

## 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
<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>2. Pre-litigation fee</b>	
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>3. Instruction</b>	
(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
<b>4. Productions</b>	
(a) For lodging productions, each inventory	78.00
(b) For considering opponent's productions, each inventory	39.00
<b>5. Adjustment</b>	
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

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(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
<b>6. Affidavits</b>	
Framing affidavits, per sheet	39.00
<b>7. Valuation of Claim</b>	
(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
<b>8. Incidental hearings/variation of timetable order</b>	
(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
<b>9. Reports obtained under order of court excluding Auditor's Report</b>	
(a) All work incidental thereto	156.00
(b) Additional fee for perusal of report, per quarter hour	35.00
<b>10. Specification of documents (if further specification deemed necessary)</b>	
(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

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#### **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 reponing 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

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(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
<b>14. Incidental Procedure (not chargeable prior to allowance of proof)</b>	
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
<b>15. Amendment of Record</b>	
(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
<b>16. Withdrawal of solicitors</b>	
(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
<b>17. Attendance not otherwise provided for</b>	
(a) Where hearing does not exceed half an hour	78.00
(b) Where hearing exceeds half an hour, per additional quarter hour	39.00
<b>18. Hearing limitation fee</b>	
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	273.00

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

#### **19. Preparation for proof**

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|-------|---|--------|
| (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 |        |

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| (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**

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|------|--|--------|
| (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.

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| <b>21. Joint minute of pre-proof conference</b> | 78.00 |
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#### **22. Conduct of proof**

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| (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**

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|-----|---|--------|
| (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  |

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| (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**

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|---|--------|
| (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**

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| (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—

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| (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