

SCHEDULE 8

Paragraph 3(5)(c)

PART IIIA – DEFENDED ACTIONS: PERSONAL INJURY
CLAIMS ONLY (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 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 3¼ hours)	443.75
(b) Where counterclaim and answers lodged, additional fee (not exceeding 1½ hours)	213.00
(c) If additional defender/third party brought in, additional fee to each original party's solicitor (not exceeding 1½ 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	

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

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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 |
| (b) Waiting time, per quarter hour | 32.00 |

14. Debate on evidence

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| (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

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| (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 interposed 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

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| (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

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| (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

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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, 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

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| (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

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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 |

Note:

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