
STATUTORY INSTRUMENTS

1995 No. 1044 (S.88)

LEGAL AID AND ADVICE, SCOTLAND

**The Civil Legal Aid (Scotland)
(Fees) Amendment Regulations 1995**

<i>Made</i>	- - - -	<i>5th April 1995</i>
<i>Laid before Parliament</i>		<i>10th April 1995</i>
<i>Coming into force</i>	- -	<i>5th May 1995</i>

The Secretary of State, in exercise of the powers conferred on him by sections 33(2)(a) and (3)(a), (b) and (f) and 36(1) 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 1995 and shall come into force on 5th May 1995.

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

Application

2. These Regulations shall apply only to fees for work done on or after 5th May 1995.

Amendment of principal Regulations

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.—(1) For the Table of Fees set out in Schedule 2 to the principal Regulations (fees of solicitors for proceedings in the sheriff court) in relation to any case where the cause or action in respect of which legal aid is made available was commenced before 1st January 1994⁽³⁾ there shall be substituted the Table of Fees set out in Schedule 2A to these Regulations.

(1) 1986 c. 47.

(2) S.I. 1989/1490 amended by S.I. 1990/473, 1991/565, 1992/372 and 1994/1015 and 1233.

(3) The Table of Fees in Schedule 2 in relation to cases commenced before 1st January 1994 was last substituted by S.I. 1992/372.

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(2) For the Table of Fees set out in Schedule 2 to the principal Regulations in relation to any case where the cause or action in respect of which legal aid is made available was commenced on or after 1st January 1994⁽⁴⁾ there shall be substituted the Table of Fees set out in Schedule 2B to these Regulations.

5. For the Table of Fees set out in Schedule 3 to the principal Regulations (table of detailed fees chargeable by solicitors for proceedings in the Court of Session and sheriff court) 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 of counsel for proceedings in the Court of Session) there shall be substituted the Table of Fees set out in Schedule 4 to these Regulations.

Revocations

7. The regulations set out in column 1 of Schedule 5 to these Regulations are hereby revoked to the extent specified in column 3 of that Schedule.

St Andrew's House,
Edinburgh
5th April 1995

Fraser of Carmyllie
Minister of State, Scottish Office

(4) The Table of Fees in Schedule 2 in relation to cases commenced on or after 1st January 1994 was last substituted by [S.I. 1994/1015](#).

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	£95.80
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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	£136.20
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Note: 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.	£77.10
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3.	<i>Amendment</i>	
	(a) Where summons amended, where re-service is not ordered, and motion is not starred	£19.40
	(b) Where summons amended, where re-service is not ordered and motion is starred	£28.40
	(c) Where summons amended and re-service is ordered	£36.00

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4. *Commissions to take evidence on interrogatories*
- (a) Basic fee to £28.40 cover all work up to and including lodging completed interrogatories
 - (b) Additional £6.05 fee for completed interrogatories, including all copies — per sheet
5. *Commissions to take evidence on open commission*
- (a) Basic fee £32.10 to solicitor applying for commission but excluding attendance at execution thereof
 - (b) Attendance £16.50 at execution of commission — per half hour
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 £95.80
8. *Accounts*
- Framing and lodging account and attending taxation £30.60
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PART III — UNDEFENDED CONSISTORIAL ACTIONS: AFFIDAVIT PROCEDURE

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

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 facts set out in section 1(2)(b) (unreasonable behaviour) of the Divorce (Scotland) Act 1976(5) 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	£198.60	£227.10
2. All work from calling to and including swearing affidavits	£141.90	£170.40
3. All work from swearing affidavits to and including sending extract decree	£42.60	£63.80
4. All work to and including sending extract decree	£383.20	£461.20
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 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.

(5) 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	£163.20	£191.60
2. All work from calling to and including swearing affidavits	£78.10	£99.30
3. All work from swearing affidavits to and including sending extract decree	£42.60	£63.80
4. All work to and including sending extract decree	£283.80	£354.70
Add session fee to item 4	of 7½%	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 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	£39.80
2. All work from calling to and including swearing affidavits	£45.40
3. All work under items 1 and 2	£85.10
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

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- | | | |
|----|--|---------|
| 1. | Fee for all work, including precognitions and all copying, up to and including obtaining extract decree— | |
| | (a) in the case of an Edinburgh solicitor acting alone | £200.70 |
| | (b) in any other case | £280.10 |

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

B. Opposed petitions

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- | | | |
|----|---|---------|
| 2. | Fee for all work (other than precognitions) up to and including lodging petition, obtaining and executing warrant for service | £136.20 |
|----|---|---------|

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 Schedule may be charged | |
| 4. | Reports— | |
| | (a) For each report by Accountant of Court | £24.00 |
| | (b) For any other report as under Part V, paragraph 6 of this Schedule | |
| 5. | Obtaining Bond of Caution | £24.00 |
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PART V — DEFENDED ACTIONS

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- | | | |
|----|--|---------|
| 1. | <i>Instruction fee</i> | |
| | (a) To cover all work (apart from precognitions) until | £188.60 |

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lodgement of open record

- (b) Instructing re-service where necessary £20.20
- (c) If counter-claim lodged, additional fee for solicitor for each party £39.80

2.

Record fee

- (a) To cover all work in connection with adjustment and closing of record including subsequent work in connection with By Order Adjustment Roll £200.70
- (b) To cover all work as above, so far as applicable, where action settled or disposed of before record closed £125.00
- (c) If consultation held before record closed, additional fees may be allowed as follows:—
 - (i) Arranging consultation £20.20
 - (ii) Attendance at consultation — per half hour £16.50
- (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 £59.10
- (e) Additional 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) Preparing £39.80 for discussion and all work incidental thereto including instruction of counsel
 - (b) Attendance at £16.50 court — per half hour
 - (c) Advising £30.00 and work incidental thereto
4. *Adjustment of issues and counter-issues*
- (a) Fee to £38.20 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- £10.60 issue, additional fee to solicitor for pursuer
 - (c) If more than £4.55 one counter-issue, additional fee to solicitor for pursuer for each additional counter-issue
 - (d) Fee to solicitor £38.20 for defender or third party for all work in connection with lodging of counter-issue and adjustment and approval thereof
 - (e) Fee to solicitor £10.60 for defender or third party for considering

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issue where no
counter-issue lodged

- (f) Fee to £4.55
solicitor for defender
or third party
for considering each
additional counter-
issue

5. *Precognitions*

Taking and drawing £19.40
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 £42.00
incidental thereto
- (b) Additional fee £6.05
per sheet of report
to include all copies
required (maximum
£42.35)

7. *Specification of documents*

- (a) Basic fee to cover £39.80
instructing counsel,
revising and lodging
and all incidental
procedures to obtain
a diligence up to and
including obtaining
interlocutor
- (b) Fee to opponent's £19.40
solicitor
- (c) If commission £16.50
executed, additional
fee — per half hour

- (d) If alternative £15.80
procedure adopted,
fee per person upon
whom order served

8. *Commission to take evidence
on interrogatories*

- (a) Basic fee to £80.10
solicitor applying for
commission to cover
all work up to
and including lodging
report of commission
with completed
interrogatories and
cross-interrogatories
- (b) Basic £64.40
fee to opposing
solicitor if cross-
interrogatories
lodged
- (c) Fee to opposing £24.00
solicitor if no cross-
interrogatories
lodged
- (d) Additional fee £6.05
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) Basic fee £88.30
to solicitor applying
for commission up
to and including
lodging report of
commission, but
excluding attendance
at execution thereof
- (b) Basic fee to £39.80
opposing solicitor
- (c) Attendance £16.50
at execution of
commission — per
half hour

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10. *Miscellaneous motions where not otherwise covered by this Schedule*
- (a) Where attendance of counsel and/or solicitor not required £10.60
 - (b) Where attendance of counsel and/or solicitor required, inclusive of instruction of counsel — not exceeding half hour £30.00
 - (c) Thereafter attendance fee — per additional half hour £16.50
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 £112.40
12. *Amendment of record*
- (a) Amendment of conclusions only — fee to solicitor for pursuer £30.00
 - (b) Amendment of conclusions only — fee to solicitor for opponent £10.60
 - (c) Amendment of pleadings after record closed, where no answers to the amendment are lodged — fee to solicitor for proposer £43.50
 - (d) In same circumstances — fee to solicitor for opponent £20.20

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- (e) Amendment of £102.50
pleadings after record
closed where answers
are lodged — fee
for solicitor for
each party lodging
answers
 - (f) Fee for £56.20
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 £272.50
settled before trial or
proof, or the trial
or proof lasts only
one day, to include,
where applicable,
instruction of counsel
 - (b) For each day or £24.00
part of a day after
the first, including
instruction of counsel
 - (c) To cover £49.50
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*
 - First copy — per sheet £1.00
 - Additional copies — per sheet £0.43
- 15. *Settlement by tender — fees
for solicitor for either party*
 - (a) Basic fee £59.10
for lodging, or

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- for considering, first tender
 - (b) Fee for lodging, £39.80 or for considering, each further tender
 - (c) Additional fee if £39.80 tender accepted
- 16. *Extra-judicial settlement*
 - Fee inclusive of joint minute (not based on a judicial tender) £102.50
- 17. *Proof or trial*
 - Attendance fee — per half hour £16.50
- 18. *Accounts*— to include framing and lodging account, intimating diet, and attending taxation, uplifting account and noting and intimating taxation £71.80
- 19. *Ordering and obtaining extract* £15.00
- 20. *Final procedure*
 - (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 £80.10
 - (b) If case disposed of before trial or proof £24.00
- 21. *Session fee — to cover communications with client and counsel*
 - (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
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PART VI —INNER HOUSE BUSINESS

1. *Reclaiming motions*
- (a) Fee for solicitor £59.10 for appellant for all work up to interlocutor sending case to roll
 - (b) Fee for solicitor £30.00 for respondent
 - (c) Additional fee £24.70 for solicitor for each party for every 50 pages of appendix
2. *Appeals from inferior courts*
- (a) Fee for solicitor £71.80 for appellant
 - (b) Fee for solicitor £35.20 for respondent
 - (c) Additional fee £24.70 for solicitor for each party for every 50 pages of appendix
3. *Summar or Short Roll*
- (a) Preparing for £59.10 discussion, instructing counsel, and preparing appendix
 - (b) Attendance fee — £16.50 per half hour
4. Where applicable the fees set out in Part V of this Schedule may be charged.
5. *Special cases and Inner House petitions*

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	According to circumstances of the case.	
6.	Obtaining Bond of Caution	£24.00

**PART VII —ADMIRALTY AND COMMERCIAL CASES,
SEQUESTRATION IN BANKRUPTCY, APPLICATIONS
FOR SUMMARY TRIAL UNDER SECTION 26
OF THE COURT OF SESSION ACT 1988(6) AND
CASES REMITTED FROM THE SHERIFF COURT**

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

SCHEDULE 2A

Regulation 4(1)

NEW TABLE OF FEES TO BE SUBSTITUTED IN SCHEDULE 2 TO THE PRINCIPAL
REGULATIONS IN RELATION TO CAUSES COMMENCED BEFORE 1ST JANUARY 1994

“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	£59.10
	In cases where settlement is effected after service of a writ but before the expiry of the period of notice	£51.00
2.	Actions of separation and aliment (not being actions to	

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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 £280.10

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

1. In any undefended action of divorce or separation and aliment where—

(a) the facts set out in section 1(2)(b) (unreasonable behaviour) of the Divorce (Scotland) Act 1976 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	£198.60
2. All work from the period of notice to and including swearing affidavits	£141.90
3. All work from swearing affidavits to and including sending extract decree	£42.60
4. All work to and including sending extract decree	£383.20
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.

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TABLE B

Column 1 <i>Work done</i>	Column 2 <i>Inclusive fee</i>
1. All work to and including the period of notice	£163.20
2. All work from the period of notice to and including swearing affidavits	£78.10
3. All work from swearing affidavits to and including sending extract decree	£42.60
4. All work to and including sending extract decree	£283.80
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	£77.30
2. All work from the period of notice to and including swearing affidavits	£45.40
3. All work under items 1 and 2	£122.60
Add process fee to item 3	of 10%

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

1.	<i>nstruction fee</i>	
	To cover all work (except as hereinafter otherwise specially provided for in this Chapter) to the lodging of defences including copyings	£128.00

- Additional fee where separate statement of facts and counter-claim answers lodged £45.00
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 £191.60
- (b) Fee to each original party's solicitor if action settled before record is closed £128.00
- (c) Additional fee to each original party's solicitor if additional defender brought in before closing of record £22.50
- (d) Additional fee to each original party's solicitor if additional defender brought in after closing of record £32.20
3. *Fee for framing affidavits — per sheet* £8.35
- 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 £95.90
- For every half hour engaged after the first hour £22.50
- (b) *Interim interdict hearings*

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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 £56.10
where the debate does not exceed 1 hour

5. *Precognitions*

Taking and drawing per sheet £19.40

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*

(a) Fee for all work £42.00
incidental thereto

(b) Additional fee £6.05
per sheet of report to include all copies required (maximum £42.35)

6. *Commissions to take evidence*

(a) On interrogatories

Fee to solicitor applying £119.70
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 £80.10
if cross-interrogatories prepared and lodged

If no cross-interrogatories lodged £24.00

(b) Open Commissions

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

Fee to solicitor applying for commission to include all work (except as otherwise specially provided for in this Chapter) up to lodging of report of commission but excluding attendance thereat	£71.80
Fee to solicitor for opposing party	£39.80
Fee for attendance at execution of commission — per half hour	£22.50
Travelling time — per half hour	£16.50

7. *Specification of documents*

Fee to cover drawing, intimating and lodging specification and relative motion and attendance at court debating specification	£49.50
Inclusive fee to opposing solicitor	£32.10
Fee for citation of havers, preparation for and attendance before commissioner at execution of commission—	
where attendance before commissioner does not exceed 1 hour	£45.00
for each additional half hour after the first hour	£22.50
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	£9.85

8. *Amendment of Record*

Fee to cover drawing, intimating and lodging minute of amendment and relative motion and relative attendance at court—

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(a) where answers lodged £54.70

(b) where no answers lodged £36.00

Inclusive fee to opposing solicitor—

(a) where answers lodged £45.00

(b) where no answers lodged £30.00

Additional fee to solicitor for each party for adjustment of minute and answers, where applicable £39.80

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)—

(a) where opposed £56.10

(b) where unopposed £39.80
(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, minute or reponing note opposed £32.10

(b) where motion, minute or reponing note unopposed £20.30

10.

Procedure preliminary to proof

(a) Fee to cover fixing diet of proof, citation of witnesses, and generally preparing for trial or proof

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and if necessary
instructing shorthand
writer—

(i) if action settled or £140.30
abandoned not later than
14 days before the diet of
proof

(ii) in any other proceedings £233.80

(b) Fee to £47.90
cover preparing for
adjourned diet and
all incidental work as
in sub-paragraph (a)
above if diet
postponed for more
than 6 days — for
each additional diet

(c) Drawing and £20.30
lodging an inventory
of productions,
lodging the
productions specified
therein, and
considering
opponent's
productions (to be
charged once only in
each process)

(d) Where £10.60
only one party
lodges productions,
opponent's solicitor's
fee for considering
same

11. *Conduct of proof*

Fee to cover conduct of proof £22.50
and debate on evidence if
taken at close of proof — per
half hour

If counsel employed, fee £16.50
to solicitor appearing with
counsel — per half hour

12. *Debate on evidence*

Where debate on evidence not £39.80
taken at conclusion of proof,
fee for preparing for debate

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

- | | | |
|-----|-----------------------------|--------|
| | Fee for conduct of debate — | £22.50 |
| | per half hour | |
| | If counsel employed, fee | £16.50 |
| | to solicitor appearing with | |
| | counsel — per half hour | |
| 13. | <i>Appeals</i> | |
| | (a) To sheriff | |
| | principal | |
| | Fee to cover instructions, | £74.90 |
| | marking of appeal | |
| | or noting that appeal | |
| | marked, noting diet | |
| | of hearing thereof and | |
| | preparation for hearing | |
| | Fee to cover conduct of | £22.50 |
| | hearing — per half hour | |
| | If counsel employed, fee | £16.50 |
| | to solicitor appearing | |
| | with counsel — per half | |
| | hour | |
| | (b) To Court of | |
| | Session | |
| | Fee to cover instructions, | £37.40 |
| | marking appeal or noting | |
| | that appeal marked and | |
| | instructing Edinburgh | |
| | correspondents | |
| 14. | <i>Settlements</i> | |
| | (a) Judicial tender | |
| | Fee for preparation | £44.20 |
| | and lodging or for | |
| | consideration of minute | |
| | of tender | |
| | Fee on acceptance | £33.00 |
| | of tender, to include | |
| | preparation and lodging | |
| | or consideration of | |
| | minute of acceptance and | |
| | attendance at court when | |
| | decree granted in terms | |
| | thereof | |
| | (b) Extra-judicial | |
| | settlement | |
| | Fee to cover negotiations | £74.90 |
| | resulting in settlement, | |
| | framing or revising joint | |

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

- minute and attendance
at court when authority
interponed thereto
15. *Final procedure*
- | | |
|---|--------|
| Fee to cover settling with witnesses, enquiries for cause at avizandum, noting final interlocutor | £59.10 |
| 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 | £47.90 |
| Fee to cover considering opponent's account of expenses and attending diet of taxation or adjusting account with opponent | £15.00 |
16. *Copying fees*
- Copying all necessary papers by any means—
- | | |
|-------------------------------|-------|
| first copy — per sheet | £1.00 |
| additional copies — per sheet | £0.43 |

Note: 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 | £24.60 |
| Fee for instructing counsel to conduct debate or proof | £49.50 |

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

Fee for instructing counsel to conduct appeal to sheriff principal	£49.50
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Note: In each case to cover all consultations, revision 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	£44.20
2.	<i>Service</i>	
	(a) Citation by post wheresoever after the first citation for each party	£5.05
	(b) Framing and instructing service by advertisement — for each party	£14.20
3.	Attendance at court	£14.20

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	£60.70
----	--	--------

first calling, noting
defence

- (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) Citation by £5.05
post within the
United Kingdom,
Isle of Man,
Channel Islands, or
the Republic of
Ireland — for each
party
- (b) Citation by post £10.80
elsewhere — for each
party
- (c) Instructing £5.05
service or re-service
by sheriff officer
including perusing
execution of citation
and settling sheriff
officer's fee — for
each party
- (d) Framing and £15.80
instructing service by
advertisement — for
each party

3.

Attendance at court

Attendance at any diet except £15.80
as otherwise specifically
provided

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- | | | |
|----|---|--------|
| 4. | Preparing for proof, to include all work in connection with proof not otherwise provided for | £54.80 |
| 5. | Fee to cover preparing for adjourned diet and all incidental work if diet postponed for more than 6 days — for each adjourned diet | £27.50 |
| 6. | Drawing and lodging inventory of productions, lodging the productions specified therein and considering opponents' productions (to be charged once only in each process) | £23.40 |
| | Where only one party lodges productions, opponent's solicitor's fee for considering same | £10.80 |
| 7. | <i>Precognitions</i> | |
| | Drawing precognitions, including instructions, attendances with witnesses and all relative meetings and correspondence — per witness | £23.40 |
| | Where precognition exceeds 2 sheets — for each additional sheet | £10.80 |
| 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 | £33.30 |
| | (b) where unopposed | £20.00 |
| | (including for each party a joint minute or joint motion) | |
| 9. | Fee to cover considering opponent's written motion or minute excluding a minute or motion to recall decree, and relative attendance at court— | |

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- (a) where motion or £27.50
minute opposed
 - (b) where motion or £15.80
minute unopposed
- 10. *Conduct of proof*
 - Fee to cover conduct of proof £15.80
and debate on evidence taken
at close of proof — per half
hour
 - Waiting time — per half hour £8.40
- 11. *Settlements*
 - (a) Judicial tender—
 - Fee for consideration of, £33.30
preparing and lodging
minute of tender
 - Fee for consideration and £23.40
rejection of tenders
 - Fee on acceptance of £23.40
tender — to include
preparing and lodging,
or consideration of,
minute of acceptance and
attendance at court when
decree granted in terms
thereof
 - Extra-judicial settlement- £54.80
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) Fee to cover £27.50
drawing, intimating
and lodging
specification of
documents and
relative motion and
attendance at court
 - (b) Inclusive fee to £25.00
opposing solicitor
 - (c) Fee to solicitor £15.80
for each party for
citation of havers,
preparation for and

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- attendance before
commissioner — for
each half hour
- (d) If alternative £10.80
procedure adopted,
fee per person upon
whom order served
13. *Commissions to take evidence*
- (a) Fee to cover
drawing, lodging and
intimating motion
and attendance at
court—
- (i) where opposed £33.30
- (ii) where unopposed £20.00
- (b) Fee to
cover considering
such motion and
attendance at court—
- (i) where opposed £27.50
- (ii) where unopposed £15.80
- (c) Fee to £15.80
cover instructing
commissioner and
citing witness
- (d) Fee to cover £10.80
drawing and lodging
interrogatories and
cross-
interrogatories — per
sheet
- (e) Attendance £15.00
before
commissioner — per
hour
- Travelling time — per hour £10.00
14. Supplementary note of defence £10.80
(when leave granted to lodge)
15. *Appeals*
- Fee to cover instructions, £74.90
marking of appeal or noting
that appeal marked, noting
of diet and preparations for
hearing

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

16.	Fee to cover conduct of hearing — per half hour	£15.80
	<i>Final Procedure</i>	
	Fee to cover settling with witnesses, enquiries at avizandum, noting final interlocutor	£33.30
	Fee to cover drawing account of expenses, arranging, intimating and attending hearing on expenses, and obtaining approval of sheriff clerk's report	£33.30
	Fee to cover considering opponent's account of expenses and attendance at hearing on expenses	£15.80

EXECUTRY 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	£33.70
2.	<i>Restriction of Caution</i>	
	Inclusive fee for taking instructions to prepare petition, drawing petition and making necessary copies, lodging, instructing advertisement and all matters incidental to petition	£33.70
3.	Fees for other work shall be chargeable according to Schedule 3.”.	

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SCHEDULE 2B

Regulation 4(2)

NEW TABLE OF FEES TO BE SUBSTITUTED IN SCHEDULE 2 TO THE PRINCIPAL REGULATIONS IN RELATION TO CAUSES COMMENCED ON OR AFTER 1ST JANUARY 1994

“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.	<p>Actions (other than those specified in paragraph 2 of this Part) in which decree is granted without proof—</p> <p style="padding-left: 40px;">Inclusive fee to cover all work from taking instructions up to and including obtaining extract decree £79.30</p> <p style="padding-left: 40px;">In cases where settlement is effected after service of a writ but before the expiry of the period of notice £65.90</p>
<p><i>Note:</i> If the pursuer’s solicitor elects to charge this inclusive fee he shall endorse a minute to that effect on the initial writ before ordering extract decree. Outlays such as court dues for deliverance and posts shall be chargeable in addition and taxation shall be unnecessary.</p>	
2.	<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 style="padding-left: 40px;">Inclusive fee to cover all work from taking instructions up to and including obtaining extract decree £280.10</p>

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

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⁽⁷⁾ 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	£198.60
2. All work from the period of notice to and including swearing affidavits	£141.90
3. All work from swearing affidavits to and including sending extract decree	£42.60
4. All work to and including sending extract decree	£383.20
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	£163.20
2. All work from the period of notice to and including swearing affidavits	£78.10
3. All work from swearing affidavits to and including sending extract decree	£42.60

(7) 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.

Column 1 <i>Work done</i>	Column 2 <i>Inclusive fee</i>
4. All work to and including sending extract decree	£283.80
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	£77.30
2. All work from the period of notice to and including swearing affidavits	£45.40
3. All work under items 1 and 2	£122.60
Add process fee to item 3	of 10%

CHAPTER II —DEFENDED ACTIONS

(OTHER THAN ACTIONS TO WHICH CHAPTER III OR IV APPLIES)

1.	<i>Instruction fee—</i>	
	(a) To cover all work (except as hereinafter otherwise specially provided for in this Chapter) to the lodging of defences including copying	£217.30
	(b) Additional fee where separate statement of facts and counterclaim and answers lodged	£40.20
2.	<i>Precognitions — taking and drawing — per sheet</i>	£19.60

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

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.

3. *Productions—*
 - (a) For lodging £20.60
productions — each
inventory
 - (b) For considering £10.30
opponent's
productions — each
inventory
4. *Adjustment fee—* To cover all work (except as otherwise specially provided for in this Chapter) in connection with the adjustment of the Record including making up and lodging certified copy Record—
 - (a) Fee to solicitor £99.90
for any party
 - (b) Fee to £58.70
each original party's
solicitor if action
settled before
Options Hearing
 - (c) Additional fee £24.70
to each original
party's solicitor if
additional defender
brought in before
Options Hearing
 - (d) Additional fee to £31.90
each original party's
solicitor if additional
defender brought in
after Options Hearing
5. *Fee for framing affidavits —* £8.25
per sheet
6. *Options Hearing—* Fee to include preparation for and conduct of Options Hearing (or First Hearing in defended family actions) and noting interlocutor—

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 hearing £82.40
does not exceed one
half hour
- (b) Where hearing £12.40
exceeds one half
hour — for every
extra quarter hour
- (c) For lodging £20.60
and intimating or for
considering note of
basis of preliminary
plea — for each note
lodged

7. *Additional Procedure—*
For all work subsequent to
Options Hearing including
preparation for and attendance
at procedural hearing—
- Where hearing does not £82.40
exceed one half hour
 - For every extra quarter £12.40
hour

8. *Debate (other than on
evidence)—*
- (a) Where counsel
not employed—
 - (i) To include preparation £62.80
for and all work in
connection with any
hearing or debate other
than on evidence
 - (ii) For conduct of debate — £11.30
per quarter hour
 - (b) Where counsel £8.25
employed, fee to
solicitor appearing
with counsel — per
quarter hour

9. *Interim Interdict Hearings—*
- (a) Preparation for £39.10
each hearing — each
party
 - (b) Fee to conduct £11.30
hearing — per quarter
hour

- (c) If counsel employed, fee to attend hearing per quarter hour £8.25
10. *Reports obtained under order of court, excluding auditor's report—*
- (a) Fee for all work incidental thereto £43.30
- (b) Additional fee per sheet of report to include all copies required (maximum £28.25) £5.65
11. *Commissions to take evidence—*
- (a) On interrogatories—
- (i) 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 £119.50
- (ii) Fee to opposing solicitor if cross-interrogatories prepared and lodged £79.30
- (iii) If no cross-interrogatories lodged £23.70
- (b) Open Commissions—
- (i) Fee to solicitor applying for commission to include all work (except as otherwise specially provided in this Chapter) up to lodging of report of commission but excluding attendance thereat £79.30

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

- (ii) Fee to solicitor for opposing party £40.20
- (iii) Fee for attendance at execution of commission — per quarter hour £11.30
- (iv) If counsel employed, fee for attendance of solicitor — per quarter hour £8.25
- (v) Travelling time — per quarter hour £8.25

12.

Specification of documents

- (a) Fee to cover drawing, intimating and lodging specification and relative motion—
 - (i) Where motion unopposed £41.30
 - (ii) Where motion opposed — additional fee per quarter hour £11.30
- (b) Fee for considering opponent’s specification and relative motion—
 - (i) Where motion not opposed £23.70
 - (ii) Where motion opposed — additional fee per quarter hour £11.30
- (c) Fee for citation of havers, preparation for and attendance before commissioner at execution of commission—
 - (i) Where attendance before commissioner does not exceed 1 hour £43.30
 - (ii) For each additional quarter hour after the first hour £14.00
- (d) If optional procedure adopted — £10.30

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

fee per person upon
whom order is served

- (e) Fee for £11.30
perusal of documents
recovered — per
quarter hour

13.

Amendment of Record—

- (a) (i) Fee to cover £39.10
drawing,
intimating and
lodging minute
of amendment
and relative
motion
- (ii) Fee for perusal of £15.50
answers
- (iii) Fee for any court £11.30
appearance necessary —
per quarter hour
- (b) (i) Fee to £31.90
opposing
solicitor —
for perusing
minute of
amendment
- (ii) Fee for preparation of £15.50
answers
- (iii) Fee for any court £11.30
appearance necessary —
per quarter hour
- (c) Fee for £39.10
adjustment of minute
and answers where
applicable to be
allowed in addition to
each party

14.

Motions and minutes—

- (a) 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.

- (i) Where opposed £55.60
 - (ii) Where unopposed £23.70
(including for each party a joint minute other than under paragraph 20(b))
 - (b) Fee to cover considering opponent's written motion, minute or reponing note and relative attendances at court—
 - (i) Where motion, minute or reponing note opposed £55.60
 - (ii) Where motion, minute or reponing note unopposed £20.60
15. *Hearing Limitation—*
- Fee to include work (except as otherwise specially provided for in this Chapter) undertaken with a view to limiting the scope of any hearing, and including the exchange of documents, precognitions and expert reports, agreeing any fact, statement or document not in dispute, preparing and intimating any Notice to Admit or Notice of Non-Admission and preparing and lodging any Joint Minute, not exceeding £195.70
16. *Procedure preliminary to proof—*
- (a) Fee to cover all work, preparing for proof (except as otherwise specially provided in this Chapter)—
 - (i) If action settled or abandoned not later than 14 days before the diet of proof £127.70
 - (ii) In any other case £233.80
 - (b) Fee to cover preparing for adjourned diet and all £51.50

- incidental work as in
(a) if diet postponed
for more than 6 days,
for each additional
diet
- (c) Fee for £12.40
attendance inspecting
opponent's
documents — per
quarter hour
17. *Conduct of proof—*
- (a) Fee to cover £11.30
conduct of proof and
debate on evidence
if taken at close of
proof — per quarter
hour
- (b) If counsel £8.25
employed, fee to
solicitor appearing
with counsel — per
quarter hour
18. *Debate on evidence—*
- (a) Where debate on £39.10
evidence not taken at
conclusion of proof,
fee for preparing for
debate
- (b) Fee for conduct of £11.30
debate — per quarter
hour
- (c) If counsel £8.25
employed, fee to
solicitor appearing
with counsel — per
quarter hour
19. *Appeals—*
- (a) To sheriff
principal—
- (i) Fee to cover instructions, £119.50
marking of appeal
or noting that appeal
marked, noting diet
of hearing thereof and
preparation for hearing
- If counsel employed £68.00
restricted to—

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(ii) Fee to cover conduct of hearing — per quarter hour £11.30

If counsel employed, fee to solicitor appearing with counsel — per quarter hour £8.25

(b) T Court of Session—

Fee to cover instructions, marking appeal or noting that appeal marked and instructing Edinburgh correspondents £39.10

20.

Settlements—

(a) Judicial tender—

(i) Fee for preparation and lodging or for consideration of minute of tender £43.30

(ii) 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 £35.00

(b) Extra-judicial settlement—

Fee to cover negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto £80.30

(c) Whether or not fees are payable under (a) or (b) above where additional work has been undertaken with a view to effecting settlement, including offering settlement, although settlement is £80.30

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

not agreed — not
exceeding

21.

Final procedure—

- (a) Fee to £59.70
cover settling with
witnesses, enquiring
for cause at
avizandum, noting
final interlocutor
- (b) Fee to cover £47.90
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 or adjusting
account with
opponent
- (c) Fee to £15.00
cover considering
opponent's account
of expenses and
attending diet of
taxation or adjusting
account with
opponent

22.

Copying—

Copying all necessary papers
by any means—

- (a) First copy — per £1.05
sheet
- (b) Additional £0.41
copies — per sheet

Note: A sheet shall be 250 words. When copied by photostatic or similar process, each page shall be charged as one sheet.

23.

Process fee—

Fee to cover all consultations
between solicitor and client
during the progress of the
cause and all communications,

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written or oral, passing between them:

10% on total fees (including copying fees) allowed on taxation.

24.

Instruction of counsel

(a) Fee for £24.70 instructing counsel to revise pleadings

(b) Fee for £51.50 instructing counsel to attend court

(c) Fee for attending consultation with counsel—

(i) Where total time engaged does not exceed one hour £51.50

(ii) For each additional quarter hour £11.30

Note: 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 £44.20

2.

Service

(a) Citation by post wheresoever after the first citation for each party £5.05

(b) Framing and instructing service £14.20

	by advertisement— for each party	
3.	Attendance at court	£14.20

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	£60.70
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- (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	£5.05
	(b)	Citation by post elsewhere — for each party	£10.80

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

- (c) Instructing £5.05
service or re-service
by sheriff officer
including perusing
execution of citation
and settling sheriff
officer's fee — for
each party
 - (d) Framing and £15.80
instructing service by
advertisement — for
each party
- 3. *Attendance at court*

Attendance at any diet except £15.80
as otherwise specifically
provided
- 4. Preparing for proof, to include £54.80
all work in connection with
proof not otherwise provided
for
- 5. Fee to cover preparing £27.40
for adjourned diet and
all incidental work if diet
postponed for more than 6
days — for each adjourned diet
- 6. Drawing and lodging inventory £23.40
of productions, lodging the
productions specified therein
and considering opponents'
productions (to be charged
once only in each process)

Where only one party lodges £10.80
productions, opponent's
solicitor's fee for considering
same
- 7. *Precognitions*

Drawing precognitions, £23.40
including instructions,
attendances with witnesses
and all relative meetings and
correspondence — per witness

Where precognition exceeds 2 £10.80
sheets — for each additional
sheet
- 8. *Motions and minutes*

Fee to cover drawing,
intimating and lodging of any

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- 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 £33.30
 - (b) Where unopposed (including for each party a joint minute or joint motion) £20.00
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 £27.40
 - (b) Where motion or minute unopposed £15.80
10. *Conduct of proof*
- Fee to cover conduct of proof and debate on evidence taken at close of proof — per half hour £15.80
- Waiting time — per half hour £8.40
11. *Settlements*
- (a) Judicial tender—
 - Fee for consideration of, preparing and lodging minute of tender £33.30
 - Fee for consideration and rejection of tenders £23.40
 - 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 £23.40
 - Extra-judicial settlement-fee to cover negotiations resulting in settlement, framing or revising joint £54.80

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minute and attendance
at court when authority
interponed thereto

12.

Specification of documents

- (a) Fee to cover £27.40
drawing, intimating
and lodging
specification of
documents and
relative motion and
attendance at court
- (b) Inclusive fee to £25.00
opposing solicitor
- (c) Fee to solicitor £15.80
for each party for
citation of havers,
preparation for and
attendance before
commissioners — for
each half hour
- (d) If alternative £10.80
procedure adopted,
fee per person upon
whom order served

13.

Commissions to take evidence

- (a) Fee to cover
drawing, lodging and
intimating motion
and attendance at
court—
 - (i) Where opposed £33.30
 - (ii) Where unopposed £20.00
- (b) Fee to
cover considering
such motion and
attendance at court—
 - (i) Where opposed £27.40
 - (i) Where unopposed £15.80
- (c) Fee to £15.80
cover instructing
commissioner and
citing witness
- (d) Fee to cover £10.80
drawing and lodging
interrogatories and
cross-

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	interrogatories — per sheet	
	(e) Attendance before commissioner — per hour	£15.00
	Travelling time — per hour	£10.00
14.	Supplementary note of defence (when leave granted to lodge)	£10.80
15.	<i>Appeals</i>	
	Fee to cover instructions, marking of appeal or noting that appeal marked, noting of diet and preparations for hearing	£74.90
	Fee to cover conduct of hearing — per half hour	£15.80
16.	<i>Final Procedure</i>	
	Fee to cover settling with witnesses, enquiries at avizandum, noting final interlocutor	£33.30
	Fee to cover drawing account of expenses, arranging, intimating and attending hearing on expenses, and obtaining approval of sheriff clerk's report	£33.30
	Fee to cover considering opponent's account of expenses and attendance at hearing on expenses	£15.80

EXECUTRY 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	£33.70

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- decreed where necessary and all matters incidental to petition
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 £33.70
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 £28.20
- (b) Each quarter hour (or part thereof) subsequent to the first half hour £14.10
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 £10.90
-

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.

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	additional to the total time charged for under paragraph 1 above	
	(b) Each quarter hour (or part thereof) spent by a solicitor's clerk in carrying out work other than that prescribed in paragraphs 3 to 6 hereof	£5.40
3.	The fee for— Framing affidavits — per sheet (or part thereof)	£9.25
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	

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.

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first 2 sheets and each 2 sheets thereafter—

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

in each of sub-paragraphs (a)-(h) £6.20

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) £2.45

In this Table—

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 a “sheet” shall consist of 250 words or numbers;
 a “page” shall consist of 125 words or numbers; and
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6. Where an exceptional amount £0.36”
of copying proves necessary,
for each sheet a fee of

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 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(8) are relied on £31.40
- (ii) Where the facts set out in the said section 1(2)(a) (adultery) or section 1(2) (c) (desertion) of the said Act are relied on and the action is not straightforward £31.40
- (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 £25.20

(8) 1976 c. 39.

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- (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 £25.20
 - (b) Where common law interdict and/or any order under the Matrimonial Homes (Family Protection) (Scotland) Act 1981(9) or any other ancillary order is also sought, the fee shall be within the following range:—
 - From £31.40
 - To £58.20
 - 2. *Minute*
 - (a) Minute involving arrangements for a child or children and/or financial provision £23.20
 - (b) Any other minute £18.00
 - 3. *By Order Roll appearance* £18.00
 - 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. *Minute for pursuer relating to custody, aliment or access* £25.80
- 3. *Defences or answers*
 - (a) Defences or answers in purely skeleton form to £14.40

(9) 1981 c. 59.

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- preserve rights of parties
- (b) Answers to £23.20 minute
- (c) The fee for defences or answers to which sub-paragraph (a) or (b) does not apply shall be within the following range:—
- | | |
|------|--------|
| From | £25.20 |
| To | £52.50 |
4. *Joint minute regulating custody, aliment or access*
Framing or adjusting the minute £22.10
5. *By Order Roll appearance* £18.00
6. *All other work*
- The fees specified in Part IV shall apply.
-

Part III —Petitions

1. *Petition (including any revisals thereto)*
- (a) Petition for £65.90 interdict
- (b) Other Outer £44.30 House petitions
- (c) Inner House petition: such fee shall be allowed as appears to the auditor to provide reasonable remuneration for the work.
2. *Answers (including any revisals thereto)*
- (a) Petition for £65.90 interdict
- (b) Other Outer £40.70 House petitions
- (c) Inner House petitions: such fee

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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 £55.10
 - (b) Other cases £72.60
2. *Defences (including any revisals thereto)*
- (a) Where in purely skeleton form to preserve rights of parties £14.40
 - (b) Otherwise the fee shall be within the following range, having regard to nature of summons:
—
From £55.10
To £72.60
3. *Adjustment of record*
- (a) Adjustment fee (each occasion) £23.20
 - (b) Additional adjustment fee, where skeleton defences require to be amplified, where additional parties are introduced, etc. £55.10
4. *Specification of documents*
Standard calls only £23.20
5. *Minutes, etc.*

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- (a) Formal amendments or answers £21.10
- (b) Amendments or answers other than formal £37.10
- (c) Revising and signing tender or acceptance £9.25
- (d) Note of exceptions £23.20
- (e) Abandonment, sist, restriction, etc. £11.30
- (f) Issue or counter issue £11.30

6.

Notes

- (a) Note on quantum only £58.20
- (b) Note advising on tender or extra-judicial offer, where not merely confirming advice at consultation £65.90
- (c) Note on line of evidence £65.90
- (d) The fee for other types of note shall be within the following range:—

From	£22.10
To	£65.90

7.

Consultations

- (a) Before proof or trial, or otherwise involving a significant degree of preparation or lengthy discussion—
 - (i) Junior alone £80.30
 - (ii) Junior with Senior £44.30
- (b) Other consultations—

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- (i) Junior alone £65.90
 - (ii) Junior with Senior £37.10
- 8. *Motions*
 - (a) Unopposed motions on By Order (Adjustment) Roll, etc. £11.30
 - (b) Opposed motions—
 - Attendance for up to half hour £23.10
 - Attendance for each subsequent half hour or part thereof £18.00
 - (c) Motions on By Order Roll (including advice) £21.10
- 9. *Procedure Roll, proof or jury trial*
 - (a) Junior alone — per day £240.50
 - (b) Junior with Senior — per day £182.80
- 10. *Inner House*
 - (a) Single Bills
 - (i) Unopposed £18.00
 - (ii) Opposed—
 - Attendance for each half hour or part thereof £25.80
 - (b) Reclaiming motion
 - (i) Junior opening or appearing alone — per day £256.00
 - (ii) Junior otherwise — per day £197.80
 - (c) Motion for new trial
 - (i) Junior alone — per day £256.00
 - (ii) Junior with Senior — per day £197.80
- 11. *Attendance at judgement*

- (a) Outer House £21.10
 - (b) Inner House £25.80
-

CHAPTER II — SENIOR COUNSEL

CONSISTORIAL ACTIONS, PETITIONS AND ORDINARY ACTIONS

1. *Revisal of pleadings*
 - (a) Revisal of £96.30
summons, defences,
petition or answers
 - (b) Adjustment fee £37.10
(open record) (each
occasion)
2. *Minutes etc. — revisal fees*
 - (a) Amendments £40.70
(other than formal) or
answers
 - (b) Admissions, £11.30
tender or acceptance
(in appropriate cases)
 - (c) Note of £11.30
exceptions
3. *Notes*
 - (a) Note on quantum £87.60
only
 - (b) Advice on tender £96.30
or extra-judicial offer
where not merely
confirming advice at
consultation
 - (c) Note on line of £96.30
evidence (revisal)
 - (d) The fee for other
notes shall be within
the following range:
—
From £30.40
To £96.30
4. *Consultations*
 - (a) Before £116.40
proof or trial, or
otherwise involving

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a significant degree
of preparation or
lengthy discussion

(b) Other £96.30
consultations

5.

Day in Court

(a) Inner House per £343.50
day

(b) Outer House per £320.80.”.
day

SCHEDULE 5

Regulation 7

REVOCATIONS

(1) <i>Regulations revoked</i>	(2) <i>References</i>	(3) <i>Extent of revocation</i>
The Civil Legal Aid (Scotland) (Fees) Amendment Regulations 1990	1990/473	Regulation 2
The Civil Legal Aid (Scotland) (Fees) Amendment Regulations 1991	1991/565	Regulations 3, 5(b) and 6
The Civil Legal Aid (Scotland) (Fees) Amendment Regulations 1992	1992/372	The whole Regulations so far as not already revoked
The Civil Legal Aid (Scotland) (Fees) Amendment Regulations 1994	1994/1015	Regulation 6

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (Scotland) (Fees) Regulations 1989 so as to increase the fees allowable to solicitors and counsel for work done on or after 5th May 1995 by 3%.