

SCHEDULE 2

Regulation 3(4)

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

Part 2 - Defended Actions			
1.	The instruction fee—		
	(a)	for the pursuer's solicitor, including taking instructions, framing summons and statement of claim, obtaining warrant for service, enquiring for the form of response and noting defence	£101.58
	(b)	for the defender's solicitor, for all work from taking instructions (including instructions for a counter-claim) up to and including lodging the form of response	£101.58
2.	Where an additional defender or third party enters the cause, an additional fee for each of the original parties' solicitors for all consequent work		£50.84
3.	The fee for citation, service or re-service, except as provided for in paragraph 19(e), by—		
	(a)	post, to a destination—	
		(i) within the United Kingdom, Isle of Man, Channel Islands or the Republic of Ireland	£8.46
		(ii) other than one specified in paragraph (i)	£18.08
	(b)	sheriff officer, to include instructing sheriff officer, perusing execution of citation and settling sheriff officer's fee	£8.46
	(c)	advertisement, to include framing and instructing the advertisement	£26.44
4.	In connection with the first hearing of the cause—		
	(a)	the fee for attendance at court, including noting the outcome of the hearing	£87.83
	(b)	if waiting for and conducting the hearing exceeds an hour and a half, the fee for attendance at court for each subsequent half hour	£26.44
5.	The fee for attendance at court, except as specifically provided for elsewhere in this Chapter, per half hour		£26.44
6.	The fee for drawing precognitions, including instructions, attendances with witnesses and all relative meetings and correspondence, per sheet		£39.16
7.	The fee for perusing, revising and adjusting a report or precognition prepared by a skilled witness, per sheet		£19.59
8.	In connection with reports commissioned by order of Court, the fee for—		
	(a)	all incidental work, including instructing the report	£26.44
	(b)	each half hour perusing the report	£26.44
9.	The fee, per inventory, for—		
	(a)	lodging productions	£39.16
	(b)	perusing the opposition's productions	£18.08

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument:
The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2023 No. 135

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10.	The fee for framing affidavits, per sheet		£19.59
11.	Except as provided for by paragraphs 17, 18 and 19 the fee for—		
	(a)	drawing, intimating and lodging any written minute or incidental application including any relative attendance at court, where that minute or application is—	
	(i)	opposed	£55.74
	(ii)	unopposed	£33.48
	(b)	considering a written minute or incidental application intimated by the opposition including any relative attendance at court, where that minute or application is—	
	(i)	opposed	£45.86
	(ii)	unopposed	£26.44
12.	In connection with a hearing to which paragraph 11 applies, if waiting for and conducting that hearing exceeds half an hour, the fee for attendance at court for each subsequent half hour		£26.44
13.	In connection with a proof the fee for all work, except as specifically provided for elsewhere in this Chapter, preparatory to—		
	(a)	the first scheduled proof, if—	
	(i)	the cause is settled or abandoned 7 or more days before the scheduled proof	£91.70
	(ii)	paragraph (i) does not apply	£110.08
	(b)	any adjourned proof, if the postponement from the hearing previously scheduled exceeds 6 days and—	
	(i)	the cause is settled or abandoned 7 or more days before the scheduled proof	£45.86
	(ii)	paragraph (i) does not apply	£55.05
14.	The fee for each half hour inspecting the opposition's documents either at court or at a place fixed by the opposition		£26.44
15.	In connection with a proof or a trial and debate on evidence taken at the close of proof, the fee for each half hour—		
	(a)	conducting that hearing	£26.44
	(b)	waiting in court for that hearing	£14.06
16.	In connection with a debate on evidence not taken at the close of proof, the fee for—		
	(a)	all preparatory work	£61.42
	(b)	attendance at court, per half hour	£26.44
17.	In connection with a minute of judicial tender—		
	(a)	the fee for consideration of, preparing and lodging the minute	£55.74

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	(b)	on acceptance of the tender, the fee for consideration of, preparing and lodging the minute of acceptance and attendance at court when decree is granted in terms of that minute	£39.16
	(c)	on rejection of the tender, the fee for considering it	£39.16
18.		The fee for each party where the case is settled extra-judicially, including all relative negotiations, framing or revising the joint minute and attendance at court when authority is interponed thereto	£91.70
19.		In connection with an incidental application for commission and diligence to recover documents or an order under section 1 of the Administration of Justice (Scotland) Act 1972 (1), the fee for—	
	(a)	drawing, intimating and lodging the application and, where relevant, specification and any relative attendance at court, where the application is—	
	(i)	opposed	£61.28
	(ii)	unopposed	£33.48
	(b)	considering the application and, where relevant, specification intimated by the opposition and any relative attendance at court, where the application is—	
	(i)	opposed	£45.86
	(ii)	unopposed	£26.44
	(c)	each subsequent half hour, where attendance at court exceeds half an hour	£26.44
	(d)	citing havers and preparing for and appearing before the commissioner or sheriff at the execution of the commission, per half hour	£26.44
	(e)	serving an order on each person, if optional procedure is adopted	£18.08
	(f)	each half hour perusing the documents recovered	£26.44
20.		In connection with an open commission to take evidence, the fee for—	
	(a)	all work, excluding attendance at the commission, by the—	
	(i)	solicitor applying for the commission	£61.42
	(ii)	opposing solicitor	£26.44
	(b)	each half hour attending the execution of the commission	£26.44
21.		At the conclusion of the cause, the fee for—	
	(a)	settling with witnesses and noting the final decree	£55.74
	(b)	the successful party to cover drawing the account of expenses, arranging, intimating and attending a diet of taxation and obtaining approval of the auditor's report and, where necessary, ordering,	£55.74

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

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		procuring and examining extract decree or adjusting account with opponent	
	(c)	the unsuccessful party to cover considering the opponent's account of expenses and, where necessary, adjusting the account with opponent or attending a diet of taxation	£26.44