
STATUTORY INSTRUMENTS

1989 No. 1495 (S.124)

LEGAL AID AND ADVICE, SCOTLAND

The Legal Aid (Scotland) (Fees in Civil Proceedings) Amendment (No.2) Regulations 1989

<i>Made</i>	- - - -	<i>14th August 1989</i>
<i>Laid before Parliament</i>		<i>17th August 1989</i>
<i>Coming into force</i>	- -	<i>31st August 1989</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 14A and 15 of the Legal Aid (Scotland) Act 1967(1), as read with section 45 of, and paragraph 3(1) of Schedule 4 to, the Legal Aid (Scotland) Act 1986(2), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Legal Aid (Scotland) (Fees in Civil Proceedings) Amendment (No.2) Regulations 1989 and shall come into force on 31st August 1989.

(2) In these Regulations “the principal Regulations” means the Legal Aid (Scotland) (Fees in Civil Proceedings) Regulations 1984(3).

Amendment of principal Regulations

2. For the Table of Fees in Schedule 1 to the principal Regulations (fees of solicitors for proceedings in the Court of Session) there shall be substituted the Table of Fees set out in Schedule 1 to these Regulations.

3. For the Table of Fees in Schedule 2 to the principal Regulations (fees of solicitors for proceedings in the Sheriff Court) there shall be substituted the Table of Fees set out in Schedule 2 to these Regulations.

4. The amendments to the principal Regulations made by regulations 2 and 3 of these Regulations shall apply only to fees for work done on or after 31st August 1989.

(1) 1967 c. 43; section 14A was inserted by section 3 of the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12).
(2) 1986 c. 47.
(3) S.I. 1984/519; the relevant amending instruments are S.I. 1987/894 and 1988/1108.

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St. Andrew's House,
Edinburgh
14th August 1989

Sanderson of Bowden
Minister of State, Scottish Office

SCHEDULE 1

Regulation 2

TABLE OF FEES

CHAPTER I

DETAILED FEES

-
1. (a) (a) Framing £4.20
precognitions and
other papers (not
affidavits), not drawn
by counsel—per
sheet
- (b) (b) Framing £1.80
formal documents
such as inventories,
title pages and
accounts of expenses
etc.—per sheet
- (c) (c) Framing £6.60
affidavits—per sheet

Note:

- (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 drawing fees for revising and adjusting it.
- (iv) Where the business can properly be performed by a local solicitor the auditor in taxing and 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

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satisfied that it was in the interests of the client that the solicitor in charge of the case would attend personally.

2. *Copying papers by any means*

First copy—per sheet	£0.81
Additional copies—per sheet	£0.34

Note: When copied by photostatic or similar process each page shall be charged as one sheet.
3. *Revising papers drawn by counsel, open and closed records etc.*

For each five sheets or part thereof.	£1.80
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4. *Citation of parties, witnesses, havers, instructions to messengers-at-arms*

Each party	£3.60
Each witness or haver	£3.60
Instructing messenger-at-arms including examining execution and settling fee	£3.60
5. *Time charges*
 - (a) (a) Attendance at meetings, preparation of proof, trial or debate, attendance at court, consultation with counsel, etc.—

Per half hour or such other sum as in the opinion of the auditor is justified.	£13.05
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 - (b) (b) Perusal of documents—

Per half hour or such other sum as in the opinion of the auditor is justified.	£7.15
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(c) (c) Allowance for time of clerk—one half of the fee in subparagraph (a) or (b) above.

(d) (d) Attendance £1.80 at court offices for performance of formal work (other than lodging process or first step of process).

Lodging first step of process £3.60

Additional fee for making up and lodging process £1.80

Note:

(i) Time necessarily occupied in travelling to be regarded as it 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 £3.60

Formal letters £0.85

Telegrams or telephone calls, including letters confirming £1/.80

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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	£75.95
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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	£107.95
<i>Note:</i>	Precognitions to be charged as in Part V, paragraph 5 of this Chapter	
2.	<i>Incidental procedures</i> Fixing diet, enrolling action, preparation for proof, citing witnesses, etc.	£61.10
3.	<i>Amendment</i>	
	(a) (a) Where summons amended, where re-service is not ordered, and motion is not starred	£15.40
	(b) (b) Where summons amended, where re-service is not ordered and motion is starred	£22.55
	(c) (c) Where summons amended and re-services is ordered	£28.55

4. *Commissions to take evidence on interrogatories*
- (a) (a) Basic fee to cover all work up to and including lodging completed interrogatories £22.55
 - (b) (b) Additional £4.75 fee for completed interrogatories, including all copies—per sheet
5. *Commissions to take evidence on open commission*
- (a) (a) Basic fee £25.45 to solicitor applying for commission but excluding attendance at execution thereof
 - (b) (b) Attendance £13.05 at execution of commission—per half hour
- 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* £75.95
fee—excluding accounts of expenses but including instructing counsel for proof, attendance at proof, settling with witnesses, borrowing and returning productions, procuring the interlocutor, and obtaining extract decree of divorce
8. *Accounts*
- Framing and lodging account £24.30
and attending taxation
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PART III

—UNDEFENDED CONSISTORIAL ACTIONS: AFFIDAVIT PROCEDURE

-
1. In any undefended action of divorce or separation where

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- (a) (a) the facts set out in section 1(2)(b) (unreasonable behaviour) of the Divorce (Scotland) act 1976(4) 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, 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 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 the summons	£157.45	£180.00
2. All work from calling to and including swearing affidavits	£112.50	£135.00
3. All work from swearing affidavits to and including sending extract decree	£33.75	£50.60
4. All work to and including sending extract decree	£303.75	£365.60
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 pursuer’s solicitor may in respect of the work specified in column 1 of

(4) 1976 c. 39.

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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 other case</i>
1. All work to and including calling of the summons	£129.35	£151.85
2. All work from calling to and including swearing affidavits	£61.90	£78.75
3. All work from swearing affidavits to and including sending extract decree	£33.75	£50.60
4. All work to and including sending extract decree	£225.00	£281.20
Add session fee to item 4	of 7½%	of 10%

3. If—
- (a) the puruser’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	£31.50
2. All work from colling to and including swearing affidavits	£35.95
3 All work under items 1 and 2	£67.45

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Column 1 <i>Work done</i>	Column 2 <i>Inclusive fee</i>
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) (a) in the case of an Edinburgh solicitor acting alone | £159.10 |
| | (b) (b) in any other case | £222.00 |

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

B. Opposed petitions

- | | | |
|----|--|---------|
| 2. | Fee for all work (other and precognitions) up to and including lodging petition, obtaining and executing warrant for service | £107.95 |
|----|--|---------|

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

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|----|---|--|
| 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. | |
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| 4. | Reports— | |
| | (a) (a) For each report by accountant of court | £19.00 |

(b) (b) For any other report as under Part V, paragraph 6 of this Chapter.

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|----|---------------------------|--------|
| 5. | Obtaining Bond of caution | £19.00 |
|----|---------------------------|--------|

PART V
—DEFENDED ACTIONS

1. *Instruction fee*
- (a) (a) To cover all £149.55
work (apart from
precognitions) until
lodgement of open
record
 - (b) (b) Instructing £16.00
re-service where
necessary
 - (c) (c) For counter- £31.50
claim lodged,
additional fee for
solicitor for each
party
2. *Record fee*
- (a) (a) To cover all £159.10
work in connection
with adjustment and
closing of record
including subsequent
work in connection
with By Order
Adjustment roll
 - (b) (b) To cover £99.10
all work as above,
so far as applicable,
where action settled
or disposed of before
record closed
 - (c) (c) If consultation
held before record
closed, additional
fees may be allowed
as follows:—
 - (i) Arranging consultation £16.00
 - (ii) Attendance at £15.05
consultation—per half
hour
 - (d) (d) Additional fee £46.85
(to include necessary
amendments) to the
solicitors for the
existing pursuer
and each existing

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defender, to be allowed for each pursuer, defender or third party brought in before the record is closed, each of

- (e) (e) Additional £70.00 fee to the solicitors for 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

3.

Procedure Roll or Debate Roll

- (a) (a) Preparing £31.50 for discussion and all work incidental thereto including instruction of counsel
- (b) (b) Attendance at £13.05 court—per half-hour
- (c) (c) Advising £23.75 and work incidental thereto

4.

Adjustments of issues and counter-issues

- (a) (a) Fee to £30.30 solicitor for pursuer to include all work in connection with and incidental to the lodging of an issue, and adjustment and approval thereof
- (b) (b) If one counter- £8.35 issue, additional fee to solicitor for pursuer
- (c) (c) If more than £3.60 one counter-issue, additional fee to solicitor for pursuer for each additional counter-issue

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- (d) (d) Fee to solicitor £30.30
for defender or third
party for all work
in connection with
lodging of counter-
issue and adjustment
and approval thereof
- (e) (e) Fee to solicitor £8.35
for defender or third
party for considering
issue where no
counter-issue lodged
- (f) (f) Fee to £3.60
solicitor for defender
or third party
for considering each
additional counter-
issue

3. Taking and drawing £15.40
precognition—per sheet

Note:

- (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
drawing fee per
sheet.

6. *Reports obtained under order
of court excluding auditor's
report*

- (a) (a) Fee for £33.25
all work incidental
thereto
- (b) (b) Additional fee £4.75
per sheet of report
to include all copies
required (maximum
£33.05)

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7.

Specification of documents

- (a) (a) Basic fee £31.50
to cover instructing
counsel, revising and
lodging and all
incidental procedures
to obtain a diligence
up to and including
obtaining interlocutor
- (b) (b) Fee to £15.40
opponent's solicitor
- (c) (c) If commission £13.05
executed, additional
fee—per half hour
- (d) (d) If alternative £12.50
procedure adopted,
fee per person upon
whom order served

8.

*Commission to take evidence
on interrogatories*

- (a) (a) Basic fee £63.50
to solicitor applying
for commission to
cover all work up to
and including lodging
report of commission
with completed
interrogatories and
cross-interrogatories
- (b) (b) Basic £51.05
fee to opposing
solicitor if cross-
interrogatories
lodged
- (c) (c) Fee to £19.00
opposing solicitor
if no cross-
interrogatories
lodged
- (d) (d) Additional fee £4.75
to solicitor for each
party for completed
interrogatories or
cross-interrogatories,
including all copies
—per sheet

9. *Commission to take evidence on open commission*
- (a) (a) Basic fee £70.00 to solicitor applying for commission up to and including lodging report of commission, but excluding attendance at execution thereof
 - (b) (b) Basic fee to £31.50 opposing solicitor
 - (c) (c) Attendance £13.05 at execution of commission—per half hour

10. *Miscellaneous motions where not otherwise covered by this Chapter*
- (a) (a) Where £8.35 attendance of counsel or solicitor or both not required
 - (b) (b) Where £23.75 attendance of counsel or solicitor or both required, inclusive of instruction of counsel —not exceeding half hour
 - (c) (c) Thereafter £13.05 attendance fee—per additional half hour

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
- £89.05TEXT FROM IMAGE FILE 89149506.TIF TO GO HERE.

3. *Summer or Short Roll*
- (a) (a) Preparing for £46.85 discussion, instruting

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	counsel, and preparing appendix	
	(b) (b) Attendance fee	£13.05
	—per half-hour	
4.	Where applicable the fees set out in Part V of this Chapter may be charged.	
5.	<i>Special cases and Inner House peritions</i>	
	According to circumstances of the case.	
6.	Obtaining bond of Caution	£19.00

PART VII

—ADMIRALTY AND COMMERCIAL CASES, SEQUESTRATIONS IN BANKRUPTCY, APPLICATIONS FOR SUMMARY TRIAL UNDER SECTION 10 OF THE ADMINISTRATION OF JUSTICE (SCOTLAND) ACT 1933(5) AND CASES REMITTED FROM THE SHERIFF COURT.

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

SCHEDULE 2

Regulation 3

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.	Action (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	£46.85
	In cases where settlement is effected after service of a writ	£40.40

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4.	<p>but before the expiry of the period of notice</p> <p>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—</p> <p>Inclusive fee to cover all work from taking instructions up to and including obtaining extract decree £222.00</p>
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Part II

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

1.	<p>In any undefended action of divorce or of separation and aliment where—</p> <p>(a) the facts set out in section 1(2)(b) (unreasonable behaviour) of the Divorce (Scotland) Act 1976 are relied upon; and</p> <p>(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.</p>
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TABLE A

Column 1 <i>Work done</i>	Column 2 <i>Inclusive fee</i>
1. All work to and including the period of notice	£157.45
2. All work from the period of notice to and including swearing affidavits	£112.50
3. All work from swearing affidavits to and including sending extract decree	£33.75

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Column 1 <i>Work done</i>	Column 2 <i>Inclusive fee</i>
4. All work to and including sending extract decree	£303.75
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.

TABLE B

Column 1 <i>Work done</i>	Column 2 <i>Inclusive fee</i>
1. All work to and including the period of notice	£129.35
2. All work from the period of notice to and including swearing affidavits	£61.90
3. All work from swearing affidavits to and including sending extract decree	£33.75
4. All work to and including sending extract decree	£225.00
Add process fee to item 4	of 10%

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.

Column 1 <i>Work done</i>	Column 2 <i>Inclusive fee</i>
1. All work to and including the period of notice	£61.25

Column 1 <i>Work done</i>	Column 2 <i>Inclusive fee</i>
2. All work from the period of notice to and including swearing affidavits	£35.95
3. All work under items 1 and 2	£97.30

CHAPTER II

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

1.	<i>Instruction fee</i> —to cover all work (except as hereinafter otherwise specially provided for in this Chapter) to the lodging of defences including copyings	£101.50
	Additional fee where separate statement of facts and counter claim answers lodged	£35.65
2.	<i>Additional fee</i> —to cover all work (except as hereinafter otherwise specially provided for in this Chapter) to the lodging of defences including copyings— (a) Fee to solicitor for any party (b) (b) Fee to each original party’s solicitor if action settled before record is closed (c) (c) Additional fee to each original party’s solicitor if additional defender brought in before closing of record (d) (d) Additional fee to each original party’s solicitor if additional defender brought in after closing of record	£151.90
3.	<i>Fee for framing affidavits</i> —per sheet	£6.60

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	(a) (a) <i>Debate fee</i> —	£76.05
	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	
	For every half hour engaged after the first hour	£17.80
	<i>Interim interdict hearings</i> —	£44.45
	Fursuer’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	
5.	<i>Precognitions</i> —taking and drawing—per sheet	£15.40
<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.	
5A.	<i>Report obtained under order of court, excluding auditor’s report</i>	£33.25
	(a) Fee for all work incidental thereto	
	(b) (b) Additional fee per sheet of report to include all copies required (maximum £33.05)	£4.75
6	<i>Commissions to take evidence</i>	£94.95
	(a) On interrogatories	
	(a) Fee to solicitor applying for commission to	

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	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	
	Fee to opposing solicitor if cross-interrogatories prepared and lodged	£63.50
	If no cross- interrogatories lodged	£19.00
7.	(b) (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	£57.00
	Fee to solicitor for opposing party	£31.50
	Fee for attendance at execution of commission—per half hour	£17.80
	Travelling time—per half hour	£13.05
	<i>Specification of documents</i>	£39.20
	Fee to cover drawing, intimating and lodging specification and relative motion and attendance at court debating specification	
	Inclusive fee to opposing solicitor	£25.45

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	Fee for citation of havers, preparation for and attendance before commissioner at execution of commission—	£35.65
	Where attendance before commissioner does not exceed 1 hour	
	For each additional half hour after the first hour	£17.80
	If commission not executed —fee for serving each party with a copy fo specification to include recovering and examining documents or productions referred to therein	£7.80
8.	<i>Amendment of record</i>	£43.35
	Fee to cover drawing, intimating and lodging minute of amendment and relative motion and relative attendance at court—	
	(a) Where answers lodged	
	(b) (b) Where no answers lodged	£28.55
	Inclusive fee of solicitor—	£35.65
	(a) Where answers lodged	
	(b) (b) Where no answers lodged	£23.75
	Additional fee to solicitor for each party for adjustment of minute and answers, where applicable	£31.50
9.	<i>Motions and minutes</i>	£44.45
	Fee to cover drawing, intimating and lodging any written motion or minute, including a reponing note, and relative attendances at court (except as otherwise provided for in this Chapter)—	
	(a) Where opposed	
	(b) (b) Where unopposed (including for each party a joint minute other	£31.50

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- than under paragraph
14(b))
- 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 £25.45
- (b) (b) Where motion, minute or reponing note unopposed £16.10
10. *Procedure preliminary to proof* £63.50
- (a) Fee to cover fixing diet of proof, citation of witnesses, and generally preparing for proof and if necessary instructing shorthand writer
- (b) (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 £38.00
- (c) (c) Drawing and lodging and inventory of productions, lodging the productions specified therein, and considering opponent's productions (to be charged once only in each process) £16.10
- Where only one party lodges productions, opponent's solicitor's fee for considering same £8.35
11. *Conduct of proof* £17.80
- Fee to cover conduct of proof and debate on evidence if taken at close of proof—per half hour

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	If counsel employed, fee to solicitor appearing with counsel—per half hour	£13.05
12.	<i>Debate on evidence</i>	£31.50
	Where debate on evidence not taken at conclusion of proof, fee for preparing for debate	
	Fee for conduct of debate—perhalf hour	£17.80
	If counsel employed, fee to solicitor appearing with counsel—per half hour	£13.05
13.	<i>Appeals</i>	£59.40
	(a) To sheriff principal	
	(a) Fee to cover instructions, marking of appeal or noting that appeal marked, noting diet of hearing thereof and preparation for hearing	
	Fee to cover conduct of hearing—per half hour	£17.80
	If counsel employed, fee to solicitor appearing with counsel—per half hour	£13.05
	(b) (b) To Court of Session	£29.65
	Fee to cover instructions, marking appeal or noting that appeal marked and instructing Edinburgh correspondents	
14.	<i>Settlements</i>	£35.00
	(a) Judicial tender	
	(a) Fee for preparation and lodging or for consideration of minute of tender	
	Fee on acceptance of tender, to include preparation and lodging or consideration of minute of acceptance and	£26.15

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	attendance at court when decree granted in terms thereof	
	(b) (b) Extra-judicial settlements	£59.40
	Fee to cover negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto	
15.	<i>Final procedure</i>	£46.85
	Fee to cover settling with witnesses, enquiries for cause at avizandum, noting final interlocutor	
	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	£38.00
	Fee to cover considering apponent's account of expenses and attending diet of taxation or adjusting account with opponent	£11.90
16.	<i>Copying fees</i>	£0.81
	Copying all necessary papers by any means—	
	First copy—per sheet	
	Additional copies—per sheet	£0.34
<i>Note:</i>	A sheet shall be 250 words. When copied by photostatic or similar process, each page shall be charges as one sheet.	
17.	<i>Process fee</i>	
	Fee to cover all consultations between solicitor and client	

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	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.	<i>Fee for instruction of counsel</i>	£19.50
	Fee for instructing counsel to revise record	
	Fee for instructing counsel to conduct debate or proof	£39.20
	Fee for instructing counsel to conduct appeal to sheriff principal	£39.20
<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	£17.80
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 (b) Allowance for time of clerk—one half of above.	£13.05
<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	£4.20

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4.	Framing affidavits—per sheet	£6.60
5.	Revising papers where revision ordered—for each five sheets	£1.80
6.	Copying all necessary papers by any means—	
	First copy—per sheet	£0.81
	Additional copies—per sheet	£0.34
<i>Note:</i>	When copied by photostatic or similar process each page shall be charged as one sheet.	
7.	Certifying or signing a document	£1.80
8.	Perusing any document (other than a letter) not exceeding 2 sheets in length	£3.60
	For each 2 sheets thereafter	£3.60
9.	<i>Lodging in process</i>	£1.80
	Each necessary lodging in or uplifting from process or each necessary enquiry for documents due to be lodged	
10.	<i>Borrowing process</i>	£1.80
	Each necessary borrowing of process to include return of same	
11.	<i>Extracts</i>	£8.35;
	Ordering, procuring and examining extracts, interim or otherwise	
12.	<i>Correspondence, intimations, etc.</i>	
	(a) (a) Formal letters and intimations	£0.85
	(b) (b) Letters other than above—per page of 125 words	£3.60
	(c) (c) Telephone calls except those to which subpaagraph (d) below applies	£1.80
	(d) (d) Telephone calls (lengthy) to be	

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		treated as attendances or long letters.	
13.	<i>Citations</i>		£3.60
		Each citation of party or witness including execution thereof	
14.	<i>Instructions to officers</i>		£1.80
		Instructing officers to serve, execute or intimate various kinds of writs or diligence including the examination or executions	
		For each party after the first on whom service or intimation is simultaneously made	£1.80
		Agency accepting service of any writ	£3.60
		Reporting diligence	£3.60
15.	<i>Personal diligence</i>		
	(a)	(a) Recording execution of charge	£3.60
	(b)	(b) Procuring fiat	£3.60
	(c)	(c) Instructing apprehension	£3.60
	(d)	(d) Framing state of debt and attendance at settlement	£5.40
16.	<i>Sales</i>		
	(a)	(a) Obtaining warrant to sell	£3.60
	(b)	(b) Instructing auctioneer or officer to conduct sale	£3.60
	(c)	(c) Perusing report of sale	£3.60
	(d)	(d) Reporting sales under poindings or sequestrations or any other judicial sales	£2.40
	(e)	(e) Noting approval of roup roll	£2.40

(f) (f) Obtaining £2.40
warrant to pay

CHAPTER IV

—SUMMARY CAUSE

Part I

—Undefended actions

1.	Fee, to include raking 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	£35.00
2.	<i>Service</i>	
	(a) (a) Citation by post wheresoever after the first citation for each party	£4.00
	(b) (b) Framing and instructing service by advertisement— for each party	£11.25
3.	Attendance at court	£11.25

Part II

—Defended actions

1.	(a) (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	£48.10
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first calling, noting
defence

- (b) (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.

Service

- (a) (a) Citation £4.00 by post within the United Kingdom, Isle of Man, Channel Islands, or the Republic of Ireland— for each party

Citation by post elsewhere—for each party £8.55

- (b) (b) Instructing £4.00 service or reservice by sheriff officer including perusing execution of citation and settling sheriff officer’s fee—for each party

- (c) (c) Framing and £12.50 instructing service by advertisement— for each party

3.

Attendance at court

Attendance at any diet except as otherwise specifically provided £12.50

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4. Preparing for proof, to include all work in connection with proof not otherwise provided for £43.45
5. Fee to cover preparing for adjourned diet and all incidental work if diet postponed for more than 6 days—for each adjourned diet £21.75
6. Drawing and lodging inventory of productions, lodging the productions specified therein and considering opponents' productions (to be charged once only in each process) £18.50
Where only one party lodges productions, opponent's solicitor's fee for considering same £8.55
7. *Precognition*
Drawing precognitions, including instructions, attendances with witnesses and all relative meetings and correspondence—per witness £18.50
Where precognition exceeds 2 sheets—for each additional sheet £8.55
8. *Motions and minutes*
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) (a) Where opposed £26.40
 - (b) (b) Where unopposed (including for each party a joint minute or joint motion) £15.85
9. Fee to cover considering opponent's written motion or minute, excluding a minute or

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- motion to recall decree, and
relative attendance at court—
- (a) (a) Where motion £21.75
or minute opposed
 - (b) (b) Where motion £12.50
of minute unopposed
10. *Conduct of proof*
- Fee to cover conduct of proof £12.50
and debate on evidence taken
at close of prood—per half
hour
 - Waiting time—per half hour £6.65
11. *Settlements*
- Judicial tender—
- Fee for consideration of, £26.40
preparing and lodging minute
of tender
 - Fee for consideration and £18.50
rejection of tenders
 - Fee on acceptance of tender £18.50
—to include preparing and
lodging, or consideration of,
minute of acceptance and
attendance at court when
decree granted in terms thereof
 - Extra-judicial settlement— £43.45
fee to cover negotiations
resulting in settlement, framing
or revising joint minute and
attendance at court when
authority interponed thereto
12. *Specification of documents*
- (a) (a) Fee to cover £21.75
drawing, intimating
and lodging
specification of
documents and
relative motion and
attendance at court
 - (b) (b) Inclusive fee £19.85
to opposing solicitor
 - (c) (c) Fee to £12.50
solicitor for each
party for citation
of havers, preparation

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- for and attendance
before commissioner
—for each half hour
- (d) (d) If alternative £8.55
procedure adopted,
fee per person upon
whom order served
13. *Commissions to take evidence*
- (a) (a) Fee to cover £26.40
drawing, lodging and
intimating motion and
attendance at court—
(i) Where opposed
- (ii) Where unopposed £15.85
- (b) (b) Fee to £21.75
cover considering
such motion and
attendance at court—
(i) Where opposed
- (ii) Where unopposed £12.50
- (c) (c) Fee to £12.50
cover instructing
commissioner and
citing witness
- (d) (d) Fee to cover £8.55
drawing and lodging
interrogatories and
cross-interrogatories
—per sheet
- (e) (e) Attendance £11.90
before commissioner
—per hour
- Travelling time—per hour £7.95
14. Supplementary note of defence £8.55
(when leave granted to lodge)
15. *Appeals*
- Fee to cover instructions, £59.40
marking of appeal or noting
that appeal marked, noting
of diet of hearing thereof and
preparations for hearing
- Fee to cover conduct of £12.50
hearing—per half hour
16. *Final Procedure*

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Fee to cover settling with witnesses, enquiries at avizandure, noting final interlocutor	£26.40
Fee to cover drawing account of expenses, arranging, intimating and attending hearing on expenses, and obtaining approval of sheriff clerk’s report	£26.40
Fee to cover considering opponent’s account of expenses and attendance at hearing on expenses	£12.50

CHAPTER V

EXECUTIVE BUSINESS

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 £26.70
 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 £26.70
 3. Fees for other work shall be chargeable according to Chapter III.
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Legal Aid (Scotland) (Fees in Civil Proceedings) Regulations 1984 so as to increase the fees allowable to solicitors for legal aid in civil proceedings. The overall increase is around 9% and will apply to work done on or after 31st August 1989.

Regulation 2 and Schedule 1 substitute a new Table of Fees for the Table of Fees in Schedule 1 to the 1984 Regulations. (This Table of Fees regulates solicitors' fees for legal aid in the Court of Session, and Chapter 1 of the Table also regulates solicitors' fees for legal aid in the House of Lords, Restrictive Practices Court and Employment Appeal Tribunal and, in certain circumstances, the Lands Tribunal for Scotland.)

Regulation 3 and Schedule 2 substitute a new Table of Fees for the Table of Fees in Schedule 2 to the 1984 Regulations. (This Table of Fees regulates solicitors' fees for legal aid in the sheriff court. Chapter III of the Table of Fees also regulates solicitors' fees for legal aid in the Scottish Land Court and in certain circumstances the Lands Tribunal for Scotland.)

The Legal Aid (Scotland) Act 1967 continues in effect, despite its general repeal by the Legal Aid (Scotland) Act 1986, in respect of legal aid applications which were granted before commencement of the 1986 Act on 1st April 1987 (see paragraph 3(1) of Schedule 4 to the 1986 Act). It is thus only in respect of work done following upon such applications that these Regulations increase the fees.