

## 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

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<b>1. Work before action commences – Ordinary Action and Family Action</b>		£
	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
<b>2. Work before action commences – Commercial Action</b>		
	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
<b>3. Instruction</b>		
(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
<b>4. Precognitions and reports</b>		
	Taking and drawing precognitions, per sheet	78.00
	<b>Note:</b>	
	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.	
<b>5. Productions</b>		
(a)	For lodging productions, each inventory	78.00
(b)	For considering opponent's productions, each inventory	39.00
<b>6. Adjustment</b>		
	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
(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

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**7. Affidavits**

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—

- (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—

- (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**

- (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**

- (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)**

- (a) Where counsel or solicitor advocate not employed—
  - (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
<b>13. Interim Interdict Hearings and other Interim Hearings</b>	
(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
<b>14. Reports obtained under order of court</b>	
(a) Fee for all work incidental thereto	156.00
(b) Additional fee for perusal of report, per quarter hour	35.00
<b>15. Commissions to take evidence</b>	
(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
<b>16. Specification of documents</b>	
(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
(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—	

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- (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**

- (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**

- (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**

- (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**

- (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, 702.00

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preparing and intimating any notice to admit or notice of non-admission (and consideration thereof) and preparing and lodging any joint minute, not exceeding

**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**

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- (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

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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

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