

SCHEDULE 7

Paragraph 3(3)(b)(vi)

PART VA – DEFENDED PERSONAL INJURIES
ACTIONS COMMENCED ON OR AFTER 1 APRIL 2003

1. Precognitions/Expert Reports/Factual Reports	£
Taking and drawing precognitions, per sheet	78.00
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.	
2. Pre-litigation fee	
All work which the Auditor is satisfied has reasonably been undertaken in contemplation of, or preparatory to the commencement of proceedings particularly to include communications between parties in relation to areas of medical/quantum/discussion re settlement (or such other sum as in the opinion of the Auditor is justified)	702.00
3. Lodging productions	
(a) For lodging productions, each inventory	78.00
(b) For considering opponent's productions, each inventory	39.00
4. Instruction	
(a) To cover all work (except as otherwise specially provided for in this Part) from commencement to lodging of defences	702.00
(b) Specification of documents per Form 43.2-B	117.00
(c) Fee to opponent for considering specification of documents	78.00
(d) In the event of the summons being drafted without the assistance of counsel or other person having a right of audience such further fee will be allowed as the Auditor considers appropriate, up to	234.00
(e) Instructing re-service where necessary	78.00
(f) If counterclaim lodged, additional fee for each party to include Answers	234.00
(g) Arranging commission to recover documents, citing havers, instructing commissioner and shorthand writer and preparation for commission	156.00
(h) Fee to opponent where commission arranged	78.00
(i) Attendance at execution of commission, per quarter hour	39.00
(j) If alternative procedure adopted, a fee per person on whom order served	58.50
(k) 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
5. Record	
(a) All work in connection with adjustment and closing of record	780.00

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(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

6. Notes of arguments

(a) Instructing, perusing and lodging first Note of Arguments, where ordained by the Court (either party)	156.00
(b) Perusing opponent’s Note of Arguments	78.00
(c) Instructing, perusing and lodging any further Note of Arguments, where ordained by the Court (either party)	78.00

7. Valuation of claim

(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

8. Adjustment of issues and counter-issues

(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

9. By Order Roll/variation of timetable order/adjustment on final decree/interim payment of damages

(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 additional quarter hour	39.00
(c) In the event of a separate Advising/Opinion and all work incidental thereto	117.00

10. 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

11. Incidental procedure (not chargeable prior to the approval of issue or allowance of proof)

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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12. Specification of documents (if further specification considered necessary)	
(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 commission	
(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 quarter hour	39.00

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- (d) Instructing counsel or other person having a right of audience for a minute/note on further procedure (if applicable), revising and lodging as a separate step in process including any necessary action 117.00
- (e) Perusing a minute of admission or abandonment, a note ordered by the court, or a notice of grounds 39.00

16. Amendment of record

- (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

17. Copying

- (a) Where a copy is required to be lodged, or sent, in pursuance of rules 4.7 or 43.6(4), 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).

Notes:

1. Where a determination is required under subparagraph (b), 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.

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—

- (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
19. Pre-trial meeting	
(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. Hearing limitation fee	
For any work undertaken to limit matters in dispute not otherwise provided for — subject to details being provided	312.00
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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. Proof or jury trial	
Attendance fee, per quarter hour	39.00
23. Accounts	
(a) Preparation of judicial account, to include production of vouchers and adjustment of expenses	312.00
(b) Perusal of points of objections, per quarter hour	39.00
(c) Attendance at taxation, per quarter hour	39.00
24. Ordering and obtaining extract	58.50
25. 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
