
STATUTORY INSTRUMENTS

1991 No. 565 (S.50)

LEGAL AID AND ADVICE, SCOTLAND

**The Civil Legal Aid (Scotland)
(Fees) Amendment Regulations 1991**

<i>Made</i>	- - - -	<i>8th March 1991</i>
<i>Laid before Parliament</i>		<i>12th March 1991</i>
<i>Coming into Force</i>	- -	<i>1st April 1991</i>

The Secretary of State, in exercise of the powers conferred on him by section 33 of the Legal Aid (Scotland) Act 1986(1), 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 Civil Legal Aid (Scotland)(Fees)Amendment Regulations 1991 and shall come into force on 1st April 1991.

(2) In these Regulations “the principal Regulations” means the Civil Legal Aid (Scotland)(Fees) Regulations 1989(2).

Amendment of principal Regulations

2. In regulation 10(3) of the principal Regulations there shall be inserted at the end the word “thereon”

3. For the Table of Fees set out 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.

4. In Schedule 2 to the principal Regulations (fees of solicitors for proceedings in the sheriff court)—

- (a) for the Table (Actions: percentage reduction) set out in paragraph 2(f) there shall be substituted the Table set out in Schedule 2 to these Regulations; and
- (b) for the Table of Fees set out in that Schedule there shall be substituted the Table of Fees set out in Schedule 2 to these Regulations.

(1) 1986 c. 47.

(2) S.I. 1989/1490, amended by S.I. 1990/473 and 1036.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

5. In Schedule 3 to the principal Regulations (table of detailed fees chargeable by solicitors for proceedings in the Court of Session and sheriff court)–

- (a) in paragraph 2.1 for “1.1” there shall be substituted “1”; and
- (b) for the Table of Fees set out in that Schedule there shall be substituted the Table of Fees set out in Schedule 3 to these Regulations.

6. For the Table of Fees set out in Schedule 4 to the principal Regulations (fees for counsel for proceedings in the sheriff court) there shall be substituted the Table of Fees set out in Schedule 4 to these Regulations.

7. The amendments to the principal Regulations contained in regulations 3, 4(b), 5(b) and 6 of these Regulations shall apply only to fees for work done on or after 1st April 1991.

St. Andrew’s House,
Edinburgh
8th March 1991

James Douglas-Hamilton
Parliamentary Under-Secretary of State, Scottish
Office

SCHEDULE 1

Regulation 3

NEW TABLE OF FEES TO BE SUBSTITUTED IN
SCHEDULE 1 TO THE PRINCIPAL REGULATIONS

“TABLE OF FEES

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	£88.60
----	---	--------

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	£125.90
<i>Note</i>	Precognitions to be charged as in Part V, paragraph 5 of this Schedule	
2.	<i>Incidental procedures</i> Fixing diet, enrolling action, preparation for proof, citing witnesses, etc.	£71.30
3.	<i>Amendment</i> (a) Where summons amended, where re-service is not ordered, and motion is not starred	£17.95
	(b) Where summons amended, where re-service is not ordered and motion is starred	£26.30

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) Where summons amended and re-service is ordered £33.30
 - 4. *Commissions to take evidence on interrogatories*
 - (a) Basic fee to cover all work up to and including lodging completed interrogatories £26.30
 - (b) Additional fee for completed interrogatories, including all copies — per sheet £5.55
 - 5. *Commissions to take evidence on open commission*
 - (a) Basic fee to solicitor applying for commission but excluding attendance at execution thereof £29.65
 - (b) Attendance at execution of commission — per half hour £15.25
 - 6. Where applicable the fees set out in paragraphs 6, 7, 10, 14, 16 and 21 of Part V of this Schedule 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 £88.60
 - 8. *Accounts*
 - Framing and lodging account and attending taxation £28.30
-

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 (3) 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 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	£183.65	£209.95
2. All work from calling to and including swearing affidavits	£131.25	£157.50
3. All work from swearing affidavits to and including sending extract decree	£39.40	£59.00
4. All work to and including sending extract decree	£354.30	£426.45
Add session fee to item 4	of 7½%	or 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 year's 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 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

(3) 1976 c. 39.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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	£150.85	£177.15
2. All work from calling to and including swearing affidavits	£72.20	£91.85
3. All work from swearing affidavits to and including sending extract decree	£39.40	£59.00
4. All work to and including sending extract decree	£262.45	£328.00
Add session fee to item 4	of 7½%	of 10%

3. If–

- (a) the pursuer’s solicitor charges 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 that 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 £36.75
2.	All work from calling to and including swearing affidavits £41.95
3.	All work under items 1 and 2 £78.70
	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	£185.60
	(b) in any other case	£258.95
<i>Note</i>	Outlays including duplicating charges to be allowed in addition.	

B. Opposed petitions

2.	Fee for all work (other than procognitions) up to and including lodging petition, obtaining and executing warrant for service	£125.90
<i>Note</i>	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 IV of this Schedule may be charged.	
4.	Reports–	
	(a) For each report by Accountant of Court	£22.20
	(b) For any other report as under Part V, paragraph 6 of this Schedule	
5.	Obtaining Bond of Caution	£22.20

PART V – DEFENDED ACTIONS

1.	<i>Instruction fee</i>	
----	------------------------	--

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) To cover all £174.40
work (apart from
precognitions) until
lodgement of open
record
- (b) Instructing £18.65
re-service where
necessary
- (c) If counter-claim £36.75
lodged, additional fee
for solicitor for each
party

2.

Record fee

- (a) To cover all £185.60
work in connection
with adjustment
and closing or
record including
subsequent work in
connection with By
Order Adjustment
Roll
- (b) To cover all £115.60
work as above, so
far as applicable,
where action settled
or disposed of before
record closed
- (c) If consultation £18.65
held before record
closed, additional
fees may be allowed
as follows:–
 - (i) Arranging
consultation
 - (ii) Attendance at £15.25
consultation – per half
hour
- (d) Additional fee £54.65
(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

- (e) Additional fee £81.65 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) Preparing £36.75 for discussion and all work incidental thereto including instruction of counsel
- (b) Attendance at £15.25 court – per half hour
- (c) Advising £27.70 and work incidental thereto

4.

Adjustment of issues and counter-issues

- (a) Fee to £35.30 solicitor for pursuer to include all work in connection with and incidental to the lodging of an issue, and adjustment and approval thereof
- (b) If one counter- £9.75 issue, additional fee to solicitor for pursuer
- (c) If more than £4.20 one counter-issue, additional fee to solicitor for pursuer for each additional counter-issue
- (d) Fee to solicitor £35.30 for defender or third party for all work in connection with lodging of counter-

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

issue and adjustment
and approval thereof

(e) Fee to solicitor £9.75
for defender or third
party for considering
issue where no
counter-issue lodged

(f) Fee to £4.20
solicitor for defender
or third party
for considering each
additional counter-
issue

5. *Precognitions*

Taking and drawing £17.95
precognitions – per sheet

Note:

(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) Fee for all work £38.80
incidental thereto

(b) Additional fee £5.55
per sheet of report
to include all copies
required (maximum
£38.55)

7. *Specification of documents*

(a) Basic fee to cover £36.75
instructing counsel,
revising and lodging
and all incidental
procedures to obtain
a diligence up to and
including obtaining
interlocutor

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) Fee to opponent's solicitor £17.95
- (c) If commission executed, additional fee – per half hour £15.25
- (d) If alternative procedure adopted, fee per person upon whom order served £14.60

8. *Commission to take evidence on interrogatories*

- (a) Basic fee to solicitor applying for commission to cover all work up to and including lodging report of commission with completed interrogatories or cross-interrogatories £74.05
- (b) Basic fee to opposing solicitor if cross-interrogatories lodged £59.55
- (c) Fee to opposing solicitor if no cross-interrogatories lodged £22.20
- (d) Additional fee to solicitor for each party for completed interrogatories or cross-interrogatories, including all copies – per sheet £5.55

9. *Commission to take evidence on open commission*

- (a) Basic fee to solicitor applying for commission up to and including lodging report of commission, but excluding attendance at execution thereof £81.65

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) Basic fee to £36.75
opposing solicitor

(c) Attendance £15.25
at execution of
commission – per
half hour

10.

*Miscellaneous motions where
not otherwise covered by this
Schedule*

(a) Where attendance £9.75
of counsel and/or
solicitor not required

(b) Where attendance £27.70
of counsel and/
or solicitor required,
inclusive of
instruction of counsel
– not exceeding half
hour

(c) Thereafter £15.25
attendance fee – per
additional half hour

11.

*Incidental procedure (not
chargeable prior to approval
of issue or allowance of proof)*

Fixing diet, obtaining note £103.90
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

12.

Amendment of record

(a) Amendment of £27.70
conclusions only –
fee to solicitor for
pursuer

(b) Amendment of £9.75
conclusions only –
fee to solicitor for
opponent

(c) Amendment £40.20
of pleadings after
record closed, where
no answers to
the amendment are

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

lodged – fee to
solicitor for proposer

(d) In same £18.65
circumstances – fee
to solicitor for
opponent

(e) Amendment £94.75
of pleadings after
record closed where
answers are lodged –
fee for solicitor for
each party lodging
answers

(f) Fee for £51.95
adjustment of minute
and answers, where
applicable, to be
allowed in addition
to solicitor for each
party

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 £252.00
settled before trial or
proof, or the trial
or proof lasts only
one day, to include,
where applicable,
instruction to counsel

(b) For each day or £22.20
part of a day after
the first, including
instruction of counsel

(c) To cover £45.75
preparing for
adjourned diet and all
work incidental as in
(a), if diet postponed
more than 5 days

14.

*Copying all necessary papers
by any means–*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- | | | |
|-----|---|--------|
| | First copy – per sheet | £0.94 |
| | Additional copies – per sheet | £0.40 |
| 15. | <i>Settlement by tender – fees for solicitor for either party</i> | |
| | (a) Basic fee for lodging, or for considering, first tender | £54.65 |
| | (b) Fee for lodging, or for considering, each further tender | £36.75 |
| | (c) Additional fee if tender accepted | £36.75 |
| 16. | <i>Extra-judicial settlement</i> | |
| | Fee inclusive of joint minute (not based on a judicial tender) | £94.75 |
| 17. | <i>Proof or trial</i> | |
| | Attendance fee – per half hour | £15.25 |
| 18. | <i>Accounts—to include framing and lodging account, intimating diet, and attending taxation, uplifting account and noting and intimating taxations</i> | |
| | | £66.45 |
| 19. | <i>Ordering and obtaining extract</i> | |
| | | £13.90 |
| 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 | £74.05 |
| | (b) If case disposed of before trial or proof | £22.20 |
| 21. | <i>Session fee – to cover communications with client and counsel</i> | |

- (a) Where no correspondent – 7½ % 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. *Reclaiming motions*
 - (a) Fee for solicitor £54.65 for appellant for all work up to interlocutor sending case to roll
 - (b) Fee for solicitor £27.70 for respondent
 - (c) Additional fee £22.80 for solicitor for each party for every 50 pages of appendix
- 2. *Appeals from inferior courts*
 - (a) Fee for solicitor £66.45 for appellant
 - (b) Fee for solicitor £32.55 for respondent
 - (c) Additional fee £22.80 for solicitor for each party for every 50 pages of appendix
- 3. *Summer or Short Roll*
 - (a) Preparing for £54.65 discussion, instructing counsel, and preparing appendix
 - (b) Attendance fee – £15.25 per half hour

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

4.	Where applicable the fees set out in Part V of this Schedule may be charged.
5.	<i>Special cases and Inner House petitions</i> According to circumstances of the case.
6.	Obtaining Bond of Caution £22.20

PART VII – ADMIRALTY AND COMMERCIAL CASES,
SEQUESTRATION IN BANKRUPTCY, APPLICATION
FOR SUMMARY TRIAL UNDER SECTION 10 OF THE
ADMINISTRATION OF JUSTICE (SCOTLAND) ACT 1933(4)
AND CASES REMITTED FROM THE SHERIFF COURT

The fees shall be based on this Schedule or Schedule 3 according to the circumstances.”

SCHEDULE 2

Regulation 4

NEW TABLE (ACTIONS: PERCENTAGE REDUCTION) TO BE
SUBSTITUTED IN SCHEDULE 2 TO THE PRINCIPAL REGULATIONS

“TABLE

Actions	Percentage reduction
1.	For recovery of possession of heritable property in undefended actions
2.	Under the following enactments:— (i) Tenancy of Shops (Scotland) Act 1949(5), and (ii) section 3 of the Sheriff Courts (Civil Jurisdiction and Procedure)(Scotland) Act 1963(5)

(4) 1933 c. 41.

(5) 1963 c. 22; section 3 was amended by the Divorce (Scotland) Act 1976 (c. 39), section 8, by the Civil Jurisdiction and Judgements Act 1982 (c. 27), Schedule 14 and by S.I. 1985/626.

(5) 1963 c. 22; section 3 was amended by the Divorce (Scotland) Act 1976 (c. 39), section 8, by the Civil Jurisdiction and Judgements Act 1982 (c. 27), Schedule 14 and by S.I. 1985/626.

NEW TABLE OF FEES TO BE SUBSTITUTED IN SCHEDULE 2 TO THE PRINCIPAL REGULATIONS

“TABLE OF FEES

CHAPTER I – UNDEFENDED ACTIONS (OTHER THAN ACTIONS TO WHICH CHAPTER III OR IV 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 £54.65 In cases where settlement is effected after service of a writ but before the expiry of the period of notice £47.15
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 £258.95

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(6) are relied upon; and (b) the pursuer seeks to prove those facts by means of affidavits,
----	---

(6) 1976 c. 39.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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	£183.65
2. All work from the period of notice to and including swearing affidavits	£131.25
3. All work from swearing affidavits to and including extract decree	£39.40
4. All work to and including sending extract decree	£354.30
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	£150.85
2. All work from the period of notice to and including swearing affidavits	£72.20
3. All work from swearing affidavits to and including sending extract decree	£39.40
4. All work to and including sending extract decree	£262.45
Add process fee to item 4	of 10%

3. If—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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	£71.45
2. All work from the period of notice to and including swearing affidavit	£41.95
3. All work under items 1 and 2	£113.40
Add process fee to item 3	of 10percent;

CHAPTER II – DEFENDED ACTIONS (OTHER THAN ACTIONS TO WHICH CHAPTER III OR IV 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	£118.35
	Additional fee where separate statement of facts and counter claim answers lodged	£41.55
2.	<i>Adjustment fee</i> – 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	£177.20
	(b) Fee to each original party’s solicitor if action settled before is closed	£118.35

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) Additional fee to £20.80 each original party's solicitor if additional defender brought in before closing of record
 - (d) Additional fee to £29.75 each original party's solicitor if additional defender brought in after closing record
- 3. *Fee for framing affidavits – per sheet* £7.70
- 4.
 - (a) *Debate fee –* 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 £88.70
 - For every half hour engaged after the first hour £20.80
 - (b) *Interim interdict 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 £51.85
- 5. *Precognitions – taking and drawing – per sheet* £17.95
- Note:* 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. *Reports obtained under order of court, excluding auditor's report*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) Fee for all work £38.80
incidental thereto
- (b) Additional fee £5.55
per sheet of report
to include all copies
required (maximum
£38.55)

6.

Commissions to take evidence

- (a) On
interrogatories

Fee to solicitors applying £110.70
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

Fee to opposing solicitor if £74.05
cross-interrogatories prepared
and lodged

If no cross-interrogatories £22.20
lodged

- (b) Open
commissions

Fee to solicitor applying for £66.45
commission to include all
work (except as otherwise
specially provided for in this
Chapter) up to lodging report
of commission but excluding
attendance thereat

Fee to solicitor for opposing £36.75
party

Fee for attendance at execution £20.80
of commission – per half hour

Travelling time – per half hour £15.25

7.

Specification of documents

Fee to cover drawing, £45.75
intimating and lodging
specification and relative
motion and attendance at court
debating specification

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Inclusive fee to opposing solicitor £29.65

Fee for citation of havers, preparation for and attendance before commissioner at execution of commission—

Where attendance before commissioner does not exceed 1 hour £41.55

For each additional half hour after the first hour £20.80

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 £9.10

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 £50.55

(b) Where no answers lodged £33.30

Inclusive fee to opposing solicitor—

(a) Where answers lodged £41.55

(b) Where no answers lodged £27.70

Additional fee to solicitor for each party for adjustment of minute and answers, where applicable £36.75

9.

Motions and minutes

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)—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) Where opposed £51.85
- (b) Where £36.75
unopposed (including
for each party a
joint minute other
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, £29.65
minute or reponing
note opposed
- (b) Where motion, £18.75
minute or reponing
note unopposed

10.

Procedure preliminary to proof

- (a) Fee to
cover fixing diet
of proof, citation
of witnesses, and
generally preparing
for trial or proof
and if necessary
instructing shorthand
writer–
 - (i) if action settled or £129.70
abandoned not later than
14 days before the diet of
proof
 - (ii) in any other proceedings £216.15
- (b) Fee to £44.30
cover preparing for
adjournment diet of
all incidental work as
in sub-paragraph (a)
above if diet
postponed for more
than 6 days – for each
additional diet
- (c) Drawing and £18.75
lodging an inventory
of productions,
lodging the
productions specified
therein, and
considering

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

opponent's
productions (to be
charged once only in
each process)

(d) Where £9.75
only one party
lodges productions,
opponent's solicitor's
fee for considering
same

11. *Conduct of proof*
- | | |
|---|--------|
| Fee to cover conduct of proof and debate on evidence if taken at close of proof – per half hour | £20.80 |
| If counsel employed, fee to solicitor appearing with counsel – per half hour | £15.25 |
12. *Debate on evidence*
- | | |
|---|--------|
| Where debate on evidence not taken at conclusion of proof, fee for preparing for debate | £36.75 |
| Fee for conduct of debate – per half hour | £20.80 |
| If counsel employed, fee to solicitor appearing with counsel – per half hour | £15.25 |
13. *Appeals*
- (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 | £69.30 |
| Fee to cover conduct of hearing – per half hour | £20.80 |
| If counsel employed, fee to solicitor appearing with counsel – per half hour | £15.25 |
- (b) To Court of Session
- | | |
|--|--------|
| Fee to cover instructions, marking appeal or noting that | £34.55 |
|--|--------|

	appeal marked and instructing Edinburgh correspondents	
14.	<i>Settlements</i>	
	(a) Judicial tender	
	Fee for preparation and lodging or for consideration of minute of tender	£40.85
	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	£30.50
	(b) Extra-judicial settlements	
	Fee to cover negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto	£69.30
15.	<i>Final procedure</i>	
	Fee to cover settling with witnesses, enquiries for cause at avizandum, noting final interlocutor	£54.60
	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	£44.30
	Fee to cover considering opponent's account of expenses and attending diet of taxation or adjusting account with opponent	£13.90
16.	<i>Copying fees</i>	
	Copying all necessary papers by any means–	
	First copy – per sheet	£0.94
	Additional copies – per sheet	£0.40

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<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.	<i>Process fee</i> 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.	<i>Fee for instruction of counsel</i> Fee for instructing counsel to revise record £22.75 Fee for instructing counsel to conduct debate or proof £45.75 Fee for instructing counsel to conduct appeal to sheriff principal £45.75
<i>Note</i>	In each case to cover all consultations, revisal of papers and all incidental work.

CHAPTER III – 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 £40.85
2.	<i>Service</i> (a) Citation by post wheresoever after the first citation for each party £4.65

	(b) Framing and instructing service by advertisement – for each party	£13.15
3.	Attendance at court	£13.15

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	£56.10
----	--	--------

(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 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	£4.65
	Citation by post elsewhere – for each party	£10.00

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) Instructing £4.65
service or reservice
by sheriff officer
including perusing
execution of citation
and settling sheriff
officer's fee – for
each party
 - (c) Framing and £14.60
instructing service by
advertisement – for
each party
- 3. *Attendance at court*
Attendance at any diet except £14.60
as otherwise specifically
provided
- 4. Preparing for proof, to include £50.65
all work in connection with
proof not otherwise provided
for
- 5. Fee to cover preparing £25.40
for adjourned diet and
all incidental work if diet
postponed for more than 6
days – for each additional diet
- 6. Drawing and lodging inventory £21.60
of productions, lodging the
productions specified therein
and considering opponents'
productions (to be charged
once only in each process)
Where only one party lodges £10.00
productions, opponent's
solicitor's fee for considering
same
- 7. *Precognitions*
Drawing precognitions, £21.60
including instructions,
attendances with witnesses
and all relative meetings and
correspondence – per witness
Where precognition exceeds £10.00
2 sheets – for each additional
sheet
- 8. *Motions and minutes*
Fee to cover drawing,
intimating and lodging of any

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- 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 £30.80
 - (b) Where unopposed (including for each party a joint minute or joint motion) £18.50
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 £25.40
 - (b) Where motion or minute unopposed £14.60
10. *Conduct of proof*
- Fee to cover conduct of proof and debate on evidence taken at close of proof – per half hour £14.60
- Waiting time – per half hour £7.75
11. *Settlements*
- (a) Judicial tender–
- Fee for consideration of, preparing and lodging minute of order £30.80
- Fee for consideration and rejection of tenders £21.60
- 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 £21.60
- Extra-judicial settlement – fee to cover negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto £50.65

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

12.

Specification of documents

- (a) Fee to cover £25.40
drawing, intimating
and lodging
specification of
documents and
relative motion and
attendance at court
- (b) Inclusive fee to £23.15
opposing solicitor
- (c) Fee to £14.60
solicitor for each
party for citation
of havers, preparation
for and attendance
before commissioner
– for each half hour
- (d) If alternative £10.00
procedure adopted,
fee per person upon
whom order served

13.

Commissions to take evidence

- (a) Fee to cover £30.80
drawing, lodging and
intimating motion
and attendance at
court–
 - (i) Where opposed
- (ii) Where unopposed £18.50
- (b) Fee to
cover considering
such motion and
attendance at court–
 - (i) Where opposed £25.40
 - (ii) Where unopposed £14.60
- (c) Fee to £14.60
cover instructing
commissioner and
citing witness
- (d) Fee to cover £10.00
drawing and lodging
interrogatories and
cross-interrogatories
– per sheet

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

	(e)	Attendance	£13.90
		before commissioner	
		– per hour	
		Travelling time – per hour	£9.30
14.		Supplementary note of defence (when leave granted to lodge)	£10.00
15.		<i>Appeals</i>	
		Fee to cover instructions, marking of appeal or noting that appeal marked, noting diet of hearing thereof and preparations for hearing	–69.30
		Fee to cover conduct of hearing – per half hour	–14.60
16.		<i>Final Procedure</i>	
		Fee to cover settling with witnesses, enquiries at avizandum, noting final interlocutor	£30.80
		Fee to cover drawing account of expenses, arranging, intimating and attending hearing on expenses, and obtaining approval of sheriff clerk’s report	£30.80
		Fee to cover considering opponent’s account of expenses and attendance at hearing on expenses	£14.60

EXECUTORY BUSINESS

CHAPTER IV

1.	<i>Petition for decree dative</i>	
	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	£31.15
2.	<i>Restriction of Caution</i>	

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- Inclusive fee for taking instructions to prepare petition drawing petition and making necessary copies, lodging, instructing advertisement and all matters incidental to petition £31.15
 - 3. Fees for other work shall be chargeable according to Schedule 3”
-

SCHEDULE 3

Regulation 5

NEW TABLE OF FEES TO BE SUBSTITUTED IN SCHEDULE 3 TO THE PRINCIPAL REGULATIONS

“TABLE OF DETAILED FEES CHARGEABLE BY SOLICITORS FOR PROCEEDINGS IN THE COURT OF SESSION AND SHERIFF COURT

-
- 1. The fee for–
 - (a) Any time up to the first half hour spent by a solicitor conducting a proof or hearing £26.10
 - (b) Each quarter hour (or part thereof) subsequent to the first half hour £13.05
 - 2. The fee for–
 - (a) Each quarter hour (or part thereof) spent by a solicitor in carrying out work other than that prescribed in paragraphs 1 and 3 to 6 hereof, provided that any time is additional to the total time charged for under paragraph 1 above £10.05
 - (b) Each quarter hour (or part thereof) £5.00

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

spent by a solicitor's clerk in carrying out work other than that prescribed in paragraphs 3 to 6 hereof

3. The fee for–
Framing affidavits – per sheet £8.55
(or part thereof)

4. The fee for–
- (a) Framing and drawing all necessary papers, other than affidavits or papers of a formal character
 - (b) Each citation of a party, witness or haver including execution thereof
 - (c) Instructing messengers-at-arms and sheriff officers, including examining execution and settling fee
 - (d) Agency accepting service of any writ
 - (e) Lodging first step of process
 - (f) Lengthy telephone calls (of over 4 minutes and up to 10 minutes duration)
 - (g) Letters, including instructions to counsel – per page (or part thereof), subject to paragraph 5(f) below
 - (h) Perusing any document (other than a letter) consisting of not more than 12 sheets – for the first 2 sheets and each 2 sheets thereafter&–

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

in each of sub-paragraphs (a)– (h) £5.70

Note:

Where the document perused consists of more than 12 sheets the fee for perusing the whole document shall be charged in accordance with paragraph 2 above.

5.

The fee for–

- (a) Attendance at court offices for carrying out formal work including making up process and each necessary lodging in (other than first step), uplifting from or borrowing of process (to include return of same) or enquiry for documents due to be lodged
- (b) Revising papers drawn by counsel, open and closed records etc or where revisal ordered – per 5 sheets (or part thereof);
- (c) Framing formal papers such as inventories, title pages and accounts of expenses per sheet (or part thereof)
- (d) Certifying or signing a document
- (e) Short telephone calls (of up to 4 minutes duration)
- (f) Short letters of a formal nature, intimations, and letters confirming telephone calls–

in each of sub-paragraphs (a) to (f) £2.30

6. Where an exceptional amount of copying proves necessary, for each sheet a fee of 35p
-

Interpretation

In this Table—

- “court” means court or tribunal as the case may be;
- a “sheet” shall consist of 250 words or numbers;
- a “page” shall consist of 125 words or numbers; and
- “exceptional” means the production of more than 20 output copy sheets (whether 20 of 1 sheet, 5 of 4 sheets or whatever) when a document has been copied.”

SCHEDULE 4

Regulation 6

NEW TABLE OF FEES TO BE SUBSTITUTED IN SCHEDULE 4 TO THE PRINCIPAL REGULATIONS

“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 subparagraph (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 (6) are relied on £29.00
 - (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 £29.00

(6) 1976 c. 39.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

	(iii) Where the facts set out in section 1(2)(a) (adultery) or section 1(2)(c) (desertion) are relied on and the action is straightforward	£23.50
	(iv) Where 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	£23.50
	(b) Where common law interdict and/or any order under the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (7) or any other ancillary order is also sought, the fee shall be within the following range:–	
	From	£29.00
	To	£54.00
2.	<i>Minute</i>	
	(a) Minute involving arrangements for a child or children and/or financial provision	£21.50
	(b) Any other minute	£16.50
3.	<i>By Order Roll appearance</i>	£16.50
4.	<i>All other work</i>	
	The fees specified in Part IV shall apply.	

Part II – Consistorial Actions other than those to which Part I applies

1.	<i>Summons or other initiating writ</i>	
	The fees specified in Part I shall apply.	

(7) 1981 c. 59.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

2. *Minute for pursuer relating to custody, aliment or access* £24.00
3. *Defence or answers*
- (a) Defences or answers in purely skeleton form to preserve rights of parties £13.50
 - (b) Answers to minute £21.50
 - (c) The fee for defences or answers to which sub-paragraph (a) or (b) does not apply shall be within the following range:–
 - From £23.50
 - To £48.50
4. *Joint minute regulating custody, aliment or access*
- Framing or adjusting the minute £20.50
5. *By Order Roll appearance* £16.50
6. *All other work*
- The fees specified in Part IV shall apply.
-

Part III – Petitions

1. *Petition (including any revivals thereto)*
- (a) Petition for interdict £61.00
 - (b) Other Outer House petitions £41.00
 - (c) Inner House petition: such fee shall be allowed as appears to the auditor to provide reasonable remuneration for the work.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

2. *Answers (including any revisals thereto)*
- (a) Petition for interdict £61.00
 - (b) Other Outer House petitions £37.50
 - (c) Inner House petition: 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 £51.00
 - (b) Other cases £67.00
2. *Defences (including any revisals thereto)*
- (a) Where purely skeletal form to preserve rights of parties in £13.50
 - (b) Otherwise the fee shall be within the following range, having regard to nature of summons:–

From	£51.00
To	pound;67.00
3. *Adjustment of record*
- (a) Adjustment of fee (each occasion) £21.50
 - (b) Additional adjustment fee, where skeleton defences require to £51.00

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

be amplified, where additional parties are introduced, etc.

4. *Specification of documents*
Standard calls only £21.50
5. *Minutes, etc*
 - (a) Formal amendments or answers £19.50
 - (b) Amendments or answers other than formal £34.50
 - (c) Revising and signing tender or acceptance £8.50
 - (d) Note of exceptions £21.50
 - (e) Abandonment, sist, restriction, etc. £10.50
 - (f) Issue or counter issue £10.50
6. *Notes*
 - (a) Note on quantum only £54.00
 - (b) Note advising on tender or extra-judicial offer, where not merely confirming advice at consultation £61.00
 - (c) Note on line of evidence £61.00
 - (d) The fee for other types of note shall be within the following range:–

From	£20.50
To	£61.00
7. *Consultations*
 - (a) Before proof or trial, or otherwise involving a significant degree

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- | | | |
|-----|--|---------|
| | or preparation or
lengthy discussion— | |
| | (i) Junior alone | £74.50 |
| | (ii) Junior with Senior | £41.00 |
| | (b) Other
consultations— | |
| | (i) Junior alone | £61.00 |
| | (ii) Junior with Senior | £34.50 |
| 8. | <i>Motions</i> | |
| | (a) Unopposed motions on By Order (Amendment) Roll, etc. | £10.50 |
| | (b) Opposed motions— | |
| | Attendance for up to half hour | £21.50 |
| | Attendance for each subsequent half hour or part thereof | £16.50 |
| | (c) Motions on By Order Roll (including advice) | £19.50 |
| 9. | <i>Procedure Roll, proof or jury trial</i> | |
| | (a) Junior alone – per day | £222.50 |
| | (b) Junior with Senior – per day | £169.00 |
| 10. | <i>Inner House</i> | |
| | (a) Single Bills | |
| | (i) Unopposed | £16.50 |
| | (ii) Opposed— | |
| | Attendance for each half hour or part thereof | £24.00 |
| | (b) Reclaiming motion | |
| | (i) Junior opening or appearing alone – per day | £236.50 |
| | (ii) Junior otherwise – per day | £183.00 |

	(c)	Motion for new trial	
	(i)	Junior alone– per day	£236.50
	(ii)	Junior with Senior– per day	£183.00
11.		<i>Attendance at judgement</i>	
	(a)	Outer House	£19.50
	(b)	Inner House	£24.00

CHAPTER II – SENIOR COUNSEL

CONSISTORIAL ACTIONS, PETITIONS AND ORDINARY ACTIONS

1.		<i>Revisal of pleadings</i>	
	(a)	Revisal of summons, defences, petition or answers	£89.00
	(b)	Adjustment fee (open record) (each occasion)	£34.50
2.		<i>Minutes, etc.– revisal fees</i>	
	(a)	Amendments (other than formal) or answers	£37.50
	(b)	Admissions, tender or acceptance (in appropriate cases)	£10.50
	(c)	Note of exceptions	£10.50
3.		<i>Notes</i>	
	(a)	Note on quantum only	£81.00
	(b)	Advice on tender or extra-judicial offer where not merely confirming advice at consultation	£89.00
	(c)	Note on line of evidence (revisal)	£89.00
	(d)	The fee for other notes shall be within the following range: —	

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

From	£28.00
To	£89.00

4. *Consultations*
- (a) Before £107.50
proof or trial, or
otherwise involving
a significant degree
of preparation or
lengthy discussion
- (b) Other £89.00
consultations
5. *Day in court*
- (a) Inner House – per £317.50
day
- (b) Outer House – per £296.50”
day
-
-

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (Scotland) (Fees) Regulations 1989 for a number of purposes, but principally so as to increase the fees allowable to solicitors and counsel for civil legal aid (and for legal aid in certain proceedings relating to children): the fees for solicitors in Schedules 1 and 2 (regulations 3 and 4(b)) by 8.5% and those for counsel in Schedule 4 (regulation 6) by 9%.

Regulations 2 and 5(a) make minor drafting amendments designed to clarify the intention behind the principal Regulations.

Regulation 4(a) deletes actions 1 and 2 of the Table to paragraph 2(f) of Schedule 2, which, unless the sheriff otherwise directs, reduces the fees chargeable for actions of summary cause by the Sheriff Court of a value from £50 to £250 and less than £50 by 25% and 50% respectively, as they do not now serve any practical purpose following the introduction of the Small Debt Claims Procedure in November 1988. In action 3 (renumbered 1) the words “in undefended actions” have been inserted to bring the provision into line with the Lord President’s table of fees (civil) for proceedings in the Sheriff Court.

The major change regarding solicitors' fees is contained in Schedule 3 (regulation 5(b)) which prescribes a simplified table of fees for calculating the remuneration of solicitors who choose to lodge a detailed fee account. The amendment reduces the number of basic fees from 7 to 5 and, in rationalising these rates with those paid for comparable criminal work (with exception of perusing), increases the fees on average by about 12%.

The Regulations provide that the amendments in regulations 3, 4(b), 5(b) and 6 will apply only to work done on or after 1st April 1991.

Document Generated: 2023-06-28

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*