliment and custody and aliment where proof (other than by way of affidavit evidence) takes place	
Inclusive fee to cover all work from taking instructions up to and including obtaining extract decree	1,014.00
Note:	
1. If the pursuer's solicitor elects to charge this inclusive fee he or she shall endorse a minute to that effect on the initial writ after the close of the proof and before extract of decree is ordered.	
2. When the option is so exercised, decree for expenses shall be granted against the defender for the said sum together with the court fee, any shorthand writer's fee actually charged as provided by Act of Sederunt and also any other necessary outlays without the necessity for taxation.	
3. Petition for appointment of discharge of a curator bonis	
Inclusive fee to cover all work enquiring into estate and taking instructions up to and including obtaining extract decree	936.00
Note:	
1. If the solicitor elects to charge the inclusive fee and to recover only the normal outlays as set out in note 2, he or she shall endorse on the petition before ordering extract of the decree a minute setting out the said fee and the outlays. Taxation of charges so specified shall be unnecessary.	
2. The normal outlays referred to in note 1 are— reasonable fees for medical reports;	

court dues for deliverance;
sheriff officers' fees for service;
advertising costs incurred;
value added tax chargeable on solicitors' fees.

SCHEDULE 2

Paragraph 3(2)(b)

PART II – UNDEFENDED ACTIONS OF DIVORCE AND OF SEPARATION AND ALIMENT (AFFIDAVIT PROCEDURE)

Table A

<i>Column 1</i> <i>Work Done</i>	<i>Column 2</i> <i>Inclusive fee</i> £
1. All work to and including the period of notice	702.00
2. All work from the period of notice to and including swearing affidavits	507.00
3. All work from swearing affidavits to and including sending extract decree	156.00
4. All work to and including sending extract decree	1,365.00
Add process fee of	10%

Table B

<i>Column 1</i> <i>Work Done</i>	<i>Column 2</i> <i>Inclusive fee</i> £
1. All work to and including the period of notice	585.00
2. All work from the period of notice to and including swearing affidavits	273.00
3. All work from swearing affidavits to and including sending extract decree	156.00
4. All work to and including sending extract decree	1,014.00
Add process fee of	10%

Table C

<i>Column 1</i> <i>Work Done</i>	<i>Column 2</i> <i>Inclusive fee</i> £
1. All work to and including the period of notice	273.00
2. All work from the period of notice to and including swearing affidavits	156.00

3. All work under items 1 and 2	429.00
Add process fee of	10%

SCHEDULE 3

Paragraph 3(3)(a)

PART II – DEFENDED ORDINARY ACTIONS (OTHER THAN PERSONAL INJURIES ACTIONS TO WHICH PART IIA APPLIES), COMMERCIAL ACTIONS AND FAMILY ACTIONS COMMENCED AFTER 1ST JANUARY 1994

1. Work before action commences – Ordinary Action and Family Action	£
To cover all work which the Auditor is satisfied has reasonably been undertaken in contemplation of, or preparatory to, the commencement of proceedings (or such lesser sum as in the opinion of the Auditor is justified)	624.00
2. Work before action commences – Commercial Action	
To cover all work which the Auditor is satisfied has reasonably been undertaken in contemplation of, or preparatory to, the commencement of proceedings in a commercial action or such other sum as in the opinion of the Auditor is justified	702.00
3. Instruction	
(a) To cover all work (except as otherwise specifically provided for in this Part) from commencement to the lodging of defences including copying	780.00
(b) Additional fee where separate statement of facts and counterclaim and answers lodged	273.00
4. Precognitions and reports	
Taking and drawing precognitions, per sheet	78.00
Note:	
Where a skilled witness prepares his or her own precognition or report, the solicitor shall be allowed, for perusing it (whether or not in the course of doing so he or she revises or adjusts it), half of the taking and drawing fee per sheet.	
5. Productions	
(a) For lodging productions, each inventory	78.00
(b) For considering opponent's productions, each inventory	39.00
6. Adjustment	
To cover all work (except as otherwise specifically provided for in this Part) in connection with the adjustment of the record including making up and lodging certified copy record—	
(a) Solicitor for any party	351.00
(b) If action settled before expiry of adjustment period, each original party's solicitor	195.00

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|-----|---|--------|
| (c) | If additional defender brought in before Options Hearing, additional fee to each original party's solicitor | 156.00 |
| (d) | If additional defender brought in after Options Hearing, additional fee to each original party's solicitor | 234.00 |

7. Affidavits

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|----------------------------------|-------|
| To framing affidavits, per sheet | 39.00 |
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8. Options Hearing or Child Welfare Hearing

To include preparation for and conduct of (each of) an Options Hearing or a Child Welfare Hearing and noting interlocutor—

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|-----|---|--------|
| (a) | where initial hearing does not exceed half an hour | 273.00 |
| (b) | where initial hearing exceeds half an hour, per additional quarter hour | 39.00 |
| (c) | where hearing continued, for each continued hearing that does not exceed half an hour | 156.00 |
| (d) | where continued hearing exceeds half an hour, per additional quarter hour | 39.00 |
| (e) | for lodging and intimating or for considering note of the basis of preliminary plea, for each note lodged | 78.00 |

9. Additional Procedure

For all work subsequent to Options Hearing including preparation for and attendance at procedural hearing—

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|-----|---|--------|
| (a) | where initial hearing does not exceed half an hour | 273.00 |
| (b) | where initial hearing exceeds half an hour, per additional quarter hour | 39.00 |

10. Case Management Conference – Commercial Action

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| (a) | To include preparation for and all work incidental thereto prior to the first case management conference | 234.00 |
| (b) | To include preparation and all work incidental thereto prior to each subsequent conference; | 117.00 |
| (c) | For every quarter hour engaged at conference | 39.00 |
| (d) | Waiting time, per quarter hour | 35.00 |

Note:

Where case management conference takes place by way of telephone or other remote means the foregoing charges shall apply.

11. Note of Arguments – Commercial Action

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| (a) | Fee for lodging and intimating or for considering first Note of Arguments | 195.00 |
| (b) | For each Note lodged thereafter | 78.00 |

12. Debate (other than on evidence)

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| (a) | Where counsel or solicitor advocate not employed— | |
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(i)	to include preparation for and all work in connection with any hearing or debate other than on evidence	312.00
(ii)	for every quarter hour engaged	39.00
(b)	Where counsel or solicitor advocate employed, fee to solicitor appearing with counsel, per quarter hour	35.00
(c)	Waiting time, per quarter hour	35.00
13. Interim Interdict Hearings and other Interim Hearings		
(a)	Preparation for each hearing, each party	156.00
(b)	Fee to conduct hearing, per quarter hour	39.00
(c)	Where counsel or solicitor advocate employed, fee to solicitor appearing with counsel, per quarter hour	35.00
(d)	Waiting time, per quarter hour	35.00
14. Reports obtained under order of court		
(a)	Fee for all work incidental thereto	156.00
(b)	Additional fee for perusal of report, per quarter hour	35.00
15. Commissions to take evidence		
(a)	On interrogatories—	
(i)	fee to solicitor applying for commission to include drawing, intimating and lodging motion, drawing and lodging interrogatories, instructing commissioner and all incidental work (except as otherwise specially provided for in this Chapter) but excluding attendance at execution of commission	429.00
(ii)	fee to opposing solicitor if cross-interrogatories prepared and lodged	273.00
(iii)	if no cross-interrogatories lodged	78.00
(b)	Open commissions—	
(i)	fee to solicitor applying for commission to include all work (except as otherwise specially provided for in this Chapter) up to lodging report of commission but excluding attendance at execution of commission	273.00
(ii)	fee to opposing solicitor	156.00
(iii)	fee for attendance at execution of commission, per quarter hour	39.00
(iv)	if counsel or solicitor advocate employed, fee for attendance of solicitor, per quarter hour	35.00
16. Specification of documents		
(a)	Fee to cover drawing, intimating and lodging specification and relative motion—	
(i)	where motion unopposed	156.00
(ii)	where motion opposed, additional fee per quarter hour	39.00
(b)	Fee to opposing solicitor—	
(i)	where motion not opposed	78.00

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| (ii) where motion opposed, additional fee per quarter hour | 39.00 |
| (c) Fee for citation of havers, preparation for and attendance before commissioner at execution of commission— | |
| (i) where attendance before commissioner does not exceed one hour | 156.00 |
| (ii) for each additional quarter hour after the first hour | 39.00 |
| (d) If optional procedure adopted, fee per person upon whom order is served | 39.00 |
| (e) Fee for perusal of documents recovered, per quarter hour | 39.00 |

17. Amendment of Record

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| (a) Fee to proposer— | |
| (i) to cover drawing, intimating and lodging minute of amendment and relative motion | 156.00 |
| (ii) fee for perusal of answers | 78.00 |
| (iii) fee for any court appearance necessary, per quarter hour | 39.00 |
| (b) Fee to opponent— | |
| (i) for perusing minute of amendment | 117.00 |
| (ii) fee for preparation of answers | 78.00 |
| (iii) fee for any court appearance necessary per quarter hour | 39.00 |
| (c) Additional fee for adjustment of minute and answers, where applicable, to be allowed to each party | 156.00 |

18. Motions and minutes

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| (a) Fee to cover drawing, intimating and lodging any written motion or minute, including a reponing note, and initial attendance at court (except as otherwise specially provided for in this Chapter)— | |
| (i) where opposed | 195.00 |
| (ii) where unopposed (including for each party a joint minute other than under paragraph 26(b)) | 78.00 |
| (b) Fee to cover considering opponent's written motion, minute or reponing note, and attendance at court— | |
| (i) where opposed | 195.00 |
| (ii) where unopposed | 78.00 |

19. Withdrawal of solicitors

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| (a) Fee to cover all work in preparation for any diet (or any diets) fixed under rule 24.2(1) and attendance at first such diet | 156.00 |
| (b) Fee for attendance at each additional such diet, per quarter hour | 39.00 |

20. Attendance not otherwise provided for

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| (a) Where hearing does not exceed half an hour | 78.00 |
| (b) Where hearing exceeds half an hour, per additional quarter hour | 39.00 |

21. Hearing limitation fee

Fee to include work (except as otherwise specifically provided for in this Chapter) undertaken with a view to limiting the scope of any hearing, and including the exchange of documents, precognitions and expert reports, agreeing any fact, statement or document not in dispute, preparing and intimating any notice to admit or notice of non-admission (and consideration thereof) and preparing and lodging any joint minute, not exceeding	702.00
22. Preparation for proof	
(a) Fee to cover all work preparing for proof (except as otherwise specially provided for in this Chapter)—	
(i) if action settled or abandoned not later than 14 days before the diet of proof	468.00
(ii) in any other case	780.00
(b) For each day or part day after the first, including instruction of counsel or solicitor advocate	117.00
(c) 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	195.00
23. Conduct of proof	
(a) Conduct of proof, and debate on evidence if taken at close of proof, per quarter hour	39.00
(b) If counsel or solicitor advocate employed, fee to solicitor appearing with counsel or solicitor advocate, per quarter hour	35.00
(c) Waiting time, per quarter hour	35.00
24. Debate on evidence	
(a) Where debate on evidence not taken at conclusion of proof, preparing for debate	156.00
(b) Fee for conduct of debate, per quarter hour	39.00
(c) If counsel or solicitor advocate employed, fee to solicitor appearing with counsel or solicitor advocate, per quarter hour	35.00
(d) Waiting time, per quarter hour	35.00
25. Appeals	
(a) To sheriff principal—	
(i) fee to cover instructions, marking of appeal or noting that appeal marked, noting diet of hearing thereof and preparation for hearing	
(aa) no counsel or solicitor advocate employed	429.00
(bb) if counsel or solicitor advocate employed, fee to solicitor	234.00
(ii) fee to cover conduct of hearing, per quarter hour	39.00
(iii) if counsel or solicitor advocate employed, fee to solicitor appearing with counsel or solicitor advocate, per quarter hour	35.00
(iv) waiting time, per quarter hour	35.00

- (b) To Court of Session—
Fee to cover instructions, marking appeal or noting that appeal marked and instructing Edinburgh correspondents 156.00

26. Settlements

- (a) Judicial tender—
- (i) fee for preparation and lodging or for consideration of each minute of tender 156.00
- (ii) fee on acceptance of tender, to include preparation and lodging or consideration of minute of acceptance and attendance at court when decree granted in terms thereof 117.00
- (b) Extra-judicial settlement, to include negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto (not to include drawing, intimating and lodging any written motion) 292.50
- (c) Whether or not fees are 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, a fee not exceeding 292.50
- (d) If consultation held to consider tender, extrajudicial settlement (not based on judicial tender) or with a view to settlement (whether or not settlement is in fact agreed), attendance at it, per quarter hour 39.00

27. Final procedure

- (a) Fee to cover settling with witnesses, enquiring for cause at avizandum and noting final interlocutor 214.50
- (b) Fee to cover drawing account 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 195.00

28. Copying

For the copying of papers by whatever means, if the Auditor determines (either or both) that—

- (a) the copying had to be done in circumstances which were in some way exceptional;
- (b) the papers which required to be copied were unusually numerous having regard to the nature of the case,
such charge, if any, as the Auditor considers reasonable (but a charge based on time expended by any person shall not be allowed).

Note:

1. Where a determination is required under this paragraph, the purpose of copying, the number of copies made and the charge claimed shall be shown in the account.
2. Copying done other than in the place of business of the solicitor shall be shown as an outlay.

29. Process fee

Fee to cover all consultations between solicitor and client during the progress of the cause and all communications, written or oral, passing between them – 10 per cent on total fees and copyings allowed on taxation.

30. Instruction of counsel or solicitor advocate

(a) Fee for instructing counsel or solicitor advocate to revise pleadings	78.00
(b) Fee for instructing counsel or solicitor advocate to attend court	195.00
(c) Fee for attending consultation with counsel or solicitor advocate—	
(i) where total time engaged does not exceed one hour	195.00
(ii) for each additional quarter hour	39.00

SCHEDULE 4

Paragraph 3(3)(b)

PART IIA – DEFENDED PERSONAL INJURIES ACTIONS PROCEEDING
UNDER PART AI OF CHAPTER 36 OF THE ORDINARY CAUSE RULES

1. Precognitions and reports	£
Taking and drawing, per sheet	78.00
Note:	
Where a skilled witness prepares his or her own precognition or report, the solicitor shall be allowed, for perusing it (whether or not in the course of doing so he or she revises or adjusts it), half of the taking and drawing fee per sheet.	
2. Pre-litigation fee	
All work which the Auditor is satisfied has reasonably been undertaken in contemplation of, or preparatory to the commencement of proceedings (or such lesser sum as in the opinion of the Auditor is justified)	624.00
3. Instruction	
(a) To cover all work (except as otherwise specifically provided for in this Part) from commencement to the lodging of defences	780.00
(b) Instructing re-service by sheriff officers where necessary	78.00
(c) Specification of documents as per Form PI2	78.00
(d) Fee to opponent for considering specification of documents	78.00
(e) Arranging commission to recover documents, citing havers, instructing commissioner and shorthand writer and preparation for commission	156.00
(f) Fee to opponent where a commission arranged	78.00
(g) Attendance at execution of commission, per quarter hour	39.00
(h) If optional procedure adopted, a fee per person on whom order is served	39.00

(i) Fee for perusal of documents recovered under a specification of documents (or by informal means) where not otherwise provided for in the Table of Fees, per quarter hour	39.00
(j) Attendance in chambers for remittance of cause to Ordinary Roll, per quarter hour	39.00
(k) Additional fee where separate counterclaim and answers lodged	273.00
4. Productions	
(a) For lodging productions, each inventory	78.00
(b) For considering opponent's productions, each inventory	39.00
5. Adjustment	
To cover all work (except as otherwise specifically provided for in this Part) in connection with adjustment of the record including making up and lodging certified copy record—	
(a) Solicitor for any party	351.00
(b) If action settled before expiry of adjustment period, each original party's solicitor	195.00
(c) Additional fee to sub-paragraph (a) or (b), to include amendment to the pursuer and existing defender, to be allowed for each pursuer, defender or third party brought in before the record is lodged under the timetable issued under rule 36.G1(1)(b)	156.00
(d) Additional fee if an additional pursuer, defender or third party is brought in after the record is lodged under the timetable issued under rule 36.G1(1)(b) to the existing pursuer and existing defender or defenders	234.00
6. Affidavits	
Framing affidavits, per sheet	39.00
7. Valuation of Claim	
(a) Fee to cover preparation of statement of valuation of claim—	
(i) where counsel or solicitor advocate not employed	234.00
(ii) where valuation of claim prepared by counsel or solicitor advocate	117.00
(b) Fee to cover consideration of opponent's valuation of claim	117.00
(c) Inspection of documents, per quarter hour	39.00
8. Incidental hearings/variation of timetable order	
(a) Fee to cover preparing for and attendance at hearing not exceeding half an hour	117.00
(b) Thereafter attendance fee, per additional quarter hour	39.00
(c) In event of separate advising/opinion and all work incidental thereto	117.00
9. Reports obtained under order of court excluding Auditor's Report	
(a) All work incidental thereto	156.00

(b) Additional fee for perusal of report, per quarter hour 35.00

10. Specification of documents (if further specification deemed necessary)

- (a) Fee to cover drawing, intimating and lodging specification and relevant motion—
 - (i) where motion unopposed 156.00
 - (ii) where motion opposed, additional fee per quarter hour 39.00
- (b) Fee to opponent—
 - (i) where motion not opposed 78.00
 - (ii) where motion opposed, additional fee per quarter hour 39.00
- (c) Fee for arranging commission to recover documents, citing havers, instructing commissioner and shorthand writer and preparation for commission 156.00
- (d) Fee to opponent 78.00
- (e) Attendance at execution of commission, per quarter hour 39.00
- (f) If optional procedure adopted, fee per person upon whom order is served 39.00
- (g) Fee for perusal of documents recovered under a specification of documents (or by informal means) where not otherwise provided for in the Table of Fees, per quarter hour 39.00

11. Commission to take evidence

- (a) On interrogatories—
 - (i) fee to solicitor applying for commission to include drawing, intimating and lodging interrogatories, instructing commissioner and all incidental work (except as otherwise specifically provided for in this Chapter) but excluding attendance at execution of commission 429.00
 - (ii) fee to opposing solicitor if cross-interrogatories prepared and lodged 273.00
- (b) Open commission—
 - (i) fee to solicitor applying for commission to include all work (except as otherwise specifically provided for in this Chapter) up to and lodging report of commission but excluding attendance at execution of commission 273.00
 - (ii) fee to opposing solicitor 156.00
 - (iii) fee for attendance at execution of commission, per quarter hour 39.00
 - (iv) if counsel or solicitor advocate employed, fee to solicitor appearing with counsel or solicitor advocate, per quarter hour 35.00

12. Motions and minutes

- (a) Fee to cover drawing, intimating and lodging any written motion or minute, including a reopening note, and relative attendance at court (except as otherwise specifically provided for in this Chapter)—

(i) where opposed	195.00
(ii) where unopposed (including for each party a joint minute other than under paragraph 24(b))	78.00
(iii) attendance at continued motion, per quarter hour	39.00
(b) Fee to cover considering opponent's written motion, minute or reponing note and attendance at court—	
(i) where opposed	195.00
(ii) where unopposed	78.00
(iii) attendance at continued motion, per quarter hour	39.00
13. Debate (other than on evidence)	
(a) Where counsel or solicitor advocate not employed—	
(i) to include preparation for all work incidental to any hearing or debate other than on evidence	312.00
(ii) fee for conduct of hearing or debate other than on evidence, per quarter hour	39.00
(b) Where counsel or solicitor advocate employed—	
(i) to include preparation for and all work incidental to any hearing or debate other than on evidence	156.00
(ii) fee to solicitor appearing with counsel or solicitor advocate, per quarter hour	35.00
(c) Waiting time, per quarter hour	35.00
(d) Fee for lodging and intimating or for considering first note of arguments	78.00
(e) For each note lodged thereafter	78.00
14. Incidental Procedure (not chargeable prior to allowance of proof)	
To cover all work, where applicable, in connection with noting diet of proof and—	
(a) preparing note on line of evidence; or	273.00
(b) instructing counsel or solicitor advocate to prepare a note on line of evidence	195.00
15. Amendment of Record	
(a) Fee to proposer—	
(i) to cover drawing, intimating and lodging minute of amendment and relevant motion	156.00
(ii) Fee for perusal of answers	78.00
(iii) Fee for any court appearance necessary, per quarter hour	39.00
(b) Fee to opponent—	
(i) for perusal of minute of amendment	117.00
(ii) Fee for preparation of answers	78.00

(iii) Fee for any court appearance necessary, per quarter hour	39.00
(c) Additional fee for adjustment of minute of amendment and answers, where applicable, to be allowed to each party	156.00
16. Withdrawal of solicitors	
(a) Fee to cover all work in preparation for any diet (or diets) fixed under rule 24.2(1) and attendance at first such diet	156.00
(b) Fee for attendance at each additional such diet, per quarter hour	39.00
17. Attendance not otherwise provided for	
(a) Where hearing does not exceed half an hour	78.00
(b) Where hearing exceeds half an hour, per additional quarter hour	39.00
18. Hearing limitation fee	
Fee to include work (except as otherwise specifically provided for in this Chapter) undertaken with a view to limiting the scope of any hearing, and including the exchange of documents, precognitions and expert reports, agreeing any fact, statement or document not in dispute, preparing and intimating any notice to admit or notice of non-admission (and consideration thereof) and preparing and lodging any joint minute, not exceeding	273.00
19. Preparation for proof	
(a) Fee to cover all work preparing for proof (except as otherwise specifically provided for in this Chapter)—	
(i) if action settled or abandoned not later than 14 days before diet of proof	468.00
(ii) in any other case	858.00
(iii) additional fee chargeable over and above foregoing fees upon the Auditor being satisfied as to additional work undertaken as evidenced by production of a detailed breakdown of the work undertaken	
<hr/>	
(b) For each day or part day after the first, including instruction of counsel or solicitor advocate	117.00
(c) Fee to cover preparing for adjourned diet and all incidental work as in (a) if diet postponed for more than 6 days, each additional diet	195.00
20. Pre-proof conference	
(a) Fee arranging pre-proof conference (each occasion)	78.00
(b) Fee preparing for pre-proof conference—	
(i) where counsel or solicitor advocate not employed	429.00
(ii) where counsel or solicitor advocate employed	214.50
(c) Fee for attending pre-proof conference per quarter hour—	
(i) where counsel or solicitor advocate not employed	39.00
(ii) where counsel or solicitor advocate employed	35.00

Note:

Where pre-proof conference takes place by way of telephone or other remote means, the foregoing charges shall apply.

21. Joint minute of pre-proof conference	78.00
22. Conduct of proof	
(a) Conduct of proof, and debate on evidence if taken at close of proof, per quarter hour	39.00
(b) If counsel or solicitor advocate employed, fee to solicitor appearing with counsel or solicitor advocate, per quarter hour	35.00
(c) Waiting time, per quarter hour	35.00
23. Debate on evidence	
(a) Where debate on evidence not taken at conclusion of proof, preparing for debate	156.00
(b) Fee for conduct of debate, per quarter hour	39.00
(c) If counsel or solicitor advocate employed, fee to solicitor appearing with counsel or solicitor advocate, per quarter hour	35.00
(d) Waiting time, per quarter hour	35.00
24. Settlements	
(a) Settlement by judicial tender—	
(i) fee for preparation and lodging or for consideration of each minute of tender	156.00
(ii) additional fee on acceptance of tender, to include preparation and lodging or consideration of minute of acceptance of tender and attendance at court when decree granted in terms thereof (not to include drawing, intimating and lodging any written motion)	117.00
(b) Extra-judicial settlement, to include negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto (not to include drawing, intimating and lodging any written motion)	292.50
(c) Whether or not fees 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	292.50
25. Final procedure	
(a) If case goes to proof, or is settled within 14 days before the diet of proof, fee to cover settling with witnesses and enquiring for cause at avizandum and noting final interlocutor	214.50
(b) In any other case	97.50
26. Copying	
For the copying of papers by whatever means, if the Auditor determines (either or both) that—	
(a) the copying had to be done in circumstances which were in some way exceptional;	

- (b) the papers which required to be copied were unusually numerous having regard to the nature of the case,
such charge, if any, as the Auditor considers reasonable (but a charge based on the time expended by any person shall not be allowed).

Note:

1. Where a determination is required under this paragraph, the purpose of copying, the number of copies made and the charge claimed shall be shown in the account.
2. Copying done other than in the place of business of the solicitor shall be shown as an outlay.

27. Process fee

Fee to cover all consultations between solicitor and client during the progress of the cause and all communications, written or oral, passing between them — 10 per cent on total fees and copyings allowed on taxation.

28. Instruction of counsel or solicitor advocate

- | | |
|---|--------|
| (a) Fee for instructing counsel or solicitor advocate to revise the pleadings | 78.00 |
| (b) Fee for instructing counsel or solicitor advocate to attend court | 195.00 |
| (c) Fee for attending consultation with counsel or solicitor advocate— | |
| (i) where total time engaged does not exceed one hour | 195.00 |
| (ii) for each additional quarter hour | 39.00 |

29. Appeals

- | | |
|---|--------|
| (a) To sheriff principal— | |
| (i) fee to cover instructions, marking of appeal or noting that appeal marked, noting diet of hearing thereof and preparation for hearing | |
| (aa) no counsel or solicitor advocate employed | 429.00 |
| (bb) if counsel or solicitor advocate employed, fee to solicitor | 234.00 |
| (ii) fee to cover conduct of hearing, per quarter hour | 39.00 |
| (iii) if counsel or solicitor advocate employed, fee to solicitor appearing with counsel or solicitor advocate, per quarter hour | 35.00 |
| (iv) waiting time, per quarter hour | 35.00 |
| (b) To Court of Session— | |
| Fee to cover instructions, marking appeal or noting that appeal marked and instructing Edinburgh correspondents | 156.00 |
-

30. Accounts

Fee to cover drawing account 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	195.00
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31. Ordering and procuring extract 39.00

SCHEDULE 5

Paragraph 3(4)

CHAPTER III

CHARGES FOR TIME, DRAWING OF PAPERS, CORRESPONDENCE ETC

£

1. Attendance at court

Conduct of trial, proof or formal debate or hearing, per quarter hour 39.00

2. Time occupied in the performance of all other work

To include attendances with clients and others and attendances at court in all circumstances, except as otherwise specially provided—

(a) solicitor, per quarter hour 39.00

(b) allowance for time of clerk, one-half of above

3. Drawing papers

Drawing all necessary papers (other than affidavits), per sheet 19.50

Note:

The sheets throughout this Chapter are to consist of 250 words or numbers.

4. Framing affidavits, per sheet 39.00

5. Revising papers where revisal ordered, for each five sheets 9.75

6. Copying

For the copying of papers by whatever means, if the Auditor determines (either or both) that—

(a) the copying has to be done in circumstances which were in some way exceptional;

(b) the papers which required to be copied were unusually numerous having regard to the nature of the case,

such charge, if any, as the Auditor considers reasonable (but a charge based on time expended by any person shall not be allowed).

Note:

1. Where a determination is required under this paragraph, the purpose of copying, the number of copies made and the charge claimed shall be shown in the account.

2. Copying done other than in the place of business of the solicitor shall be shown as an outlay.

7. Certifying or signing a document 9.75

8. Perusing any document, per quarter hour 39.00

CHARGES FOR TIME, DRAWING OF PAPERS, CORRESPONDENCE ETC

9. Lodging in process	
Each necessary lodging in or uplifting from process; also for each necessary enquiry for documents due to be lodged	9.75
10. Borrowing process	
Each necessary borrowing of process to include return of same	9.75
11. Extracts	
Ordering, procuring and examining extracts, interim or otherwise	39.00
12. Correspondence, intimation, etc.	
(a) Formal letters and intimation	4.88
(b) Letters other than above — per page of 125 words	19.50
(c) Telephone calls except under (d)	9.75
(d) Telephone calls (lengthy) to be treated as attendances or long letters	
13. Citations	
Each citation of party or witness including execution thereof	19.50
14. Instructions to officers	
(a) Instructing officer to serve, execute or intimate various kinds of writs or diligence including the examination of executions	9.75
(b) For each party after the first on whom service or intimation is simultaneously made	9.75
(c) Agency accepting service of any writ	19.50
(d) Reporting diligence	19.50
15. Personal diligence	
(a) Recording execution of charge	19.50
(b) Procuring fiat	19.50
(c) Instructing apprehension	19.50
(d) Framing state of debt and attendance at settlement	19.50
16. Sales	
(a) Obtaining warrant to sell	19.50
(b) Instructing auctioneer or officer to conduct sale	19.50
(c) Perusing report of sale	19.50
(d) Reporting sale under poidings or sequestrations or any other judicial sales	19.50
(e) Noting approval of roup roll	19.50
(f) Obtaining warrant to pay	19.50

SCHEDULE 6

Paragraph 3(5)(a)

PART I – UNDEFENDED ACTIONS

	£
1. Inclusive fee	
To include taking instructions, framing summons and statement of claim, obtaining warrant for service, instructing service as necessary by sheriff officer (where appropriate), attendance endorsing minute for and obtaining decree in absence and extract decree	213.00
2. Service	
(a) Citation by post wheresoever after the first citation, for each party	17.75
(b) Framing and instructing service by advertisement, for each party	35.50
3. Attendance at court	35.50

SCHEDULE 7

Paragraph 3(5)(b)

PART III – DEFENDED ACTIONS (COMMENCED ON OR AFTER 10th JUNE 2002)

	£
1. Work before action commences	
To cover all work of a pre-litigation basis, to include discussions/ correspondence with opposing party, exchange of documentation, etc. (not exceeding 1 hour)	142.00
2. Instruction	
(a) To include taking instructions, framing summons and statement of claim, statement of valuation, obtaining warrant for service, enquiring for and consideration of Response Form (1½ hours)	213.00
(b) Where counterclaim and answers lodged, additional fee (1½ hours)	213.00
(c) If additional defender/third party brought in, additional fee to each original party's solicitor (1 hour)	142.00
3. Service	
(a) Citation by post for each party—	
(i) within the United Kingdom, Isle of Man, Channel Islands, or the Republic of Ireland	17.75
(ii) elsewhere	35.50
(b) Instructing service or re-service by sheriff officer including perusing execution of citation and settling sheriff officer's fee, for each party	17.75
(c) Framing and instructing service by advertisement, for each party	53.25
4. Attendance at first calling	

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

(a)	To include necessary preparation for and conduct of (each of) such hearings and noting interlocutor (1½ hours)	213.00
(b)	Where waiting/hearing exceeds half an hour, per additional quarter hour	35.50
5. Attendance at court		
	Attendance at any hearing except as otherwise specially provided, per half hour	35.50
6. Precognitions		
	Taking and drawing precognitions, per sheet	71.00
Note:		
Where a skilled witness prepares his or her own precognition or report, the solicitor shall be allowed for perusing it (whether or not in the course of doing so he or she revises or adjusts it), half of the taking and drawing fee per sheet.		
7. Reports obtained under order of court		
(a)	All work incidental to report	142.00
(b)	Additional fee for perusal of report, per quarter hour	32.00
<hr/>		
8. Productions		
(a)	For lodging productions, each inventory	71.00
(b)	For considering opponent's productions, each inventory	35.50
9. Affidavits		
	To framing affidavits (where ordered), per sheet	35.50
10. Incidental applications and minutes		
(a)	Fee to cover drawing, intimating and lodging of any written incidental applications or minute, excluding a minute to recall decree, and initial attendance at court (except as otherwise provided in this Chapter)	
(i)	where opposed	142.00
(ii)	where unopposed — including for each party a joint minute or joint incidental application (other than under paragraph 15(b))	71.00
(iii)	where incidental application exceeds half an hour, additional fee per quarter hour	35.50
(b)	Fee to cover considering opponent's written incidental application or minute, excluding minute to recall decree, and relative attendance at court—	
(i)	where opposed	142.00
(ii)	where unopposed	71.00
(iii)	where incidental application exceeds half an hour, additional fee per quarter hour	35.50
11. Hearing limitation fee		

Fee to include work done (except as otherwise specially provided in this Chapter) undertaken with a view to limiting the scope of any hearing, and including the agreement of evidence generally including the exchange of documents, precognitions and expert reports, agreeing any fact, statement or document not in dispute, preparation and lodging of witness list, preparing Schedule of Damages and preparing and lodging joint minute (not exceeding 1 hour)	142.00
12. Procedure preliminary to proof	
(a) Fee to cover all work preparing proof (except as otherwise specially provided for in this Chapter)	
(i) if action settled or abandoned not later than 7 days before the diet of proof	390.50
(ii) in any other case	461.50
(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	142.00
(c) Fee for attendance inspecting opponent's documents, per quarter hour	35.50
13. Conduct of proof	
(a) Fee to cover conduct of proof or trial and debate on evidence taken at close of proof, per quarter hour	35.50
(b) Waiting time, per quarter hour	32.00
14. Debate on evidence	
(a) Where debate on evidence not taken at conclusion of proof, preparing for debate	106.50
(b) Fee for conduct of debate, per quarter hour	35.50
(c) Waiting time, per quarter hour	32.00
15. Settlements	
(a) Judicial tender—	
(i) fee for preparation and lodging or for consideration of each minute of tender	142.00
(ii) fee on acceptance of tender, to include preparation and lodging or consideration of minute of acceptance and attendance at court when decree granted in terms thereof	106.50
(b) Extra judicial settlement, to include negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto	248.50
(c) Whether or not fees are 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	248.50
16. Specification of documents	
(a) Fee to cover drawing, intimating and lodging specification and relative incidental application—	

(i) where incidental application unopposed	142.00
(ii) where incidental application opposed, additional fee per quarter hour	35.50
(b) Fee to opponent—	
(i) where incidental application unopposed	71.00
(ii) where incidental application opposed, additional fee per quarter hour	35.50
(c) Fee for citation of havers, preparation for and attendance before commissioner at execution of commission—	
(i) where attendance before commissioner does not exceed one hour	142.00
(ii) for each additional quarter hour after the first hour	35.50
(d) If optional procedure adopted, fee per person upon whom order is served	35.50
(e) Fee for perusal of documents recovered, per quarter hour	35.50

17. Commissions to take evidence – open commissions

(a) Fee to solicitor applying for commission to include all work (except as otherwise specially provided for in this Chapter) up to lodging report of commission but excluding attendance at execution of commission	213.00
(b) Fee to opponent	106.50
(c) Fee for attendance at execution of commission, per quarter hour	35.50

18. Appeals

(a) Fee to cover instructions, marking of appeal or noting that appeal marked, noting of diet of hearing thereof, perusing Stated Case, framing questions in law and adjustment thereof, including preparation for hearing	319.50
(b) Fee to cover conduct of hearing on adjustments, per quarter hour	35.50
(c) Conduct of appeal, per quarter hour	35.50

19. Final procedure

(a) Fee to cover settling with witnesses and noting final interlocutor	159.75
(b) Fee to cover drawing 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	142.00
(c) Fee to cover considering opponent's account of expenses, objections and attendance at hearing on expenses, per quarter hour	35.50

SCHEDULE 8

Paragraph 3(5)(c)

PART IIIA – DEFENDED ACTIONS: PERSONAL INJURY
CLAIMS ONLY (COMMENCED ON OR AFTER 10TH JUNE 2002)

	£
1. Work before action commences	
To cover all work of a pre-litigation basis, to include discussions/ correspondence with opposing party, exchange of documentation, etc. (not exceeding 3 hours)	426.00
2. Instruction	
(a) To include taking instructions, framing summons and statement of claim, statement of valuation, obtaining warrant for service, enquiring for and consideration of Response Form (not exceeding 3 ¹ / ₈ hours)	443.75
(b) Where counterclaim and answers lodged, additional fee (not exceeding 1 ¹ / ₂ hours)	213.00
(c) If additional defender/third party brought in, additional fee to each original party's solicitor (not exceeding 1 ¹ / ₂ hours)	213.00
3. Service	
(a) Citation by post for each party—	
(i) within the United Kingdom, Isle of Man, Channel Islands, or the Republic of Ireland	17.75
(ii) elsewhere	35.50
(b) Instructing service or re-service by sheriff officer including perusing execution of citation and settling sheriff officer's fee, for each party	17.75
(c) Framing and instructing service by advertisement, for each party	53.25
4. Attendance at first calling	
(a) To include necessary preparation for and conduct of (each of) such hearings and noting interlocutor (2 hours)	284.00
(b) Where waiting/hearing exceeds half an hour, for every extra quarter hour	35.50
5. Attendance at court	
Attendance at any hearing except, as otherwise specially provided, per half hour	71.00
6. Precognitions	
Taking and drawing, per sheet	71.00
Note:	
Where a skilled witness prepares his or her own precognition or report, the solicitor shall be allowed for perusing it (whether or not in the course of doing so he or she revises or adjusts it), half of the taking and drawing fee per sheet.	
7. Reports obtained under order of court	

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

(a) All work incidental to it	142.00
(b) Additional fee for perusal of report, per quarter hour	32.00

8. Productions

(a) For lodging productions, each inventory	71.00
(b) For considering opponent's productions, each inventory	35.50

9. Affidavits

To framing affidavits (where ordered), per sheet	35.50
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10. Incidental applications and minutes

(a) Fee to cover drawing, intimating and lodging of any written incidental applications or minute, excluding a minute to recall decree, and initial attendance at court (except as otherwise provided in this Chapter)—	
(i) where opposed	177.50
(ii) where unopposed — including for each party a joint minute or joint incidental application (other than under paragraph 15(b))	71.00
(iii) where incidental application exceeds half an hour, additional fee per quarter hour	35.50
(b) Fee to cover considering opponent's written incidental application or minute, excluding minute to recall decree, and relative attendance at court—	
(i) where opposed	177.50
(ii) where unopposed	71.00
(iii) where incidental application exceeds half an hour, additional fee per quarter hour	35.50

11. 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 specifically 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	585.75
(ii) in any other case	781.00
(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	177.50

12. Hearing limitation fee

Fee to include work done (except as otherwise specially provided 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, precognitions and expert reports, agreeing any fact, statement or documents, agreeing Schedule	585.75
--	--------

of Damages and preparing and lodging joint minute of admissions (not exceeding 4 hours)

13. Conduct of proof

- | | |
|---|-------|
| (a) Fee to cover conduct of proof or trial and debate on evidence taken at close of proof, per quarter hour | 35.50 |
| (b) Waiting time, per quarter hour | 32.00 |

14. Debate on evidence

- | | |
|---|--------|
| (a) Where debate on evidence not taken at conclusion of proof, preparing for debate | 142.00 |
| (b) Fee for conduct of debate, per quarter hour | 35.50 |
| (c) Waiting time, per quarter hour | 32.00 |

15. Settlements

- | | |
|--|--------|
| (a) Judicial tender— | |
| (i) fee for preparation and lodging or for consideration of each minute of tender | 142.00 |
| (ii) fee on acceptance of tender, to include preparation and lodging or consideration of minute of acceptance and attendance at court when decree granted in terms thereof | 106.50 |
| (b) Extra judicial settlement, to include negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto | 248.50 |
| (c) Whether or not fees are 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 | 248.50 |

16. Specification of documents

- | | |
|--|--------|
| (a) Fee to cover drawing, intimating and lodging specification and relative incidental application— | |
| (i) where incidental application unopposed | 142.00 |
| (ii) where incidental application opposed, additional fee per quarter hour | 35.50 |
| (b) Fee to opponent— | |
| (i) where incidental application unopposed | 142.00 |
| (ii) where incidental application opposed, additional fee per quarter hour | 35.50 |
| (c) Fee for citation of havers, preparation for and attendance before commissioner at execution of commission— | |
| (i) where attendance before commissioner does not exceed one hour | 142.00 |
| (ii) for each additional quarter hour after the first hour | 35.50 |
| (d) If optional procedure adopted, fee per person upon whom order is served | 35.50 |
| (e) Fee for perusal of documents recovered, per quarter hour | 35.50 |

17. Commissions to take evidence – open commissions

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

- | | |
|--|--------|
| (a) Fee to solicitor applying for commission to include all work (except as otherwise specially provided for in this Chapter) up to lodging report of commission but excluding attendance at execution of commission | 248.00 |
| (b) Fee to opponent | 142.00 |
| (c) Fee for attendance at execution of commission, per quarter hour | 35.50 |

18. Appeals

- | | |
|--|--------|
| (a) Fee to cover instructions, marking of appeal or noting that appeal marked, noting of diet of hearing thereof, perusing Stated Case, framing questions in law and adjustment thereof, including preparation for hearing | 390.50 |
| (b) If Counsel [or solicitor advocate] employed | 213.00 |
| (c) Fee to cover conduct of hearing on adjustments, per quarter hour | 35.50 |
| (d) Conduct of appeal, per quarter hour | 35.50 |

19. Final procedure

- | | |
|--|--------|
| (a) Fee to cover settling with witnesses and noting final interlocutor | 213.00 |
| (b) Fee to cover drawing 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 | 177.50 |
| (c) Fee to cover considering opponent's account of expenses, objections and attendance at hearing on expenses, per quarter hour | 35.50 |

20. Instruction of Counsel or solicitor advocate

- | | |
|--|--------|
| (a) Fee for instructing counsel or solicitor advocate to attend court | 177.50 |
| (b) Fee for attending consultation with counsel or solicitor advocate— | |
| (i) where total time engaged does not exceed one hour | 177.50 |
| (ii) fee for each additional quarter hour | 35.50 |

Note:

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

SCHEDULE 9

Paragraph 3(5)(d)

PART IIIB – DEFENDED ACTIONS: PERSONAL INJURY
CLAIMS COMMENCED ON OR AFTER 1ST MARCH 2014

£

1. Precognition and reports

- | | |
|---|-------|
| Taking and drawing precognitions, per sheet | 71.00 |
|---|-------|

Note:

Where a skilled witness prepares his or her own precognition or report, the solicitor shall be allowed, for perusing it (whether or not in the course of doing so he or she revises or adjusts it), half of the taking and drawing fee per sheet.

2. Work before action commences

All work which the Auditor is satisfied has reasonably been undertaken in contemplation of, or preparatory to the commencement of proceedings (or such lesser sum as in the opinion of the Auditor is justified). 426.00

3. Instruction fee

- | | |
|--|--------|
| (a) To cover all work (except as otherwise specifically provided for in this Chapter) from commencement to the lodging of the form of response, including effecting service of summons by post | 284.00 |
| (b) Fee for consideration of each additional form of response lodged | 71.00 |
| (c) Specification of documents as per Form 10e | 71.00 |
| (d) Fee to opponent for considering specification of documents | 71.00 |
| (e) Instructing service or re-service by way of sheriff officer including perusing execution of citation and settling sheriff officers' charges | 71.00 |
| (f) If counterclaim lodged, additional fee to each party to include answers | 213.00 |
| (g) Arranging commission for recovery of documents including citing havers, instructing commissioner and shorthand writer and preparation for commission | 106.50 |
| (h) Fee to opponent where a commission arranged | 71.00 |
| (i) Attendance at execution of commission, per quarter hour | 35.50 |
| (j) If optional procedure adopted, fee per person on whom order is served | 35.50 |
| (k) Fee for perusal of documents recovered, per quarter hour | 35.50 |

4. Adjustment fee

- | | |
|--|--------|
| (a) All work (except as otherwise specifically provided for in this Chapter) in connection with adjustment of statement of valuation of claim and/or response thereto including preparing and lodging certified adjusted statement of valuation of claim or response | 266.25 |
| (b) All work as above, so far as applicable, where cause settled or disposed of before expiry of adjustment period | 159.75 |

5. Introduction of additional parties

Fee (to include necessary amendments) to the pursuer and existing defender to be allowed for each pursuer, defender or third party brought in 213.00

6. Valuation of claim

- | | |
|---|--------|
| (a) Fee for preparation and lodging of statement of valuation of claim | 213.00 |
| (b) Fee for consideration of opponent's statement of valuation of claim | 106.50 |
| (c) Fee for inspection of documents, per quarter hour | 35.50 |

7. Productions	
(a) Fee for lodging productions, each inventory	71.00
(b) Fee for consideration of opponent's productions, each inventory	35.50
8. Affidavits	
Framing affidavits, per sheet	35.50
9. Incidental applications and minutes	
(a) Fee to cover drawing, intimating and lodging any written incidental application and minute including a minute for recall of decree, and relative attendance at court (except as otherwise provided for in this Chapter)—	
(i) where opposed	177.50
(ii) where unopposed – including for each party a joint minute or joint incidental application (other than under paragraph 19(b))	71.00
(iii) where incidental application exceeds half an hour, additional fee per quarter hour	35.50
(iv) attendance at continued incidental application, per quarter hour	35.50
(b) Fee for consideration of opponent's written incidental application or minute and relative attendance at court—	
(i) where opposed	177.50
(ii) where unopposed	71.00
(iii) where incidental application exceeds half an hour, additional fee per quarter hour	35.50
(iv) attendance at continued incidental application, per quarter hour	35.50
10. Reports obtained under order of court excluding Auditor's Report	
(a) All work incidental to report	142.00
(b) Additional fee for perusal of report, per quarter hour	32.00
11. Specification of documents (if further specification deemed necessary)	
(a) Fee to cover drawing, intimating and lodging specification of documents and relevant incidental application—	
(i) where incidental application unopposed	142.00
(ii) where incidental application opposed, additional fee per quarter hour	35.50
(b) Fee to opponent—	
(i) where incidental application not opposed	71.00
(ii) where incidental application opposed, additional fee per quarter hour	35.50
(c) Fee for arranging commission to recover documents, citing havers, instructing commissioner and shorthand writer and preparation for commission	142.00
(d) Fee to opponent	71.00

- | | |
|---|-------|
| (e) Attendance at execution of commission, per quarter hour | 35.50 |
| (f) If optional procedure adopted, fee per person upon whom order is served | 35.50 |
| (g) Fee for perusal of documents recovered under a specification of documents (or by informal means) not otherwise provided for in this Chapter, per quarter hour | 35.50 |

12. Commissions to take evidence – open commissions

- | | |
|--|--------|
| (a) Fee to solicitor applying for commission to include all work (except as otherwise specially provided for in this Chapter) up to lodging report of commission but excluding attendance at execution of commission | 248.50 |
| (b) Fee to opponent | 142.00 |
| (c) Fee for attendance at execution of commission, per quarter hour | 35.50 |

13. Hearing limitation fee

- | | |
|--|--------|
| Fee to include work done (except as otherwise specifically provided for in this Chapter) with a view to limiting the scope of any hearing and including the exchange of documents, precognitions and expert reports, agreeing in fact, statement or document not in dispute and preparing and lodging or considering any joint minute, not exceeding | 248.50 |
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14. Preparation for proof

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|--|--------|
| (a) Fee to cover all work preparing for proof (except as otherwise specially provided for in this Chapter)— | |
| (i) if action settled or abandoned within 7 days of diet of proof | 781.00 |
| (ii) in any other case | 568.00 |
| (b) Fee to cover preparing for any adjourned diet and all incidental work as in (a) if diet postponed for more than 6 days, each additional diet | 177.50 |

15. Pre-proof conference

- | | |
|---|--------|
| (a) Fee for arranging pre-proof conference (each occasion) | 71.00 |
| (b) Fee preparing for pre-proof conference— | |
| (i) where counsel or solicitor advocate not employed | 390.50 |
| (ii) where counsel or solicitor advocate employed | 195.25 |
| (c) Fee for attending pre-proof conference, per quarter hour— | |
| (i) where counsel or solicitor advocate not employed | 35.50 |
| (ii) where counsel or solicitor advocate employed | 32.00 |
| (d) Joint minute of pre-proof conference | 71.00 |

Note:

Where pre-proof conference takes place by telephone or other remote means, the foregoing charges shall apply.

16. Conduct of proof

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| (a) Fee to cover conduct of proof or trial, and debate on evidence taken at close of proof, per quarter hour | 35.50 |
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(b) If counsel or solicitor advocate employed, fee to solicitor appearing with counsel or solicitor advocate, per quarter hour	32.00
(c) Waiting time, per quarter hour	32.00
17. Debate on evidence	
(a) Where debate on evidence not taken at conclusion of proof, fee preparing for debate	142.00
(b) Fee for conduct of debate, per quarter hour	35.50
(c) If counsel or solicitor advocate employed, fee to solicitor appearing with counsel or solicitor advocate, per quarter hour	32.00
(d) Waiting time, per quarter hour	32.00
18. Attendance at court	
Attendance at any hearing except as otherwise specially provided	71.00
19. Settlements	
(a) Settlement by judicial tender—	
(i) fee for preparation and lodging or for consideration of each minute of tender	142.00
(ii) fee on acceptance of tender to include preparation and lodging or consideration of minute of acceptance of tender and attendance at court when decree granted in terms thereof	106.50
(b) Extra-judicial settlement, to include negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto	248.50
(c) Whether or not fees payable under (a) or (b) above, where additional work has been undertaken with a view to effecting settlement, including offering settlement, although settlement not agreed, not exceeding	248.50
20. Final procedure	
(a) If case proceeds to proof or is settled within 14 days before the diet of proof, fee to cover settling with witnesses and enquiring for cause at avizandum and noting final interlocutor	195.25
(b) In any other case	88.75
21. Copying	
For the copying of papers by whatever means, if the Auditor determines (either or both) that—	
(a) the copying had to be done in circumstances which were in some way exceptional;	
(b) the papers which required to be copied were unusually numerous having regard to the nature of the case,	
such charge, if any, as the Auditor considers reasonable (but a charge based on the time expended by any person shall not be allowed).	

Note:

1. Where a determination is required under this paragraph, the purpose of the copying, the number of copies made and the charge claimed shall be shown in the account.

2. Copying done other than in the place of business of the solicitor shall be shown as an outlay.

22. Appeals

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|--|--------|
| (a) Fee to cover instructions, marking of appeal or noting that appeal marked, noting of diet of hearing thereof, perusing Stated Case and all work re adjustment thereof, including preparation for hearing | 390.50 |
| (b) Conduct of appeal, per quarter hour | 35.50 |
| (c) If counsel or solicitor advocate employed, fee to solicitor appearing with counsel or solicitor advocate, per quarter hour | 32.00 |
| (d) Waiting time, per quarter hour | 32.00 |

23. Instruction of counsel or solicitor advocate

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|--|--------|
| (a) Fee for instructing counsel or solicitor advocate to attend court | 177.50 |
| (b) Fee for attending consultation with counsel or solicitor advocate— | |
| (i) Where total time engaged does not exceed one hour | 177.50 |
| (ii) Fee for each additional quarter hour | 35.50 |

24. Accounts of Expenses

Preparation of judicial account of expenses to include production of vouchers and adjustment thereof	177.50
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25. Ordering and procuring extract 35.50

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt makes amendments to the Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment and Further Provisions) 1993 ([S.I. 1993/3080](#)).

The Table of Fees has been amended to provide that all monetary values in ordinary causes are expressed as a multiple or fraction of the new rate of £156 per hour. The previous rate was £142 per hour, which has not been increased since 2009 and certain values were previously not expressed as a multiple or fraction of that rate. They have now been standardised to the nearest appropriate multiple or fraction of £156 per hour. All monetary values in summary causes have been expressed as a multiple or fraction of the standardised rate of £142 per hour.

In addition, a revised Part of the Table of Fees is provided in respect of defended summary cause personal injury actions raised on or after 1st March 2014. This is in consequence of the new summary cause personal injury rules introduced by the Act of Sederunt (Summary Cause Rules Amendment) (Personal Injuries Actions) 2012 ([S.S.I. 2012/144](#)).

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

The Table of Fees was last amended by the Act of Sederunt (Fees of Solicitors and Witnesses in the Sheriff Court) (Amendment) 2011 ([S.S.I. 2011/403](#)).

The Act of Sederunt does not apply as respects fees chargeable for work done, or outlays incurred, before it comes into force.