

SCHEDULE 2

Regulation 3(4)

Amendments to Part 2 of Chapter 3 of schedule 2 of the Civil Legal Aid (Scotland) (Fees) Regulations 1989

| Part 2 - Defended Actions | | | |
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| 1. | The instruction fee— | | |
| | (a) | for the pursuer's solicitor, including taking instructions, framing summons and statement of claim, obtaining warrant for service, enquiring for the form of response and noting defence | £87.78 |
| | (b) | for the defender's solicitor, for all work from taking instructions (including instructions for a counter-claim) up to and including lodging the form of response | £87.78 |
| 2. | Where an additional defender or third party enters the cause, an additional fee for each of the original parties' solicitors for all consequent work | | £43.93 |
| 3. | The fee for citation, service or re-service, except as provided for in paragraph 19(e), by— | | |
| | (a) | post, to a destination— | |
| | | (i) within the United Kingdom, Isle of Man, Channel Islands or the Republic of Ireland | £7.30 |
| | | (ii) other than one specified in paragraph (i) | £15.61 |
| | (b) | sheriff officer, to include instructing sheriff officer, perusing execution of citation and settling sheriff officer's fee | £7.30 |
| | (c) | advertisement, to include framing and instructing the advertisement | £22.84 |
| 4. | In connection with the first hearing of the cause— | | |
| | (a) | the fee for attendance at court, including noting the outcome of the hearing | £75.90 |
| | (b) | if waiting for and conducting the hearing exceeds an hour and a half, the fee for attendance at court for each subsequent half hour | £22.84 |
| 5. | The fee for attendance at court, except as specifically provided for elsewhere in this Chapter, per half hour | | £22.84 |
| 6. | The fee for drawing precognitions, including instructions, attendances with witnesses and all relative meetings and correspondence, per sheet | | £33.83 |
| 7. | The fee for perusing, revising and adjusting a report or precognition prepared by a skilled witness, per sheet | | £16.92 |
| 8. | In connection with reports commissioned by order of Court, the fee for— | | |
| | (a) | all incidental work, including instructing the report | £22.84 |
| | (b) | each half hour perusing the report | £22.84 |
| 9. | The fee, per inventory, for— | | |
| | (a) | lodging productions | £33.83 |
| | (b) | perusing the opposition's productions | £15.61 |

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| 10. | The fee for framing affidavits, per sheet | | £16.92 |
| 11. | Except as provided for by paragraphs 17, 18 and 19 the fee for— | | |
| | (a) | drawing, intimating and lodging any written minute or incidental application including any relative attendance at court, where that minute or application is— | |
| | (i) | opposed | £48.17 |
| | (ii) | unopposed | £28.93 |
| | (b) | considering a written minute or incidental application intimated by the opposition including any relative attendance at court, where that minute or application is— | |
| | (i) | opposed | £39.62 |
| | (ii) | unopposed | £22.84 |
| 12. | In connection with a hearing to which paragraph 11 applies, if waiting for and conducting that hearing exceeds half an hour, the fee for attendance at court for each subsequent half hour | | £22.84 |
| 13. | In connection with a proof the fee for all work, except as specifically provided for elsewhere in this Chapter, preparatory to— | | |
| | (a) | the first scheduled proof, if— | |
| | (i) | the cause is settled or abandoned 7 or more days before the scheduled proof | £79.24 |
| | (ii) | paragraph (i) does not apply | £95.13 |
| | (b) | any adjourned proof, if the postponement from the hearing previously scheduled exceeds 6 days and— | |
| | (i) | the cause is settled or abandoned 7 or more days before the scheduled proof | £39.62 |
| | (ii) | paragraph (i) does not apply | £47.57 |
| 14. | The fee for each half hour inspecting the opposition's documents either at court or at a place fixed by the opposition | | £22.84 |
| 15. | In connection with a proof or a trial and debate on evidence taken at the close of proof, the fee for each half hour— | | |
| | (a) | conducting that hearing | £22.84 |
| | (b) | waiting in court for that hearing | £12.14 |
| 16. | In connection with a debate on evidence not taken at the close of proof, the fee for— | | |
| | (a) | all preparatory work | £53.07 |
| | (b) | attendance at court, per half hour | £22.84 |
| 17. | In connection with a minute of judicial tender— | | |
| | (a) | the fee for consideration of, preparing and lodging the minute | £48.17 |

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| | (b) | on acceptance of the tender, the fee for consideration of, preparing and lodging the minute of acceptance and attendance at court when decree is granted in terms of that minute | £33.83 |
| | (c) | on rejection of the tender, the fee for considering it | £33.83 |
| 18. | | The fee for each party where the case is settled extra-judicially, including all relative negotiations, framing or revising the joint minute and attendance at court when authority is interponed thereto | £79.24 |
| 19. | | In connection with an incidental application for commission and diligence to recover documents or an order under section 1 of the Administration of Justice (Scotland) Act 1972(1), the fee for— | |
| | (a) | drawing, intimating and lodging the application and, where relevant, specification and any relative attendance at court, where the application is— | |
| | (i) | opposed | £52.95 |
| | (ii) | unopposed | £28.93 |
| | (b) | considering the application and, where relevant, specification intimated by the opposition and any relative attendance at court, where the application is— | |
| | (i) | opposed | £39.62 |
| | (ii) | unopposed | £22.84 |
| | (c) | each subsequent half hour, where attendance at court exceeds half an hour | £22.84 |
| | (d) | citing havers and preparing for and appearing before the commissioner or sheriff at the execution of the commission, per half hour | £22.84 |
| | (e) | serving an order on each person, if optional procedure is adopted | £15.61 |
| | (f) | each half hour perusing the documents recovered | £22.84 |
| 20. | | In connection with an open commission to take evidence, the fee for— | |
| | (a) | all work, excluding attendance at the commission, by the— | |
| | (i) | solicitor applying for the commission | £53.07 |
| | (ii) | opposing solicitor | £22.84 |
| | (b) | each half hour attending the execution of the commission | £22.84 |
| 21. | | At the conclusion of the cause, the fee for— | |
| | (a) | settling with witnesses and noting the final decree | £48.17 |
| | (b) | the successful party to cover drawing the account of expenses, arranging, intimating and attending a diet of taxation and obtaining approval of the auditor's report and, where necessary, ordering, | £48.17 |

(1) 1972 c.59. Section 1 was amended by section 19 and paragraph 15 of schedule 2 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73).

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| | procuring and examining extract decree or adjusting account with opponent | |
| (c) | the unsuccessful party to cover considering the opponent's account of expenses and, where necessary, adjusting the account with opponent or attending a diet of taxation | £22.84 |