SCHEDULE 7 Paragraph 3(5)(b)

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

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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**	
(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

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