

## SCHEDULE 6

Paragraph 3(3)(b)(v)

## PART V – DEFENDED ACTIONS

<b>1. Instruction</b>	£
(a) All work (apart from precognitions) from commencement until lodgement of open record	702.00
(b) Instructing re-service where necessary	78.00
(c) If counterclaim lodged, additional fee for each party	156.00
<b>2. Work before action commences</b>	
All work which the Auditor is satisfied has reasonably been undertaken in contemplation of, or preparatory to, the commencement of proceedings (or such other sum as in the opinion of the Auditor is justified)	702.00
<b>3. Lodging productions</b>	
(a) For lodging productions – each inventory	78.00
(b) For considering opponent's productions – each inventory	39.00
<b>4. Record</b>	
(a) All work in connection with adjustment and closing of record (including subsequent work in connection with By Order (Adjustment) Roll, except in actions proceeding under Chapter 42A)	780.00
(b) All work as above, so far as applicable, where cause settled or disposed of before record closed	468.00
(c) If consultation held before record closed, additional fees may be allowed as follows—	
(i) arranging consultation	78.00
(ii) attendance at consultation, per quarter hour	39.00
(d) Additional fee to subparagraph (a) or (b) (to include necessary amendments) to be allowed to every existing party for each pursuer, defender or third party brought in before the record is closed	234.00
(e) Additional fee to every existing party if an additional pursuer, defender or third party is brought in after the record is closed	351.00
(f) Fee allowable to a new pursuer who requires to be brought in as a result of the death of an existing pursuer	234.00
<b>5. By Order (Adjustment) Roll in actions proceeding under Chapter 42A</b>	
(a) Fee to cover preparing and instruction of counsel or other person having a right of audience to include attendance not exceeding half an hour	117.00
(b) Thereafter attendance fee, per quarter hour	39.00
<b>6. Notes of Argument, Statements of Facts or Issues and Notes of Proposals for Further Procedure</b>	
(a) Instructing, perusing and lodging first Note of Arguments (either party)	156.00

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(b) Perusing opponent's Note of Arguments	78.00
(c) Instructing, perusing and lodging any further Note of Arguments (either party)	78.00
(d) Instructing, perusing and lodging (each) Statement of Facts or Issues	117.00
(e) Perusing opponent's Statement of Facts or Issues (each)	78.00
(f) Instructing, revising and lodging (each) Note of Proposals for Further Procedure	117.00
(g) Perusing opponent's Note of Proposals for Further Procedure (each)	78.00
<b>7. Procedure Roll, preliminary, procedural or other hearing</b>	
(a) Preparing for hearing including all work, incidental work and instruction of counsel or other person having a right of audience	156.00
(b) Attendance fee, per quarter hour	39.00
(c) Advising and work incidental to it	117.00
<b>8. Valuation of claim in actions proceeding under Chapter 42A</b>	
(a) Fee to cover note on quantum/valuation of claim	468.00
(b) Opponent's fee for inspection of valuation of claim	234.00
(c) Inspection of documents, per quarter hour	39.00
<b>9. Adjustment of issues and counter issues</b>	
(a) All work in connection with and incidental to the lodging of an issue and adjustment and approval of it	156.00
(b) If one counter-issue, additional fee to pursuer	39.00
(c) Where more than one counter-issue, an additional fee to pursuer for each additional counter-issue	19.50
(d) All work in connection with and incidental to the lodging of a counter-issue and adjustment and approval of it	156.00
(e) Fee to defender or third party for considering issue where no counter-issue lodged	39.00
(f) Fee to defender or third party for considering each additional counter-issue	19.50
<b>10. Precognitions, affidavits and (where ordered by the court) witness summaries and witness statements</b>	
(a) Taking and drawing precognitions, per sheet	78.00
(b) All work in connection with preparation and lodging of affidavits and (where ordered by the court) witness summaries and witness statements, per sheet	78.00
(c) Perusing opponent's witness summaries, witness statements and affidavits, per sheet	39.00

**Note:**

Where a skilled person 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.

#### **11. Reports obtained under order of court excluding Auditor's report**

(a) All work incidental to it	156.00
(b) Additional, fee for perusal of report, per quarter hour (or such other sum as in the opinion of the Auditor is justified)	35.00

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#### **12. Specification of documents**

(a) Instructing counsel or other person having a right of audience, revising and lodging and all incidental procedure to obtain a diligence up to and including obtaining interlocutor	156.00
(b) Fee to opponent	78.00
(c) 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 alternative procedure adopted, a fee per person on whom order served	58.50
(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

#### **13. Commission to take evidence on interrogatories**

(a) Applying for commission to cover all work up to and including lodging report of commission with completed interrogatories and cross-interrogatories	312.00
(b) Fee to opponent if cross-interrogatories lodged	234.00
(c) Fee to opponent if no cross-interrogatories lodged	97.50
(d) In addition to above, fee per sheet to each party for completed interrogatories or cross-interrogatories, including all copies	19.50

#### **14. Commission to take evidence on open commissions**

(a) Applying for commission up to and including lodging report of commission, but excluding subparagraph (c)	351.00
(b) Fee to opponent	156.00
(c) Fee for attendance at execution of commission, per quarter hour	39.00

#### **15. Miscellaneous motions and minutes where not otherwise covered by this Part**

(a) Where attendance of counsel or other person having a right of audience and/or solicitor not required	39.00
(b) Where attendance of counsel or other person having a right of audience and/or solicitor required, inclusive of instruction of counsel or other person having a right of audience, not exceeding half an hour	117.00
(c) Thereafter attendance fee, per additional quarter hour	39.00

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| (d) Instructing counsel or other person having a right of audience for a minute (other than a minute ordered by the court), revising and lodging as a separate step in process including any necessary action | 117.00 |
| (e) Perusing a minute of admission or abandonment   | 39.00  |

**16. Incidental Procedure (not chargeable prior to the approval of issue of allowance of proof)**

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| Fixing diet, obtaining note on the line of evidence etc., borrowing and returning process and all other work prior to the consultation on the sufficiency of evidence | 351.00 |
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**17. Amendment of record**

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| (a) Amendment of conclusions only, fee to proposer  | 117.00 |
| (b) Amendment of conclusions only, fee to opponent  | 39.00  |
| (c) Amendment of pleadings after record closed, where no answers to the amendment are lodged, fee to proposer             | 156.00 |
| (d) In same circumstances, fee to opponent  | 78.00  |
| (e) Amendment of pleadings after record closed, where answers are lodged, fee for proposer and each party lodging answers | 390.00 |
| (f) Additional fee for adjustment of minute and answers, where applicable, to be allowed to each party                    | 234.00 |

**18. Preparation for proof or jury trial**

To include fixing consultation on the sufficiency of evidence, fee-funding precept, citing witnesses, all work checking and writing up process and preparing for proof or jury trial—

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| (a) if action settled before proof or jury trial, or lasts only one day, to include, where applicable, instruction of counsel or other person having a right of audience | 1,014.00 |
| (b) for each day or part of day after the first, including instruction of counsel or other person having a right of audience   | 97.50    |
| (c) preparing for adjourned diets and all work incidental to it as in subparagraph (a), if adjourned for more than five days   | 234.00   |
| (d) if consultation held before proof or jury trial, attendance at it, per quarter hour  | 39.00    |
| (e) all work in connection with making up and pagination of joint bundle of medical records in actions proceeding under Chapter 42A                                      | 156.00   |

**19. Pre-trial meeting**

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| (a) Fee arranging pre-trial meeting (each occasion)                   | 78.00  |
| (b) Fee preparing for pre-trial meeting                               | 429.00 |
| (c) Fee for preparing for continued pre-trial meeting (each occasion) | 156.00 |
| (d) Fee attending pre-trial meeting, per quarter hour                 | 39.00  |
| (e) Joint minute of pre-trial meeting                                 | 39.00  |

## 20. Copying

For the copying of papers by whatever means—

- (a) where a copy is required to be lodged, or sent, in pursuance of any of rules 4.7, 22.1 and 22.3, such charge as the Auditor may from time to time determine (and the Auditor may make different provision for different classes of case); and
- (b) in any other case, if the Auditor determines (either or both) that —
  - (i) the copying had to be done in circumstances which were in some way exceptional;
  - (ii) the papers which required to be copied were unusually numerous having regard to the nature of the cause,
 such charge, if any, as the Auditor considers reasonable (but a charge based on time expended by any person in copying shall not be allowed).

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### Notes:

1. Where a determination is required under subparagraph (b), the purpose of copying, the number of copies 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.

## 21. Settlement

- (a) Judicial tender—
  - (i) lodging or considering first tender 234.00
  - (ii) lodging or considering each further tender 156.00
  - (iii) if tender accepted, an additional fee to each accepting party 156.00
- (b) Extrajudicial settlement – advising on, negotiating and agreeing extrajudicial settlement (not based on judicial tender) to include preparation and lodging of joint minute 390.00
- (c) The Auditor may allow a fee in respect of work undertaken with a view to settlement (whether or not settlement is in fact agreed), including offering settlement 624.00
- (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

## 22. Hearing limitation fee

To include all work undertaken with a view to limiting the matters in dispute or limiting the scope of any hearing, and including exchanging documents, precognitions and expert reports, agreeing any fact, statement or document, and preparing and lodging any joint minute 780.00

## 23. Proof or jury trial

Attendance fee, per quarter hour 39.00

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#### **24. Accounts**

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| (a) | To include framing, adjusting and lodging account                                | 234.00 |
| (b) | To include considering Notes of Objections, and generally preparing for taxation | 234.00 |
| (c) | Attendance at taxation, per quarter hour   | 39.00  |

#### **25. Ordering and obtaining extract**

58.50

#### **26. Final procedure**

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| (a) | If case goes to proof or jury trial, or is settled within 14 days before the diet of proof or jury trial, to include all work to close of cause so far as not otherwise provided for | 312.00 |
| (b) | In any other case  | 97.50  |
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