
 STATUTORY INSTRUMENTS

1984 No. 519 (S. 59)
LEGAL AID AND ADVICE, SCOTLAND
**The Legal Aid (Scotland) (Fees in Civil Proceedings) Regulations
1984**

<i>Made</i> - - - -	<i>9th April 1984</i>
<i>Laid before Parliament</i>	<i>10th April 1984</i>
<i>Coming into Operation</i>	<i>1st May 1984</i>

In exercise of the powers conferred on me by sections 14A and 15 of the Legal Aid (Scotland) Act 1967(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Legal Aid (Scotland) (Fees in Civil Proceedings) Regulations 1984 and shall come into operation on 1st May 1984.

Interpretation

2.— (1) In these regulations, unless the context otherwise requires—

“auditor” means—

- (a) in relation to proceedings in the Court of Session, House of Lords, Restrictive Practices Court or Employment Appeal Tribunal, the Auditor of the Court of Session;
- (b) in relation to proceedings in a sheriff court, the auditor of that sheriff court;
- (c) in relation to proceedings in the Scottish Land Court, the auditor of the Scottish Land Court; and
- (d) in relation to proceedings in the Lands Tribunal for Scotland—
 - (i) where solicitors’ fees are required to be calculated in accordance with Chapter III of the Table of Fees in Schedule 2, the auditor of a sheriff court to be specified, failing agreement, by that Tribunal;
 - (ii) where solicitors’ fees are required to be calculated in accordance with Chapter I of the Table of Fees in Schedule 1, the Auditor of the Court of Session;

(a) 1967 c.43; section 14A was inserted by section 3 of the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c.12).

“civil proceedings” means proceedings, other than criminal proceedings, before a court or tribunal in Scotland or before the House of Lords on appeal from the Court of Session;

“outlays” does not include fees of counsel.

(2) In these regulations, unless the context otherwise requires, any reference to proceedings in a court or tribunal includes any preparatory work done in connection with such proceedings, whether or not the proceedings were actually begun.

(3) In these regulations, unless the context otherwise requires, any reference to a numbered regulation is a reference to one of these regulations and any reference to a numbered Schedule is a reference to a Schedule to these regulations.

Fees and outlays regulated by these regulations

3.— (1) These regulations shall regulate the fees and outlays allowable to solicitors, and the fees allowable to counsel, from the legal aid fund in respect of legal aid in civil proceedings upon any taxation in accordance with regulation 9, where the work is done on or after 1st May 1984:

Provided that regulation 9 shall regulate also the taxation after 1st May 1984 of such fees and outlays in relation to work done before that date, but the fees and outlays allowable on such taxation shall be those which would have been allowable before that date.

(2) These regulations shall not apply to the fees and outlays recoverable by virtue of an award of expenses in favour of a person who has received legal aid or of an agreement as to expenses in favour of such a person, and where accounts of such fees and outlays are taxed they shall be taxed as if the work done for that person were not legal aid.

Fees allowable to solicitors

4. Subject to the provisions of regulation 5 regarding the calculation of fees, a solicitor may be allowed such fees as are reasonable for conducting the case in a proper manner, as between solicitor and client, third party paying.

5.— (1) A solicitor's fees in relation to proceedings in the Court of Session shall be calculated in accordance with Schedule 1.

(2) A solicitor's fees in relation to proceedings in the sheriff court shall be calculated in accordance with Schedule 2.

(3) A solicitor's fees in relation to proceedings in the House of Lords, Restrictive Practices Court or Employment Appeal Tribunal shall be calculated in accordance with Chapter I of the Table of Fees in Schedule 1.

(4) A solicitor's fees in relation to proceedings in the Scottish Land Court shall be calculated in accordance with Chapter III of the Table of Fees in Schedule 2.

(5)(a) Subject to sub-paragraphs (b) and (c) hereof, a solicitor's fees in relation to proceedings in the Lands Tribunal for Scotland shall be

calculated in accordance with Chapter III of the Table of Fees in Schedule 2;

- (b) Subject to sub-paragraph (c) hereof, the Law Society may, where circumstances warrant it, decide that such fees shall be calculated in accordance with Chapter I of the Table of Fees in Schedule 1 and they shall be calculated accordingly;
- (c) In relation to any proceedings where the Lands Tribunal for Scotland have, in terms of rule 33 of the Lands Tribunal for Scotland Rules 1971(a), made an order as to taxation of expenses between party and party—
 - (i) where that order required taxation according to the fees payable in the Court of Session, a solicitor's fees shall be calculated for purposes of these regulations in accordance with Chapter I of the Table of Fees in Schedule 1; and
 - (ii) where that order required taxation according to the sheriff court table of fees, a solicitor's fees shall be calculated for purposes of these regulations in accordance with Chapter III of the Table of Fees in Schedule 2.

(6) Where work done by a solicitor constitutes a supply of services in respect of which value added tax is chargeable, there may be added to the amount of fees calculated in accordance with the foregoing paragraphs of this regulation an amount equal to the amount of value added tax chargeable.

Fees allowable to counsel

6. Subject to the provisions of regulation 7 regarding calculation of fees, counsel may be allowed such fees as are reasonable for conducting the case in a proper manner, as between solicitor and client, third party paying.

7.— (1) Counsel's fees in relation to proceedings in the Court of Session shall be calculated in accordance with Schedule 3.

(2) Counsel's fees for any work in relation to proceedings in the sheriff court, House of Lords, Restrictive Practices Court, Employment Appeal Tribunal, Scottish Land Court or Lands Tribunal for Scotland shall be 90 per cent of the amount of fees which would be allowed for that work on a taxation of expenses between solicitor and client, third party paying, if the work done were not legal aid.

(3) Where work done by counsel constitutes a supply of services in respect of which value added tax is chargeable, there may be added to the amount of fees calculated in accordance with the foregoing paragraphs of this regulation an amount equal to the amount of value added tax chargeable.

Outlays allowable to solicitors

8.— (1) Subject to paragraph (2) of this regulation, a solicitor may be allowed such outlays as are reasonable for conducting the case in a proper manner, as between solicitor and client, third party paying.

(a) S.I. 1971/218.

(2) The outlays shall include a charge in respect of posts and incidents of 12 per cent of the amount of fees allowable to the solicitor (excluding any amount added in accordance with regulation 5(6)), except where a solicitor charges the fee specified in paragraph 1 of Part I of Chapter IV of the Table of Fees in Schedule 2.

Taxation of fees and outlays

9.— (1) If any question or dispute arises between the Law Society and a solicitor or counsel as to the amount of fees or outlays allowable to the solicitor, or as to the amount of fees allowable to counsel, from the legal aid fund in respect of legal aid in civil proceedings, the matter shall be referred for taxation by the auditor.

(2) A reference to the auditor under paragraph (1) above may be at the instance of the solicitor concerned or, where the question or dispute affects the fees allowable to counsel, of the counsel concerned, or of the Law Society, and the auditor shall give reasonable notice of the diet of taxation to the solicitor or counsel as appropriate and the Law Society.

(3) The Law Society and any other party to a reference to the auditor under paragraph (1) above shall have the right to state written objections to the court in relation to the auditor's report within fourteen days of the issue of that report, and may be heard thereon; and where the court is the Court of Session rule 349 of the Act of Sederunt (Rules of Court, consolidation and amendment) 1965(a) shall apply to the determination of any such objections.

(4) For the purposes of this regulation the expression "the court" means—

- (a) in relation to any report of the Auditor of the Court of Session, the Court of Session;
- (b) in relation to any report of the auditor of a sheriff court, the sheriff; and
- (c) in relation to any report of the Auditor of the Scottish Land Court, the Chairman of the Scottish Land Court.

Revocation

10. Regulation 14 of the Legal Aid (Scotland) (General) Regulations 1960(b) is hereby revoked.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.
9th April 1984.

(a) S.I. 1965/321; the relevant amending instrument is S.I. 1983/826.

(b) S.I. 1960/2195, to which there are amendments not relevant to these regulations.

Regulation 5

SCHEDULE 1

FEES OF SOLICITORS FOR PROCEEDINGS IN THE COURT OF SESSION

1. Subject to the following paragraphs of this Schedule, fees shall be calculated in accordance with the Table of Fees in this Schedule.

2. In all cases an additional fee may be allowed at the discretion of the court to cover the responsibility undertaken by a solicitor in the conduct of the case. The court in deciding whether to allow such a fee and the auditor in determining such a fee shall take into account the following factors:—

- (a) the complexity of the litigation and the number, difficulty or novelty of the questions involved;
- (b) the skill, specialised knowledge and responsibility required of and the time and labour expended by the solicitor;
- (c) the number and importance of the documents prepared or perused;
- (d) the place and circumstances of the litigation or in which the solicitor's work of preparation for and conduct of it has been carried out;
- (e) the importance of the litigation or the subject matter thereof to the client;
- (f) the amount or value of money or property involved; and
- (g) any other fees and allowances payable to the solicitor in respect of other items in the same litigation and otherwise charged for in the account.

3. In all cases where by reason of the procedure involved or otherwise the inclusive fees set out in Chapter II of the Table of Fees in this Schedule are not conveniently applicable or do not properly cover the work involved, a solicitor may charge fees on the basis of Chapter I of the Table of Fees. In all other cases a solicitor shall have the option to charge fees either on the basis of Chapter I of the Table of Fees or on the basis of Chapter II thereof, but it shall not be competent to charge fees partly on one basis and partly on the other.

4. The auditor shall have power to increase or decrease any inclusive fee set out in Chapter II of the Table of Fees in this Schedule in any appropriate circumstances.

5. Without prejudice to the generality of paragraph 4 of this Schedule, the auditor shall have the power to apportion any fees set out in Chapter II of the Table of Fees in this Schedule between solicitors in appropriate circumstances or to modify any such fees in the case of a solicitor acting for more than one party in the same litigation or in case of the same solicitor acting in more than one litigation arising out of the same circumstances or in the event of the litigation being settled or disposed of at a stage when the work covered by any inclusive fee has not been completed.

6. In this Schedule, unless the context otherwise requires,—

“the court” means the Court of Session; and

“session fee” means the fee set out in paragraph 21 of Part V of Chapter II of the Table of Fees in this Schedule.

TABLE OF FEES

CHAPTER I

DETAILED FEES

- | | |
|---|-------|
| 1. (a) Framing precognitions and other papers (but not affidavits), not drawn by counsel—per sheet | £3.15 |
| (b) Framing formal documents such as inventories, title pages and accounts of expenses etc.—per sheet | £1.35 |
| (c) Framing affidavits—per sheet | £4.95 |

Notes: (i) The sheet throughout this Table of Fees shall consist of 250 words or numbers.

(ii) The solicitor shall be entitled to charge for copies of the precognitions for the use of counsel and himself.

(iii) Where a skilled witness prepares his own precognition or report the solicitor shall be allowed half drawings fees for revising and adjusting it.

(iv) Where the business can properly be performed by a local solicitor the auditor in taxing an account shall allow such expenses as would have been incurred if it had been done by the nearest local solicitor, including reasonable fees for instructing and corresponding with him, unless the auditor is satisfied that it was in the interests of the client that the solicitor in charge of the case should attend personally.

2. *Copying papers by any means*

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|-----------------------------|-------|
| 1st copy—per sheet | £0.63 |
| Additional copies—per sheet | £0.27 |

Notes: When copied by photostatic or similar process each page shall be charged as one sheet.

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| 3. Revising papers drawn by counsel, open and closed records etc.—for each five sheets or part thereof | £1.35 |
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4. *Citation of parties, witnesses, havers, instructions to messengers-at-arms*

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|---|-------|
| Each party | £2.70 |
| Each witness or haver | £2.70 |
| Instructing messenger-at-arms including examining execution and setting fee | £2.70 |

5. *Time charges*

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|--|--|
| (a) Attendance at meetings, preparation for proof, trial, or debate, attendance at court, consultation with counsel, etc.— | |
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|---------------|-------|
| Per half hour | £9.90 |
|---------------|-------|

or such other sum as in the opinion of the auditor is justified.

(b) Perusal of documents— Per half hour or such other sum as in the opinion of the auditor is justified.	£5.40
(c) Allowance for time of clerk—one half of the fee in sub-paragraph (a) or (b) above.	
(d) Attendance at court offices for performance of formal work (other than lodging process or first step of process)	£1.35
Lodging first step of process	£2.70
Additional fee for making up and lodging process	£1.35

Notes: (i) Time necessarily occupied in travelling to be regarded as if occupied on business.

(ii) In the event of a party in a trial or proof being represented by one counsel only, allowance may be made to the solicitor should the case warrant it for the attendance of a clerk at one-half the rate chargeable for the solicitor's attendance.

6. *Correspondence*

Letters (save as provided below) including instructions to counsel—each page of 125 words	£2.70
Formal letters	£0.63
Telegrams or telephone calls, including letters confirming	£1.35

CHAPTER II

PART I—UNDEFENDED ACTIONS (OTHER THAN CONSISTORIAL ACTIONS)

1. Inclusive fee to pursuer's solicitor in all undefended cases where no proof is led, to cover all work from taking instructions up to and including obtaining extract decree
- £57.60

PART II—UNDEFENDED CONSISTORIAL ACTIONS (OTHER THAN ACTIONS TO WHICH PART III APPLIES)

1. Fee for all work (other than precognitions) up to and including the calling of summons in court
- £81.90

Note: Precognitions to be charged as in Part V paragraph 5 of this Chapter.

2. *Incidental procedures*

Fixing diet, enrolling action, preparing for proof, citing witnesses etc.	£46.35
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3. *Amendment*

(a) where summons amended, where re-service is not ordered, and motion is not starred	£11.70
(b) where summons amended, where re-service is not ordered and motions is starred	£17.10

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| (c) where summons amended and re-service is ordered | £21.60 |
| 4. <i>Commissions to take evidence on interrogatories</i> | |
| (a) Basic fee to cover all work up to and including lodging completed interrogatories | £17.10 |
| (b) Additional fee for completed interrogatories, including all copies—per sheet | £3.60 |
| 5. <i>Commissions to take evidence on open commission</i> | |
| (a) Basic fee to solicitor applying for commission but excluding attendance at executions thereof | £19.35 |
| (b) Attendance at execution of commission—per half hour | £9.90 |
| 6. Where applicable the fees set out in paragraphs 6, 7, 10, 14, 16 and 21 of Part V of this Chapter may be charged. | |
| 7. Proof and completion fee—excluding accounts of expenses but including instructing counsel for proof, attendance at proof, settling with witnesses, borrowing and returning productions, procuring interlocutor, and obtaining extract decree of divorce | |
| | £57.60 |
| 8. <i>Accounts</i> | |
| Framing and lodging account and attending taxation | £18.45 |

PART III—UNDEFENDED CONSISTORIAL ACTIONS: AFFIDAVIT PROCEDURE

1. In any undefended action of divorce or separation where—
- (a) the facts set out in section 1(2)(b) (unreasonable behaviour) of the Divorce (Scotland) Act 1976(a) are relied upon; and
- (b) the persuer seeks to prove those facts by means of affidavits—
- the persuer's solicitor may in respect of the work specified in column 1 of Table A in this paragraph charge, in a case where he is an Edinburgh solicitor acting alone, the inclusive fee specified in respect of that work in column 2 of that Table, and, in any other case, the inclusive fee specified in respect of that work in column 3 of that Table.

(a) 1976 c.39.

TABLE A

Column 1 <i>Work done</i>	Column 2 <i>Inclusive fee Edinburgh solicitor acting alone</i>	Column 3 <i>Inclusive fee any other case</i>
1. All work to and including calling of summons	£126.00	£144.00
2. All work from calling to and including swearing affidavits	£90.00	£108.00
3. All work from swearing affidavits to and including sending extract decree	£27.00	£40.50
4. All work to and including sending extract decree	£243.00	£292.00
Add session fee to item 4	of 7½%	of 10%

2. In any undefended action of divorce or separation where—

- (a) the facts set out in section 1(2)(a) (adultery), 1(2)(c) (desertion), 1(2)(d) (two years non-cohabitation and consent) or 1(2)(e) (five years non-cohabitation) of the Divorce (Scotland) Act 1976 are relied on; and

- (b) the pursuer seeks to prove these facts by means of affidavits—

the persuer's solicitor may in respect of the work specified in column 1 of Table B in this paragraph charge, in a case where he is an Edinburgh solicitor acting alone, the inclusive fee specified in respect of that work in column 2 of that Table, and, in any other case, the inclusive fee specified in respect of that work in column 3 of that Table.

TABLE B

Column 1 <i>Work done</i>	Column 2 <i>Inclusive fee Edinburgh solicitor acting alone</i>	Column 3 <i>Inclusive fee any othe case</i>
1. All work to and including calling of the summons	£103.50	£121.50
2. All work from calling to and including swearing affidavits	£49.50	£63.00
3. All work from swearing affidavits to and including sending extract decree	£27.00	£40.50
4. All work to and including sending extract decree	£180.00	£225.00
Add session fee to item 4	of 7½%	of 10%

3. If—

- (a) the persuer's solicitor charges an inclusive fee under either paragraph 1 or paragraph 2 of this Part, and

- (b) the action to which the charge relates includes a conclusion relating to an ancillary matter—

in addition to that fee, he may charge in respect of the work specified in column 1 of Table C in this paragraph the inclusive fee specified in respect of that work in column 2 of that Table.

TABLE C

Column 1 <i>Work done</i>	Column 2 <i>Inclusive fee</i>
1. All work to and including calling of the summons	£25.20
2. All work from calling to and including swearing affidavits	£28.80
3. All work under items 1 and 2	£54.00

Add session fee to item 3 of 7½% in the case of an Edinburgh solicitor acting alone and 10% in any other case.

PART IV—OUTER HOUSE PETITIONS

A. Unopposed petitions

1. Fee for all work, including precognitions and all copyings, up to and obtaining extract decree—
 - (a) in the case of an Edinburgh solicitor acting alone £120.60
 - (b) in any other case £168.30

Note: Outlays including duplicating charges to be allowed in addition.

B. Opposed petitions

2. Fee for all work (other than precognitions) up to and including lodging petition, obtaining and executing warrant for service £81.90

Note: Outlays including duplicating charges to be allowed in addition.

3. Where applicable, the fees set out in paragraphs 5, 6, 7, 10, 12, 14, 18, 19, 20 and 21 of Part V of this Chapter may be charged.
4. Reports—
 - (a) For each report by Accountant of Court £14.40
 - (b) For any other report as under Part V paragraph 6 of this Chapter.
5. Obtaining bond for caution £14.40

PART V—DEFENDED ACTIONS

1. <i>Instruction fee</i>		
(a)	To cover all work (apart from precognitions) until lodgement of open record	£113.40
(b)	Instructing re-service where necessary	£12.15
(c)	If counter-claim lodged, additional fee for solicitor for each party	£23.85
2. <i>Record fee</i>		
(a)	To cover all work in connection with adjustment and closing of record including subsequent work in connection with By Order Adjustment Roll	£120.60
(b)	To cover all work as above, so far as applicable, where action settled or disposed of before record closed	£75.15
(c)	If consultation held before record closed, additional fees may be allowed as follows:—	
	(i) Arranging consultation	£12.15
	(ii) Attendance at consultation—per half hour	£9.90
(d)	Additional fee (to include necessary amendments) to the solicitors for the existing pursuer and each existing defender, to be allowed for each pursuer, defender or third party brought in before the record is closed, each of	£35.55
(e)	Additional fee to the solicitors for the existing pursuer and each existing defender, to be allowed for each pursuer, defender, or third party brought in after the record is closed, each of	£53.10
3. <i>Procedure Roll or Debate Roll</i>		
(a)	Preparing for discussion and for all work incidental thereto including instruction of counsel	£23.85
(b)	Attendance at court—per half-hour	£9.90
(c)	Advising and work incidental thereto	£18.00
4. <i>Adjustment of issues and counter-issues</i>		
(a)	Fee to solicitor for pursuer to include all work in connection with and incidental to the lodging of an issue, and adjustment and approval thereof	£22.95
(b)	If one counter-issue, additional fee to solicitor for pursuer	£6.30
(c)	If more than one counter-issue, additional fee to solicitor for pursuer for each additional counter-issue	£2.70
(d)	Fee to solicitor for defender or third party for all work in connection with lodging of counter-issue and adjustment and approval thereof	£22.95

(e)	Fee to solicitor for defender or third party for considering issue where no counter-issue lodged	£6.30
(f)	Fee to solicitor for defender or third party for considering each additional counter-issue	£2.70
5.	<i>Precognitions</i>	
	Taking and drawing precognitions—per sheet	£11.70
<i>Notes:</i>		
(i) In addition each solicitor shall be entitled to charge for copies of the precognitions for the use of counsel and himself.		
(ii) Where a skilled witness prepares his own precognition or report the solicitor shall be allowed, for revising and adjusting it, half of the taking and drawings fee per sheet.		
6.	<i>Reports obtained under order of court excluding auditor's report</i>	
(a)	Fee for all work incidental thereto	£25.20
(b)	Additional fee per sheet of report to include all copies required (maximum £25)	£3.60
7.	<i>Specification of documents</i>	
(a)	Basic fee to cover instructing counsel, revising and lodging and all incidental procedure to obtain a diligence up to and including obtaining interlocutor	£23.85
(b)	Fee to opponent's solicitor	£11.70
(c)	If commission executed, additional fee—per half hour	£9.90
(d)	If alternative procedure adopted, fee per person upon whom order served	£9.45
8.	<i>Commission to take evidence on interrogatories</i>	
(a)	Basic fee to solicitor applying for commission to cover all work up to and including lodging report of commission with completed interrogatories and cross-interrogatories	£48.15
(b)	Basic fee to opposing solicitors if cross-interrogatories lodged	£38.70
(c)	Fee to opposing solicitor if no cross-interrogatories lodged	£14.40
(d)	Additional fee to solicitor for each party for completed interrogatories or cross-interrogatories, including all copies—per sheet	£3.60
9.	<i>Commission to take evidence on open commission</i>	
(a)	Basic fee to solicitor applying for commission up to and including lodging report of commission, but excluding attendance at execution thereof	£53.10
(b)	Basic fee to opposing solicitor	£23.85
(c)	Attendance at execution of commission—per half hour	£9.90

10. *Miscellaneous motions where not otherwise covered by this Chapter*
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|-----|--|--------|
| (a) | Where attendance of counsel and/or solicitor not required | £6.30 |
| (b) | Where attendance of counsel and/or solicitor required, inclusive of instruction of counsel—not exceeding half hour | £18.00 |
| (c) | Thereafter attendance fee—per additional half hour | £9.90 |
11. *Incidental procedure (not chargeable prior to approval of issue or allowance of proof)*
- Fixing diet, obtaining note on the line of evidence, etc, borrowing and returning process, lodging productions, considering opponent's productions, and all other work prior to the consultation on the sufficiency of evidence
- £67.50
12. *Amendment of record*
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|-----|--|--------|
| (a) | Amendment of conclusions only—fee to solicitor for pursuer | £18.00 |
| (b) | Amendment of conclusions only—fee to solicitor for opponent | £6.30 |
| (c) | Amendment of pleadings after record closed, where no answers to the amendment are lodged—fee to solicitor for proposer | £26.10 |
| (d) | In same circumstances—fee to solicitor for opponent | £12.15 |
| (e) | Amendment of pleadings after record closed where answers are lodged—fee for solicitor for each party lodging answers | £61.65 |
| (f) | Fee for adjustment of minute and answers, where applicable, to be allowed in addition to solicitor for each party | £33.75 |
13. *Preparation for trial or proof to include fixing consultation on the sufficiency of evidence and attendance thereat, fee-funding precept, adjusting minute of admissions, citing witnesses, all work checking and writing up process, and preparing for trial or proof*
- | | | |
|-----|---|---------|
| (a) | If action settled before trial or proof, or the trial or proof lasts only one day, to include, where applicable, instruction of counsel | £163.80 |
| (b) | For each day or part of a day after the first, including instruction of counsel | £14.40 |
| (c) | to cover preparing for adjourned diet and all work incidental as in (a), if diet postponed more than 5 days | £29.70 |
14. *Copying*
- Productions, reports of commissions, duplicate inventory, jury list, list of witnesses, Lord Ordinary's opinion etc.—as per Chapter I paragraph 2.

15.	<i>Settlement by tender—fees for solicitor for either party</i>	
	(a) Basic fee for lodging, or for considering, first tender	£35.55
	(b) Fee for lodging, or for considering, each further tender	£23.85
	(c) Additional fee if tender accepted	£23.85
16.	<i>Extrajudicial settlement</i>	
	Fee inclusive of joint minute (not based on a judicial tender)	£61.65
17.	<i>Proof or trial</i>	
	Attendance fee—per half-hour	£9.90
18.	Accounts—to include framing and lodging account, intimating diet, and attending taxation, uplifting account and noting and intimating taxations	£43.20
19.	Ordering and obtaining extract	£9.00
20.	<i>Final procedure</i>	
	(a) If case goes to trial or proof, to include all work to close of litigation, so far as not otherwise provided for, including in particular settling with witnesses and procuring and booking verdict, or attendance at judgement	£48.15
	(b) If case disposed of before trial or proof	£14.40
21.	<i>Session Fee—to cover communications with client and counsel—</i>	
	(a) Where no correspondent— $7\frac{1}{2}\%$ of total fees (including copying fees) allowed on taxation.	
	(b) Where correspondent involved—10% of total fees (including copying fees) allowed on taxation.	

PART VI—INNER HOUSE BUSINESS

1.	<i>Reclaiming motions</i>	
	(a) Fee for solicitor for appellant for all work up to interlocutor sending case to roll	£35.55
	(b) Fee for solicitor for respondent	£18.00
	(c) Additional fee for solicitor for each party for every 50 pages of appendix	£14.85
2.	<i>Appeals from inferior courts</i>	
	(a) Fee for solicitor for appellant	£43.20
	(b) Fee for solicitor for respondent	£21.15
	(c) Additional fee for solicitor for each party for every 50 pages of appendix	£14.85

3. *Summar or Short Roll*

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|---|--------|
| (a) Preparing for discussion, instructing counsel, and preparing appendix | £35.55 |
| (b) Attendance fee—per half hour | £9.90 |

4. Where applicable the fees set out in Part V of this Chapter may be charged.

5. *Special cases and Inner House petitions*

According to circumstances of the case.

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|------------------------------|--------|
| 6. Obtaining Bond of Caution | £14.40 |
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PART VII—ADMIRALTY AND COMMERCIAL CASES, SEQUESTRATIONS IN BANKRUPTCY, APPLICATIONS FOR SUMMARY TRIAL UNDER SECTION 10 OF THE ADMINISTRATION OF JUSTICE (SCOTLAND) ACT 1933(a) AND CASES REMITTED FROM THE SHERIFF COURT.

The fees shall be based on this Table of Fees according to the circumstances.

(a) 1933 c.41.

SCHEDULE 2

Regulation 5

FEES OF SOLICITORS FOR PROCEEDINGS IN THE SHERIFF COURT

1. Subject to the following provisions of this Schedule, fees shall be calculated in accordance with the Table of Fees in this Schedule.

2. Where in any proceedings the sheriff in pursuance of paragraph 7(iv) of Schedule 2 to the Act of Sederunt (Alteration of Sheriff Court Fees) 1971(a) has regarding any expenses allowed a percentage increase in fees, the fees chargeable by a solicitor in respect of those proceedings under the Table of Fees in this Schedule shall be increased by the same percentage.

3.— (1) Subject to subparagraphs (2) and (3) of this paragraph and any other provision of this Schedule it shall be in the opinion of a solicitor to charge an account either on the basis of the inclusive fees of Chapters I and II of the Table of Fees in this Schedule or on the basis of the detailed fees in Chapter III thereof, but it shall not be competent to charge fees partly on one basis and partly on the other.

(2) Fees for work to which Chapter IV or V of the Table of Fees in this Schedule applies shall be chargeable only on the basis prescribed in those Chapters.

(3) Fees for sequestrations in bankruptcy (other than summary sequestrations) or proceedings under the Social Work (Scotland) Act 1968(b) shall be chargeable only on the detailed fees in Chapter III of the Table of Fees in this Schedule and fees for summary sequestrations shall be chargeable only on the basis of 80 per cent of those detailed fees.

4. The auditor shall have the power to apportion any fees set out in Chapter I, II, IV or V of the Table of Fees in this Schedule between solicitors in appropriate circumstances or to modify any such fees in the case of a solicitor acting for more than one party in the same litigation or in the case of the same solicitor acting in more than one litigation arising out of the same circumstances or in the event of the litigation being settled or disposed of at a stage when the work covered by any inclusive fee has not been completed.

5. Chapter IV of the Table of Fees in this Schedule shall have effect subject to the following provisions:—

- (a) in Parts I and II, in respect of paragraph 3 (attendance at court), no fee is allowable for attendance at a continuation of the first calling, unless specially authorised by the court;
- (b) in Part I, in respect of paragraph 1 (instruction fee), in relation to actions for reparation there are allowable such additional fees for precognitions and reports as are necessary to permit the framing of the writ;
- (c) in Part II, in respect of paragraph 7 (precognitions), in a case where a skilled witness prepares his own precognition or report half of the drawing fee is allowable to the solicitor for revising and adjusting it;

(a) S.I. 1971/90; the relevant amending instrument is S.I. 1980/1678.

(b) 1968 c.49.

- (d) in Part II, the fee allowable in respect of paragraph 14 (supplementary note of defence) is a fixed fee allowable when leave to lodge a supplementary note of defence is granted by the court;
- (e) in Part II, in respect of paragraph 16 (final procedure), no fee shall be allowed in respect of accounts of expenses when the hearing on the claim for expenses takes place immediately on the sheriff or sheriff principal announcing his decision; and
- (f) all fees chargeable under Chapter IV in respect of the actions mentioned in the left-hand column of the following table shall unless the sheriff, on a motion in that behalf, otherwise directs be reduced by the amount of the percentage specified opposite those actions in the right-hand column of the table:—

TABLE

<i>Actions</i>	<i>Percentage reduction</i>
1. of a value from £50 to £250	25%
2. of a value of less than £50	50%
3. for recovery of possession of heritable property	50%
4. under the following enactments:—	
(i) Tenancy of Shops (Scotland) Act 1949(a);	
(ii) section 50(4), 54(2), or 69(4) of, or paragraph 3 of Schedule 9 to, the Rent (Scotland) Act 1971(b); and	
(iii) section 3 of the Sheriff Court (Civil Jurisdiction and Procedure) (Scotland) Act 1963(c)	50%

Provided that for the purposes of this subparagraph “value”, in relation to any action in which a counterclaim has been lodged, is the total of the sums craved in the writ and in the counterclaim.

6. In this Schedule “process fee” means the fee set out in paragraph 17 of Chapter II of the Table of Fees in this Schedule.

TABLE OF FEES

CHAPTER I—UNDEFENDED ACTIONS (OTHER THAN ACTIONS TO WHICH CHAPTER IV OR V APPLIES)

Part I—All actions except those actions of divorce or separation and aliment to which Part II applies

1. Actions (other than those specified in paragraph 2 of this Part) in which decree is granted without proof—
 Inclusive fee to cover all work from taking instructions up to and including obtaining extract decree £35.55

(a) 1949 c.25.

(b) 1971 c.28.

(c) 1963 c.22; section 3 was amended by section 8 of the Divorce (Scotland) Act 1976 (c.39).

In cases where settlement is effected after service of a writ but before the expiry of the period of notice	£30.60
2. Actions of separation and aliment (not being actions to which Part II of this Chapter applies), adherence and aliment or custody and aliment where proof takes place—	
Inclusive fee to cover all work from taking instructions up to and including obtaining extract decree	£168.30

Part II—Actions of divorce or separation and aliment where proof is by means of affidavits

1. In any undefended action of divorce or of separation and aliment where—
 - (a) the facts set out in section 1(2)(b) (unreasonable behaviour) of the Divorce (Scotland) Act 1976(a) are relied upon; and
 - (b) the pursuer seeks to prove those facts by means of affidavits—

the pursuer's solicitor may in respect of the work specified in column 1 of Table A in this paragraph charge the inclusive fee specified in respect of that work in column 2 of that Table.

TABLE A

Column 1 <i>Work done</i>	Column 2 <i>Inclusive fee</i>
1. All work to and including the period of notice	£126.00
2. All work from the period of notice to and including swearing affidavits	£90.00
3. All work from swearing affidavits to and including sending extract decree	£27.00
4. All work to and including sending extract decree	£243.00
Add process fee to item 4	of 10%

2. In any undefended action of divorce or separation and aliment where—
 - (a) the facts set out in section 1(2)(a) (adultery), 1(2)(c) (desertion), 1(2)(d) (two years non-cohabitation and consent) or 1(2)(e) (five years non-cohabitation) of the Divorce (Scotland) Act 1976 are relied on; and
 - (b) the pursuer seeks to prove those facts by means of affidavits—

the pursuer's solicitor may in respect of the work specified in column 1 of Table B in this paragraph charge the inclusive fee specified in respect of that work in column 2 of that Table.

(a) 1976 c.39.

TABLE B

Column 1 <i>Work done</i>	Column 2 <i>Inclusive fee</i>
1. All work to and including the period of notice	£103.50
2. All work from the period of notice to and including swearing affidavits	£49.50
3. All work from swearing affidavits to and including sending extract decree	£27.00
4. All work to and including sending extract decree	£180.00
Add process fee to item 4	of 10%

3. If—

- (a) the pursuer's solicitor charges an inclusive fee under either paragraph 1 or paragraph 2 of this Part; and
- (b) the action to which the charge relates includes a crave relating to an ancillary matter—

in addition to that fee, he may charge in respect of the work specified in column 1 of Table C in this paragraph the inclusive fee specified in respect of that work in column 2 of that Table.

TABLE C

Column 1 <i>Work done</i>	Column 2 <i>Inclusive fee</i>
1. All work to and including the period of notice	£49.05
2. All work from the period of notice to and including swearing affidavits	£28.80
3. All work under items 1 and 2	£77.85

CHAPTER II—DEFENDED ACTIONS (OTHER THAN ACTIONS TO WHICH CHAPTER IV OR V APPLIES)

1. Instruction fee—to cover all work (except as hereinafter otherwise specially provided for in this Chapter) to the lodging of defences including copyings £76.95
- Additional fee where separate statement of facts and counter-claim answers lodged £27.00
2. Adjustment fee—to cover all work (except as hereinafter otherwise specially provided for in this Chapter) in connection with the adjustment of the record including (when appropriate) closing thereof, making up and lodging closed record and copyings—

(a)	Fee to solicitor for any party	£115.20
(b)	Fee to each original party's solicitor if action settled before record is closed	£76.95
(c)	Additional fee to each original party's solicitor if additional defender brought in before closing of record	£13.50
(d)	Additional fee to each original party's solicitor if additional defender brought in after closing of record	£19.35
3.	Fee for framing affidavits—per sheet	£4.95
4.	(a) Debate free—to include preparation for and conduct of any hearing or debate other than on evidence, enquiring for cause at avizandum and noting interlocutor—	
	When debate does not exceed 1 hour	£57.60
	For every half hour engaged after the first hour	£13.50
	(b) Interim inderdict hearings—	
	Pursuer's solicitor. The same fees as for debate fee above, but to include both the appearance at lodging of writ and the hearing at second diet.	
	Defender's solicitor's fee where the debate does not exceed 1 hour	£33.75
5.	Precognitions—taking and drawing—per sheet	£11.70
<i>Note:</i> Where a skilled witness prepares his own precognition or report, the solicitor shall be allowed half of above drawing fee for revising and adjusting it.		
6.	<i>Commission to take evidence</i>	
	(a) On interrogatories	
	Fee to solicitor applying for commission to include drawing, intimating and lodging motion, drawing and lodging interrogatories, instructing commissioner and all incidental work (except as otherwise specially provided for in this Chapter) but excluding attendance at execution of commission	£72.00
	Fee to opposing solicitor if cross-interrogatories prepared and lodged	£48.15
	If no cross-interrogatories lodged	£14.40
	(b) Open commissions—	
	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 thereat	£43.20
	Fee to solicitor for opposing party	£23.85
	Fee for attendance at execution of commission—per half hour	£13.50
	Travelling time—per half hour	£9.90

7. *Specification of documents*

Fee to cover drawing, intimating and lodging specification and relative motion and attendance at court debating specification	£29.70
Inclusive fee to opposing solicitor	£19.35
Fee for citation of havers, preparation for and attendance before commissioner at execution of commission—	
Where attendance before commissioner does not exceed 1 hour	£27.00
For each additional half hour after the first hour	£13.50
If commission not executed—fee for serving each party with a copy of specification to include recovering and examining documents or productions referred to therein	£5.85

8. *Amendment of record*

Fee to cover drawing, intimating and lodging minute of amendment and relative motion and relative attendance at court—	
(a) Where answers lodged	£32.85
(b) Where no answers lodged	£21.60
Inclusive fee to opposing solicitor—	
(a) Where answers lodged	£27.00
(b) Where no answers lodged	£18.00
Additional fee to solicitor for each party for adjustment of minute and answers, where applicable	£23.85

9. *Motions and minutes*

Fee to cover drawing, intimating and lodging any written motion or minute, including a reponing note, and relative attendance at court (except as otherwise provided for in this Chapter)—	
(a) Where opposed	£33.75
(b) Where unopposed (including for each party a joint minute other than under paragraph 14(b))	£23.85
Fee to cover considering opponent's written motion, minute or reponing note and relative attendances at court—	
(a) Where motion, minute or reponing note opposed	£19.35
(b) Where motion, minute or reponing note unopposed	£12.15

10. *Procedure preliminary to proof*

(a) Fee to cover fixing diet of proof, citation of witnesses, and generally preparing for proof and if necessary instructing shorthand writer	£48.15
(b) Fee to cover preparing for adjourned diet and all incidental work as in subparagraph (a) above if diet postponed for more than 6 days—for each additional diet	£28.80

	(c) Drawing and lodging an inventory of productions, lodging the productions specified therein, and considering opponent's productions (to be charged once only in each process)	£12.15
	Where only one party lodges productions, opponent's solicitor's fee for considering same	£6.30
11.	<i>Conduct of proof</i>	
	Fee to cover conduct of proof and debate on evidence if taken at close of proof—per half hour	£13.50
	If counsel employed, fee to solicitor appearing with counsel—per half hour	£9.90
12.	<i>Debate on evidence</i>	
	Where debate on evidence not taken at conclusion of proof, fee for preparing for debate	£23.85
	Fee for conduct of debate—per half hour	£13.50
	If counsel employed, fee to solicitor appearing with counsel—per half hour	£9.90
13.	<i>Appeals</i>	
	(a) To sheriff principal	
	Fee to cover instructions, marking of appeal or noting that appeal marked, noting diet of hearing thereof and preparation for hearing	£45.00
	Fee to cover conduct of hearing—per half hour	£13.50
	If counsel employed, fee to solicitor appearing with counsel—per half hour	£9.90
	(b) To Court of Session	
	Fee to cover instructions, marking appeal or noting that appeal marked and instructing Edinburgh correspondents	£22.50
14.	<i>Settlements</i>	
	(a) Judicial tender	
	Fee for preparation and lodging or for consideration of minute of tender	£25.55
	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	£19.80
	(b) Extra judicial settlements	
	Fee to cover negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto	£45.00
15.	<i>Final procedure</i>	
	Fee to cover settling with witnesses, enquiries for cause at avizandum, noting final interlocutor	£35.55

Fee to cover drawing account of expenses, arranging, intimating and attending diet of taxation and obtaining approval of auditor's report and adjusting account with opponent where necessary, ordering, procuring and examining extract decree	£28.80
Fee to cover considering opponent's account of expenses and attending diet of taxation or adjusting account with opponent	£9.00
16. Copying fees	
Copying all necessary papers by any means—	
First copy—per sheet	£0.63
Additional copies—per sheet	£0.27
<i>Note:</i> A sheet shall be 250 words. When copied by photostatic or similar process, each page shall be charged as one sheet.	
17. Process fee	
Fee to cover all consultations between solicitor and client during the progress of the cause and all communications, written or verbal, passing between them:	
10% on total fees (including copying fees) allowed on taxation.	
18. Fee for instruction of counsel	
Fee for instructing counsel to revise record	£14.85
Fee for instructing counsel to conduct debate or proof	£29.70
Fee for instructing counsel to conduct appeal to sheriff principal	£29.70
<i>Note:</i> In each case to cover all consultations, revisal of papers and all incidental work.	

CHAPTER III—CHARGES FOR TIME, DRAWING OF PAPERS, CORRESPONDENCE ETC.

1. Attendance at court conducting proof or formal debate or hearing—per half hour	£13.50
2. Time occupied in the performance of all other work including attendances with client and others and attendances at court in all circumstances, except as otherwise specifically provided—	
(a) Solicitor—per half hour	£9.90
(b) Allowance for time of clerk—one half of above.	
<i>Note:</i> Time necessarily occupied in travelling to such to be chargeable at these rates.	
3. Drawing all necessary papers other than affidavits (the sheet throughout this Chapter to consist of 250 words or numbers)—per sheet	£3.15
4. Framing affidavits—per sheet	£4.95
5. Revising papers where revisal ordered—for each five sheets	£1.35

6.	Copying all necessary papers by any means—	
	First copy—per sheet	£0.63
	Additional copies—per sheet	£0.27
	<i>Note:</i> When copied by photostatic or similar process each page shall be charged as one sheet.	
7.	Certifying or signing a document	£1.35
8.	Perusing any document (other than a letter) not exceeding 2 sheets in length	£2.70
	For each 2 sheets thereafter	£2.70
9.	<i>Lodging in process</i>	
	Each necessary lodging in or uplifting from process or each necessary enquiry for documents due to be lodged	£1.35
10.	<i>Borrowing process</i>	
	Each necessary borrowing of process to include return of same	£1.35
11.	<i>Extracts</i>	
	Ordering, procuring and examining extracts, interim or otherwise	£6.30
12.	<i>Correspondence, intimations, etc.</i>	
	(a) Formal letters and intimations	£0.63
	(b) Letters other than above—per page of 125 words	£2.70
	(c) Telephone calls except those to which subparagraph (d) below applies	£1.35
	(d) Telephone call (lengthy) to be treated as attendances or long letters.	
13.	<i>Citations</i>	
	Each citation of party or witness including execution thereof	£2.70
14.	<i>Instructions to officers</i>	
	Instructing officer to serve, execute or intimate various kinds of writs or diligence including the examination of executions	£1.35
	For each party after the first on whom service or intimation is simultaneously made	£1.35
	Agency accepting service of any writ	£2.70
	Reporting diligence	£2.70
15.	<i>Personal diligence</i>	
	(a) Recording execution of charge	£2.70
	(b) Procuring fiat	£2.70
	(c) Instruction apprehension	£2.70

(d)	Framing state of debt and attendance at settlement	£4.05
16.	<i>Sales</i>	
(a)	Obtaining warrant to sell	£2.70
(b)	Instructing auctioneer or officer to conduct sale	£2.70
(c)	Perusing report of sale	£2.70
(d)	Reporting sales under poidings or sequestrations or any other judicial sales	£1.80
(e)	Noting approval of roup roll	£1.80
(f)	Obtaining warrant to pay	£1.80

CHAPTER IV—SUMMARY CAUSE

Part I—Undefended actions

1.	Fee, to include taking instructions, framing summons and statement of claim, obtaining warrant for service, serving, instructing service as necessary by sheriff officer (where appropriate), attendance endorsing minute for and obtaining decree in absence and extract decree and including posts and incidents	£26.50
2.	<i>Service</i>	
(a)	Citation by post wheresoever after the first citation for each party	£3.00
(b)	Framing and instructing service by advertisement—for each party	£8.50
3.	Attendance at court	£8.50

Part II—Defended actions

1.	(a) Instruction fee for pursuer's solicitor, to include taking instructions, framing summons and statement of claim, obtaining warrant for service, enquiring for notice of intention to defend, attendance at first calling, noting defence	£36.50
	(b) Instruction fee for defender's solicitor, to include taking instructions (including instructions for a counter-claim) and all work up to and including attendance at first calling and stating a defence— Such fee as appears to the auditor to provide reasonable remuneration for the work done but not to exceed the fee prescribed in sub-paragraph (a) above.	
2.	<i>Service</i>	
(a)	Citation by post within the United Kingdom, Isle of Man, Channel Islands, or the Republic of Ireland—for each party	£3.00
	Citation by post elsewhere—for each party	£6.50

	(b) Instructing service or reservice by sheriff officer including perusing execution of citation and settling sheriff officer's fee—for each party	£3.00
	(c) Framing and instructing service by advertisement—for each party	£9.50
3.	<i>Attendance at court</i>	
	Attendance at any diet except as otherwise specifically provided	£9.50
4.	Preparing for proof, to include all work in connection with proof not otherwise provided for	£33.00
5.	Fee to cover preparing for adjourned diet and all incidental work if diet postponed for more than six days—for each adjourned diet	£16.50
6.	Drawing and lodging inventory of productions, lodging the productions specified therein and considering opponents' productions (to be charged once only in each process)	£14.00
	Where only one party lodges productions, opponent's solicitor's fee for considering same	£6.50
7.	<i>Precognitions</i>	
	Drawing precognitions, including instructions, attendances with witnesses and all relative meetings and correspondence—per witness	£14.00
	Where precognition exceeds 2 sheets—for each additional sheet	£6.50
8.	<i>Motions and minutes</i>	
	Fee to cover drawing, intimating and lodging of any written motion or minute, excluding a minute or motion to recall decree, and relative attendance at court (except as otherwise provided in this Chapter)—	
	(a) Where opposed	£20.00
	(b) Where unopposed (including for each party a joint minute of joint motion)	£12.00
9.	Fee to cover considering opponent's written motion or minute, excluding a minute or motion to recall decree, and relative attendance at court—	
	(a) Where motion or minute opposed	£16.50
	(b) Where motion or minute unopposed	£9.50
10.	<i>Conduct of proof</i>	
	Fee to cover conduct of proof and debate on evidence taken at close of proof—per half hour	£9.50
	Waiting time—per half hour	£5.00

11.	<i>Settlements</i>	
	(a) Judicial tender—	
	Fee for consideration of, preparing and lodging minute of tender	£20.00
	Fee for consideration and rejection of tenders	£14.00
	Fee on acceptance of tender—to include preparing and lodging, or consideration of, minute of acceptance and attendance at court when decree granted in terms thereof	£14.00
	(b) Extra judicial settlement—fee to cover negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto	£33.00
12.	<i>Specification of documents</i>	
	(a) Fee to cover drawing, intimating and lodging specification of documents and relative motion and attendance at court	£16.50
	(b) Inclusive fee to opposing solicitor	£15.00
	(c) Fee to solicitor for each party for citation of havers, preparation for and attendance before commissioner—for each half hour	£9.50
	(d) If alternative procedure adopted, fee per person upon whom order served	£6.50
13.	<i>Commissions to take evidence</i>	
	(a) Fee to cover drawing, lodging and intimating motion and attendance at court—	
	(i) Where opposed	£20.00
	(ii) Where unopposed	£12.00
	(b) Fee to cover considering such motion and attendance at court—	
	(i) Where opposed	£16.50
	(ii) Where unopposed	£9.50
	(c) Fee to cover instructing commissioner and citing witness	£9.50
	(d) Fee to cover drawing and lodging interrogatories and cross-interrogatories—per sheet	£6.50
	(e) Attendance before commissioner—per hour	£9.00
	Travelling time—per hour	£6.00
14.	Supplementary note of defence (when leave granted to lodge)	£6.50
15.	<i>Appeals</i>	
	Fee to cover instructions, marking of appeal or noting that appeal marked, noting of diet of hearing thereof and preparations for hearing	£45.00
	Fee to cover conduct of hearing—per half hour	£9.50

16. *Final procedure*

Fee to cover settling with witnesses, enquiries at avizandum, noting final interlocutor	£20.00
Fee to cover drawing account of expenses, arranging intimating and attending hearing on expenses, and obtaining approval of sheriff clerk's report	£20.00
Fee to cover considering opponent's account of expenses and attendance at hearing on expenses	£9.50

EXECUTORY BUSINESS

CHAPTER V

1. *Petition for decree dative*

Inclusive fee for taking instructions to present petition, drawing petition and making necessary copies, lodging and directing publication, attendance at Court, moving for decree-dative, extracting decree where necessary and all matters incidental to petition	£20.25
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2. *Restriction of Caution*

Inclusive fee for taking instructions to prepare petition, drawing petition and making necessary copies, lodging, instructing advertisement and all matters incidental to petition	£20.25
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3. Fees for other work shall be chargeable according to Chapter III.

SCHEDULE 3

FEES OF COUNSEL FOR PROCEEDINGS IN THE COURT OF SESSION

1. Subject to the following provisions of this Schedule, fees shall be calculated in accordance with the Table of Fees in this Schedule.
2. Where the Table of Fees in this Schedule does not prescribe a fee for any class of proceedings or any item of work, the auditor shall allow such fee as appears to him appropriate to provide reasonable remuneration for the work with regard to all the circumstances, including the general levels of fees in the said Table of Fees.
3. Where the Table of Fees in this Schedule prescribes a range of fees, the auditor shall (subject to paragraphs 4 and 5 of this Schedule) allow such fee within that range as appears to him to provide reasonable remuneration for the work.
4. The auditor shall have power to increase any fee set out in the Table of Fees in this Schedule where he is satisfied that because of the particular complexity or difficulty of the work or any other particular circumstances such an increase is necessary to provide reasonable remuneration for the work.
5. The auditor shall have power to reduce any fee set out in the Table of Fees in this Schedule where he is satisfied that because of any particular circumstances a reduced fee is sufficient to provide reasonable remuneration for the work.

TABLE OF FEES

CHAPTER I—JUNIOR COUNSEL

PART I—UNDEFENDED ACTIONS OF DIVORCE OR SEPARATION—AFFIDAVIT PROCEDURE

1. *Summons or other initiating writ*

(a)	Subject to sub-paragraph (b) below the fees shall be:—	
	(i) Where the facts set out in section 1(2)(b) (unreasonable behaviour) of the Divorce (Scotland) Act 1976(a) are relied on	£19.00
	(ii) Where the facts set out in section 1(2)(a) (adultery) or section 1(2)(c) (desertion) of the said Act are relied on and the action is not straightforward	£19.00
	(iii) Where the facts set out in the said section 1(2)(a) (adultery) or section 1(2)(c) (desertion) are relied on and the action is straightforward	£15.50
	(iv) When the facts set out in section 1(2)(d) (2 years non-cohabitation and consent) or 1(2)(e) (5 years non-cohabitation) of the said Act are relied on	£15.50

(a) 1976 c.39.

(b) Where common law interdict and/or any order under the Matrimonial Homes (Family Protection) (Scotland) Act 1981(a) or any other ancillary order is also sought, the fee shall be within the following range:—

From	£19.00
To	£36.00

2. *Minute*

(a) Minute involving arrangements for a child or children and/or financial provision	£14.50
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(b) Any other minute	£11.00
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3. <i>By order roll appearance</i>	£11.00
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4. *All other work*

The fees specified in Part IV shall apply.

PART II—CONSISTORIAL ACTIONS OTHER THAN THOSE TO WHICH PART I APPLIES

1. *Summons or other initiating writ*

The fees specified in Part I shall apply.

2. <i>Minute for pursuer relating to custody, aliment or access</i>	£16.00
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3. *Defence or answers*

(a) Defence or answers in purely skeleton form to preserve rights of parties	£9.00
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(b) Answers to minute	£14.50
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(c) The fee for defences or answers to which sub-paragraphs (a) or (b) do not apply shall be within the following range:

From	£15.50
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To	£32.00
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4. *Joint minute regulating custody, aliment or access*

Framing or adjusting the minute	£14.00
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5. <i>By order roll appearance</i>	£11.00
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6. *All other work*

The fees specified in Part IV shall apply.

(a) 1981 c.59.

PART III—PETITIONS

1. *Petitions (including any revisals thereto)*
 - (a) Petition for interdict £41.00
 - (b) Other Outer House petitions £27.00
 - (c) Inner House petitions: such fees shall be allowed as appears to the auditor to provide reasonable remuneration for the work.
 2. *Answers (including any revisals thereto)*
 - (a) To petitions for interdict £41.00
 - (b) To other Outer House petitions £25.00
 - (c) To Inner House petitions: such fee shall be allowed as appears to the auditor to provide reasonable remuneration for the work.
 3. *All other work*
- The fees specified in Part IV shall apply.

PART IV—ORDINARY ACTIONS

1. *Summons (including any revisals thereto)*
 - (a) Straightforward cases £34.00
 - (b) Other cases £45.00
2. *Defences (including any revisals thereto)*
 - (a) Where in purely skeleton form to preserve rights of parties £9.00
 - (b) Otherwise the fee shall be within the following range, having regard to nature of summons:—

From	£34.00
To	£45.00
3. *Adjustment of record*
 - (a) Adjustment fee (each occasion) £14.50
 - (b) Additional adjustment fee, where skeleton defence require to be amplified, where additional parties are introduced, etc. £34.00
4. *Specification of documents*
 - Standard calls only £14.50
5. *Minutes, etc.*
 - (a) Formal amendments or answers £13.00
 - (b) Amendments or answers other than formal £23.00
 - (c) Revising and signing tender or acceptance £5.50

(d) Note of exceptions	£14.50
(e) Abandonment, sist, restriction, etc	£7.00
(f) Issue or counter issue	£7.00
6. <i>Notes</i>	
(a) Note on quantum only	£36.00
(b) Note advising on tender or extrajudicial offer, where not merely confirming advice at consultation	£41.00
(c) Note on line of evidence	£41.00
(d) The fee for other types of note shall be within the following range:—	
From	£14.00
To	£41.00
8. <i>Consultations</i>	
(a) Before proof or trial, or otherwise involving a significant degree of preparation or lengthy discussion—	
(i) Junior alone	£50.00
(ii) Junior with Senior	£27.00
(b) Other consultations—	
(i) Junior alone	£41.00
(ii) Junior with Senior	£23.00
9. <i>Motions</i>	
(a) Unopposed motions on By Order (Adjustment) Roll etc.	£7.00
(b) Opposed motions—	
(i) Attendance for up to half hour	£14.50
(ii) Attendance for each subsequent half hour or part thereof	£11.00
(iii) Motions on By Order Roll (including advice)	£13.00
10. <i>Procedure Roll, proof or jury trial</i>	
(a) Junior alone—per day	£149.00
(b) Junior with Senior—per day	£113.00
11. <i>Inner House</i>	
(a) <i>Single Bills</i>	
(i) Unopposed	£11.00
(ii) Opposed— Attendance for each half hour or part thereof	£16.00
(b) <i>Reclaiming motion</i>	
(i) Junior opening or appearing alone—per day	£158.00

(ii) Junior otherwise—per day	£122.00
<i>(c) Motion for new trial</i>	
(i) Junior alone—per day	£158.00
(ii) Junior with Senior—per day	£122.00
12. <i>Attendance at judgement</i>	
(a) Outer House	£13.00
(b) Inner House	£16.00
CHAPTER II—SENIOR COUNSEL CONSISTORIAL ACTIONS, PETITIONS AND ORDINARY ACTIONS	
1. <i>Revisal of pleadings</i>	
(a) Revisal of summons, defences, petition or answers	£59.00
(b) Adjustment fee (open record) (each occasion)	£23.00
2. <i>Minutes, etc.—revisal fees</i>	
(a) Amendments (other than formal) or answers	£25.00
(b) Admission, tender or acceptance (in appropriate cases)	£7.00
(c) Note of exceptions	£7.00
3. <i>Notes</i>	
(a) Note on quantum only	£54.00
(b) Advice on tender or extrajudicial offer where not merely confirming advice at consultation	£59.00
(c) Note on line of evidence (revisal)	£59.00
(d) The fee for other notes shall be within the following range:	
From	£18.00
To	£59.00
4. <i>Consultations</i>	
(a) Before proof or trial, or otherwise involving a significant degree of preparation or lengthy discussion	£72.00
(b) Other consultations	£59.00
5. <i>Day in court</i>	
(a) Inner House—per day	£212.00
(b) Outer House—per day	£198.00

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations regulate the fees and outlays of solicitors, and the fees of counsel, which an auditor of court may allow in taxing an account of fees and outlays claimed from the Legal Aid (Scotland) Fund by solicitors or counsel in respect of legal aid in civil proceedings in the Court of Session, or in proceedings in the Restrictive Practices Court, Employment Appeal Tribunal, Scottish Land Court or Lands Tribunal for Scotland. They do not apply to the fees and outlays allowable in a taxation of expenses between party and party.

The provisions regulating the fees and outlays allowable only to work done on or after 1st May 1984. The provisions regarding taxation apply also to fees and outlays for work done before 1st May 1984 but such taxation will be on the basis of the fees and outlays allowable before that date.

The power to regulate fees and outlays for legal aid is now vested in the Secretary of State by virtue of section 14A of the Legal Aid (Scotland) Act 1967 (c.43), inserted by section 3 of the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c.12). The 1983 Act also disappplied to legal aid any power of the Court of Session to regulate solicitors' fees in the Court of Session and sheriff court and any power of the Scottish Land Court to regulate solicitors' fees there, and repealed section 16(2) of the 1967 Act which inter alia enabled the Court of Session to prescribe legal aid fees for certain courts and tribunals. The 1983 Act repealed schedule 2 to the Legal Aid (Scotland) Act 1967 which previously made provisions regarding fees and outlays allowable for legal aid.

Previously Schedule 2 to the 1967 Act provided that the fees allowable for solicitors and counsel in the Court of Session, sheriff court and House of Lords should normally be 90% of the amount which would be allowed on taxation in a non-legally aided case. (On such taxation, solicitors' fees in the Court of Session and sheriff court are determined in accordance with scales prescribed by the Court of Session by Act of Sederunt. Other fees are determined at the auditor of court's discretion).

As regards the Restrictive Practices Court, Employment Appeal Tribunal, Scottish Land Court and Lands Tribunal for Scotland, fees of solicitors and counsel for legal aid were previously regulated by the Act of Sederunt (Legal Aid Fees) 1971 (S.I. 1971/219, amended by S.I. 1971/1796, 1973/1774, 1976/373). This provided for solicitors and counsel to get 90% of the amount which would have been allowed in a non-legally aided case. Solicitors' fees for this purpose were required to be calculated according to the Court of Session scale in some cases and the sheriff court scale in others but counsel's fees were left to the auditor's discretion. Schedule 2 to the 1967 Act provided for outlays to be allowed in full to solicitors in all courts and tribunals.

As regards solicitors' fees these regulations provide tables of fees specifically for legal aid, but seek to maintain in most cases the level of fees which previously applied.

Regulation 4 prescribes the general principles for determining when solicitors' fees are allowable. It provides that fees (calculated according to regulation 5) may be allowed to solicitors where they are reasonable for conducting the case in a proper manner, as between solicitor and client, third party paying.

Regulation 5(1) and Schedule 1 provide for solicitors' fees in the Court of Session. The Table of Fees follows closely the structure and wording, with minor modifications, of the Table of Fees in rule 347 of the Rules of the Court of Session (contained in S.I. 1965/321, amended by S.I. 1970/1746, 1973/360, 1974/1686, 1982/467, 1983/971). The fees prescribed are in general 90% of those prescribed in rule 347. Paragraphs 2 to 5 of Schedule 1 make general provisions regarding the fees which may be allowed corresponding to the relevant provisions in rule 347.

Regulation 5(2) and Schedule 2 provide for solicitors' fees in the sheriff court. The Table of Fees follows closely the structure and wording, with minor modifications, of the Table of Fees in the Act of Sederunt (Alteration of Sheriff Court Fees) 1971 (S.I. 1971/90, amended by S.I. 1973/461, 1978/1167, 1979/1633, 1980/1678, 1981/499, 1981/1408, 1982/466, 1983/970). The fees prescribed are in general 90% of those prescribed in the Act of Sederunt of 1971 as amended. The fees for summary causes (Chapter IV) are the same as in the Act of Sederunt, but an instruction fee for defenders' solicitors is specifically provided. The provisions for executry business (Chapter V) are modified. New provision is made in Chapter 1 of the Table of Fees for fees for divorce actions which become competent in the sheriff court on 1st May 1984. Paragraphs 2, 3 and 5 of Schedule 2 make general provisions regarding the fees which may be allowed corresponding to the relevant provisions in the Act of Sederunt of 1971 as amended. However, paragraph 3 does not permit an account to be charged partly on the basis of inclusive fees and partly on the basis of detailed fees. Paragraph 4 gives the auditor power to modify any inclusive fees in certain circumstances corresponding to the power of the auditor in relation to Court of Session fees under paragraph 5 of Schedule 1.

Regulation 5(3) provides for a solicitor's fees for legal aid in the House of Lords, Restrictive Practices Court or Employment Appeal Tribunal to be calculated according to Chapter I of the Table of Fees in Schedule 1, that is on the basis of the detailed fees which solicitors may charge for legal aid in the Court of Session.

Regulation 5(4) provides for a solicitor's fees for legal aid in the Scottish Land Court to be calculated according to Chapter III of the Table of Fees in Schedule 1, that is, on the basis of the detailed fees which solicitors may charge for legal aid in the sheriff court.

Regulation 5(5) provides for a solicitor's fees for legal aid in the Lands Tribunal for Scotland to be calculated in some cases on the basis of the detailed fees chargeable for legal aid in the sheriff court and in some cases on the basis of the detailed fees chargeable for legal aid in the Court of Session.

Regulation 5(6) allows solicitors to add value added tax to their fees where appropriate.

As regards counsel's fees, these regulations provide a new table of fees for legal aid in the Court of Session, but as regards legal aid in other courts and tribunals provide for counsel to receive 90% of what would be allowed on taxation in a non-legally aided case, as under the previous provisions.

Regulation 6 prescribes the general principles for determining when counsel's fees are allowable, in the same terms as Regulation 4 for solicitors' fees.

Regulation 7(1) and Schedule 3 provide for counsel's fees in the Court of Session. The Table of Fees in Schedule 3 regulates fees for consistorial actions, petitions and ordinary actions. Paragraphs 2 to 5 of Schedule 3 give the auditor of court certain discretions. Where the Table does not prescribe a fee for the work concerned he may allow such fee as he considers gives reasonable remuneration for the work, having regard to the circumstances, including the general levels of fees in the Table of Fees. Paragraph 3 provides for him, where a range of fees is prescribed by the Table of Fees, to allow reasonable remuneration within the range. Paragraphs 4 and 5 give power to increase or decrease the prescribed fees in particular circumstances.

Regulation 7(2) provides for counsel's fees in other courts and tribunals and Regulation 7(3) allows counsel to add value added tax to their fees where appropriate.

Regulation 8 provides for the outlays which may be allowed to solicitors. These include a charge for posts and incidents of 12% of the amount of fees chargeable.

Regulation 9 provides for taxation of fees and outlays by auditors of court. (The definition of "auditor" in regulation 2(1) specifies the appropriate auditors). Taxation may be requested by the solicitor concerned or, where counsel's fees are involved, the counsel concerned, or by the Law Society of Scotland on behalf of the legal aid fund. There is a right to make objection against the auditor's report to the appropriate court.

Regulation 10 makes a revocation consequential on the repeal by the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 of Schedule 2 to the Legal Aid (Scotland) Act 1967.

SI 1984/519
ISBN 0-11-046519-9

