
STATUTORY INSTRUMENTS

1987 No. 894 (S.76)

LEGAL AID AND ADVICE, SCOTLAND

The Legal Aid (Scotland) (Fees in Civil Proceedings) Amendment (No.2) Regulations 1987

<i>Made</i>	- - - -	<i>14th May 1987</i>
<i>Laid before Parliament</i>		<i>15th May 1987</i>
<i>Coming into force</i>	- -	<i>5th June 1987</i>

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

1.—(1) These Regulations may be cited as the Legal Aid (Scotland) (Fees in Civil Proceedings) Amendment (No. 2) Regulations 1987 and shall come into force on 5th June 1987.

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

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

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

4. The amendments to the principal Regulations made by regulations 2 and 3 of these Regulations shall apply only to fees for work done on or after 5th June 1987.

(1) 1967 c. 43; section 14A was inserted by section 3 of the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12).

(2) 1986 c. 47.

(3) S.I. 1984/519; relevant amending instruments are S.I. 1985/557 and 1986/681.

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New St. Andrew's House,
Edinburgh
14th May 1987

Ian Lang
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE 1

Regulation 2

TABLE OF FEES

CHAPTER 1

detailed fees

1.	(a)	(a)	Framing	£3.70
			precognitions and other papers (not affidavits), not drawn by counsel – per sheet	
	(b)	(b)	Framing	£1.60
			formal documents such as inventories, title pages and accounts of expenses etc. – per sheet	
	(c)	(c)	Framing	£5.80
			affidavits – per sheet	

Note:

- (i) The sheet throughout this Table of Fees shall consist of 250 words or numbers.
- (ii) The solicitor shall be entitled to charge for copies of the precognitions for the use of counsel and himself.
- (iii) Where a skilled witness prepares his own precognition or report the solicitor shall be allowed half drawing fees for revising and adjusting it.
- (iv) Where the business can properly be performed by a local solicitor the auditor in taxing an account shall allow such expenses as would have been incurred if it had been done by the nearest local solicitor, including reasonable fees for instructing and corresponding with him,

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unless the auditor is satisfied that it was in the interests of the client that the solicitor in charge of the case should attend personally.

2. Copying papers by any means

First copy – per sheet	£0.71
Additional copies – per sheet	£0.30

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

For each five sheets or part thereof.	£1.60
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4. Citation of parties, witnesses, havers, instructions to messengers-at-arms

Each party	£3.15
Each witness or haver	£3.15
Instructing messenger-at-arms including examining execution and settling fee	£3.15
5. Time charges
 - (a) (a) Attendance at meetings, preparation for proof, trial or debate, attendance at court, consultation with counsel, etc.—

Per half hour	£11.45
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or such other sum as in the opinion of the auditor is justified.
 - (b) (b) Perusal of documents—

Per half hour	£6.25
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or such other sum as in the opinion of the auditor is justified.
 - (c) (c) Allowance for time of clerk – one

half of the fee in sub-paragraph (a) or (b) above.

- (d) (d) Attendance £1.60
at court offices
for performance of
formal work (other
than lodging process
or first step of
process).

Lodging first step of process £3.15

Additional fee for making up £1.60
and lodging process

Note:

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

6.

Correspondence

Letters (save as provided £3.15
below) including instructions
to counsel – each page of 125
words

Formal letters £0.75

Telegrams or telephone calls, £1.60
including letters confirming

CHAPTER II

PART I – UNDEFENDED ACTIONS

(other than consistorial actions)

1.

Inclusive fee to pursuer's £66.70
solicitor in all undefended
cases where no proof is
led, to cover all work from

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taking instructions up to and
including obtaining extract
decree

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	£94.80
Note:	Precognitions to be charged as in Part V, paragraph 5 of this Chapter	
2.	Incidental procedures Fixing diet, enrolling action, preparation for proof, citing witnesses, etc.	£53.65
3.	Amendment <ul style="list-style-type: none"> (a) (a) Where summons amended, where re-service is not ordered, and motion is not starred £13.55 (b) (b) Where summons amended, where re-service is not ordered and motion is starred £19.80 (c) (c) Where summons amended and re-service is ordered £25.05 	
4.	Commissions to take evidence on interrogatories <ul style="list-style-type: none"> (a) (a) Basic fee to cover all work up to and including lodging completed interrogatories £19.80 (b) (b) Additional fee for completed interrogatories, including all copies – per sheet £4.15 	

5. Commissions to take evidence on open commission
- (a) (a) Basic fee £22.35 to solicitor applying for commission but excluding attendance at execution thereof
 - (b) (b) Attendance £11.45 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 Chapter may be charged.
7. Proof and completion fee £66.70 – 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
8. Accounts
- Framing and lodging account £21.35 and attending taxation
-

PART III –

UNDEFENDED CONSISTORIAL ACTIONS: AFFIDAVIT PROCEDURE

1. In any undefended action of divorce or separation where–
- (a) (a) the facts set out in section 1(2)
 - (b) (unreasonable behaviour) of the Divorce (Scotland) Act 1976((4)) are relied upon; and
 - (b) (b) the pursuer seeks to prove those facts by means of affidavits–

(4) 1976 c. 39.

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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 Work done	Column 2 Inclusive fee Edinburgh solicitor acting alone	Column 3 Inclusive fee any other case
1. All work to and including calling of the summons	£138.25	£158.05
2. All work from calling to and including swearing affidavits	£98.75	£118.50
3. All work from swearing affidavits to and including sending extract decree	£29.60	£44.40
4. All work to and including sending extract decree	£266.65	£320.95
Add session fee to item 4	of 7½%	of 10%
2. In any undefended action of divorce or separation where—		
(a) (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) (b) the pursuer seeks to prove these facts by means of affidavits—		

Column 1 Work done	Column 2 Inclusive fee Edinburgh solicitor acting alone	Column 3 Inclusive fee any other case
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.		

TABLE B

Column 1 Work done	Column 2 Inclusive fee Edinburgh solicitor acting alone	Column 3 Inclusive fee any other case
1. All work to and including calling of the summons	£113.55	£133.30
2. All work from calling to and including swearing affidavits	£54.35	£69.15
3. All work from swearing affidavits to and including sending extract decree	£29.60	£44.40
4. All work to and including sending extract decree	£197.50	£246.90
Add session fee to item 4	of 7½%	of 10%
3. If— <div style="margin-left: 20px;"> (a) (a) the pursuer's solicitor charges an inclusive fee under either paragraph 1 or paragraph 2 of this Part, and </div> <div style="margin-left: 20px;"> (b) (b) the action to which the charge relates includes a conclusion relating to an ancillary matter— </div>		
in addition to that fee, he may charge in respect of the work specified in column 1 of Table C in this paragraph		

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Column 1 Work done	Column 2 Inclusive fee Edinburgh solicitor acting alone	Column 3 Inclusive fee any other case
the inclusive fee specified in respect of that work in column 2 of that table.		

TABLE C

Column 1 Work done	Column 2 Inclusive fee
1. All work to and including calling of the summons	£27.65
2. All work from calling to and including swearing affidavits	£31.60
3. All work under items 1 and 2	£59.25
Add session fee to item 3 of 7½% in the case of an Edinburgh solicitor acting alone and 10% in any other case.	

PART IV –
OUTER HOUSE PETITIONS

A.

Unopposed petitions

1.	Fee for all work, including precognitions and all copyings, up to and obtaining extract decree–
(a) (a) in the case of an Edinburgh solicitor acting alone	£139.65
(b) (b) in any other case	£194.90
Note:	Outlays including duplicating charges to be allowed in addition.

B.

Opposed petitions

2.	Fee for all work (other than precognitions) up to and including lodging petition, obtaining and executing warrant for service	£94.80
Note:	Outlays including duplicating charges to be allowed in addition.	
3.	Where applicable, the fees set out in paragraphs 5, 6, 7, 10, 12, 14, 18, 19, 20 and 21 of Part V of this Chapter may be charged.	
4.	Reports— (a) (a) For each report by Accountant of Court (b) (b) For any other report as under Part V, paragraph 6 of this Chapter.	£16.70
5.	Obtaining Bond of Caution	£16.70

PART V –

DEFENDED ACTIONS

1.	Instruction fee (a) (a) To cover all work (apart from precognitions) until lodgement of open record (b) (b) Instructing re-service where necessary (c) (c) If counter-claim lodged, additional fee for solicitor for each party	£131.30 £14.05 £27.65
2.	Record fee	

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- (a) (a) To cover all £139.65
work in connection
with adjustment and
closing of record
including subsequent
work in connection
with By Order
Adjustment Roll
- (b) (b) To cover £87.00
all work as above,
so far as applicable,
where action settled
or disposed of before
record closed
- (c) (c) If consultation
held before record
closed, additional
fees may be allowed
as follows:–
 - (i) Arranging consultation £14.05
 - (ii) Attendance at £11.45
consultation – per half
hour
- (d) (d) Additional fee £41.15
(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) (e) Additional £61.45
fee to the solicitors
for existing pursuer
and each existing
defender, to be
allowed for each
pursuer, defender, or
third party brought
in after the record is
closed, each of

3.

Procedure Roll or Debate Roll

- (a) (a) Preparing £27.65
for discussion and
all work incidental

thereto including
instruction of counsel

(b) (b) Attendance at £11.45
court – per half-hour

(c) (c) Advising £20.85
and work incidental
thereto

4. Adjustment of issues and
counter-issues

(a) (a) Fee to £26.60
solicitor for pursuer
to include all work
in connection with
and incidental to the
lodging of an issue,
and adjustment and
approval thereof

(b) (b) If one counter- £7.30
issue, additional fee
to solicitor for
pursuer

(c) (c) If more than £3.15
one counter-issue,
additional fee to
solicitor for pursuer
for each additional
counter-issue

(d) (d) Fee to solicitor £26.60
for defender or third
party for all work
in connection with
lodging of counter-
issue and adjustment
and approval thereof

(e) (e) Fee to solicitor £7.30
for defender or third
party for considering
issue where no
counter-issue lodged

(f) (f) Fee to £3.15
solicitor for defender
or third party
for considering each
additional counter-
issue

5. Precognitions

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- Taking and drawing
precognitions – per sheet £13.55
- 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) (a) Fee for £29.20
all work incidental thereto
 - (b) (b) Additional fee £4.15
per sheet of report to include all copies required (maximum £27.60)
7. Specification of documents
- (a) (a) Basic fee £27.65
to cover instructing counsel, revising and lodging and all incidental procedures to obtain a diligence up to and including obtaining interlocutor
 - (b) (b) Fee to £13.55
opponent's solicitor
 - (c) (c) If commission £11.45
executed, additional fee – per half hour
 - (d) (d) If alternative £10.95
procedure adopted, fee per person upon whom order served
8. Commission to take evidence on interrogatories
- (a) (a) Basic fee £55.75
to solicitor applying

for commission to
cover all work up to
and including lodging
report of commission
with completed
interrogatories and
cross-interrogatories

(b) (b) Basic £44.85
fee to opposing
solicitor if cross-
interrogatories
lodged

(c) (c) Fee to £16.70
opposing solicitor
if no cross-
interrogatories
lodged

(d) (d) Additional fee £4.15
to solicitor for each
party for completed
interrogatories or
cross-interrogatories,
including all copies –
per sheet

9. Commission to take evidence
on open commission

(a) (a) Basic fee £61.45
to solicitor applying
for commission up
to and including
lodging report of
commission, but
excluding attendance
at execution thereof

(b) (b) Basic fee to £27.65
opposing solicitor

(c) (c) Attendance £11.45
at execution of
commission – per
half hour

10. Miscellaneous motions where
not otherwise covered by this
Chapter

(a) (a) Where £7.30
attendance of counsel
or solicitor or both
not required

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- (b) (b) Where £20.85
attendance of counsel
or solicitor or both
required, inclusive of
instruction of counsel
– not exceeding half
hour
 - (c) (c) Thereafter £11.45
attendance fee – per
additional half hour
- 11. Incidental procedure (not
chargeable prior to approval of
issue or allowance of proof)

Fixing diet, obtaining note £78.20
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) (a) Amendment £20.85
of conclusions only
– fee to solicitor for
pursuer
 - (b) (b) Amendment £7.30
of conclusions only
– fee to solicitor for
opponent
 - (c) (c) Amendment £30.25
of pleadings after
record closed, where
no answers to
the amendment are
lodged – fee to
solicitor for proposer
 - (d) (d) In same £14.05
circumstances – fee
to solicitor for
opponent
 - (e) (e) Amendment £71.35
of pleadings after
record closed where
answers are lodged –
fee for solicitor for
each party lodging
answers

- (f) (f) Fee for £39.10
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) (a) If action £189.65
settled before trial or
proof, or the trial
or proof lasts only
one day, to include,
where applicable,
instruction of counsel
- (b) (b) For each day £16.70
or part of a day after
the first, including
instruction of counsel
- (c) (c) To £34.40
cover preparing for
adjourned diet and all
work incidental as in
(a), if diet postponed
more than 5 days
14. Copying
Productions, reports of
commissions, duplicate
inventory, jury list, list of
witnesses, Lord Ordinary's
opinion, etc. – as per Chapter I,
paragraph 2.
15. Settlement by tender – fees for
solicitor for either party
- (a) (a) Basic fee £41.15
for lodging, or
for considering, first
tender
- (b) (b) Fee for £27.65
lodging, or for

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- considering, each
further tender
- (c) (c) Additional fee £27.65
if tender accepted
16. Extra-judicial settlement
Fee inclusive of joint minute £71.35
(not based on a judicial tender)
17. Proof or trial
Attendance fee – per half-hour £11.45
18. Accounts – to include £50.05
framing and lodging account,
intimating diet, and attending
taxation, uplifting account and
noting and intimating taxations
19. Ordering and obtaining extract £10.45
20. Final procedure
(a) (a) If case goes £55.75
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
(b) (b) If case £16.70
disposed of before
trial or proof
21. Session fee – to cover
communications with client
and counsel
(a) (a) Where no
correspondent – 7½
% of total fees
(including copying
fees) allowed on
taxation
(b) (b) Where
correspondent
involved – 10%
of total fees
(including copying

fees) allowed on
taxation.

PART VI –
INNER HOUSE BUSINESS

1. Reclaiming motions
 - (a) (a) Fee for £41.15
solicitor for appellant
for all work up to
interlocutor sending
case to roll
 - (b) (b) Fee £20.85
for solicitor for
respondent
 - (c) (c) Additional fee £17.20
for solicitor for each
party for every 50
pages of appendix
2. Appeals from inferior courts
 - (a) (a) Fee for £50.05
solicitor for appellant
 - (b) (b) Fee £24.50
for solicitor for
respondent
 - (c) (c) Additional fee £17.20
for solicitor for each
party for every 50
pages of appendix
3. Summar or Short Roll
 - (a) (a) Preparing for £41.15
discussion,
instructing counsel,
and preparing
appendix
 - (b) (b) Attendance fee £11.45
– per half-hour
4. Where applicable the fees set
out in Part V of this Chapter
may be charged.
5. Special cases and Inner House
petitions

According to circumstances of
the case.

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6.	Obtaining Bond of Caution	£16.70
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PART VII –

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

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

SCHEDULE 2

Regulation 3

TABLE OF FEES

CHAPTER I –

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

Part I –

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

1.	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	£41.15	
In cases where settlement is effected after service of a writ but before the expiry of the period of notice	£35.45	
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	£194.90	

Part II –

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

1.	<p>In any undefended action of divorce or of separation and aliment where–</p> <p>(a) (a) the facts set out in section 1(2) (b) (unreasonable behaviour) of the Divorce (Scotland) Act 1976 are relied upon; and</p> <p>(b) (b) the pursuer seeks to prove those facts by means of affidavits–</p> <p>the pursuer’s solicitor may in respect of the work specified in column 1 of Table A in this paragraph charge the inclusive fee specified in respect of that work in column 2 of that table.</p>
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TABLE A

Column 1 Work done	Column 2 Inclusive fee
1. All work to and including the period of notice	£138.25
2. All work from the period of notice to and including swearing affidavits	£98.75
3. All work from swearing affidavits to and including sending extract decree	£29.60
4. All work to and including sending extract decree	£266.65
Add process fee to item 4	of 10%
2. In any undefended action of divorce or separation and aliment where–	
(a) (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	

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Column 1 Work done	Column 2 Inclusive fee
<p>(b) (b) the pursuer seeks to prove those facts by means of affidavits—</p> <p>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.</p>	

TABLE B

Column 1 Work done	Column 2 Inclusive fee
1. All work to and including the period of notice	£113.55
2. All work from the period of notice to and including swearing affidavits	£54.35
3. All work from swearing affidavits to and including sending extract decree	£29.60
4. All work to and including sending extract decree	£197.50
Add process fee to item 4	of 10%
<p>3. If—</p> <p>(a) (a) the pursuer's solicitor charges an inclusive fee under either paragraph 1 or paragraph 2 of this Part; and</p> <p>(b) (b) the action to which the charge relates includes a crave relating to an ancillary matter—</p> <p>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.</p>	

TABLE C

Column 1 Work done	Column 2 Inclusive fee
1. All work to and including the period of notice	£53.80
2. All work from the period of notice to and including swearing affidavits	£31.60
3. All work under items 1 and 2	£85.40

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

1.	Instruction fee – to cover all work (except as hereinafter otherwise specially provided for in this Chapter) to the lodging of defences including copyings	£89.10
	Additional fee where separate statement of facts and counter claim answers lodged	£31.30
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) (a) See to solicitor for any party	£133.35
	(b) (b) See to each original party's solicitor if action settled before record is closed	£89.10
	(c) (c) Additional fee to each original party's solicitor if additional defender brought in before closing of record	£15.65
	(d) (d) Additional fee to each original party's solicitor if additional defender brought in after closing of record	£22.40
3.	Fee for framing affidavits – per sheet	£5.80
4.	(a) (a) Debate fee – to include preparation for and conduct of any hearing	

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	or debate other than on evidence, enquiring for cause at avizandum and noting interlocutor—	
	When debate does not exceed 1 hour	£66.75
	For every half hour engaged after the first hour	£15.65
	(b) (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	£39.05
5.	Precognitions – taking and drawing – per sheet	£13.55
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) (a) Fee for all work incidental thereto	£29.20
	(b) (b) Additional fee per sheet of report to include all copies required (maximum £29.00)	£4.15
6.	Commissions to take evidence	
	(a) (a) On interrogatories	
	Fee to solicitor applying for commission to include drawing, intimating and lodging motion, drawing and lodging interrogatories,	£83.35

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	instructing commissioner and all incidental work (except as otherwise specially provided for in this Chapter) but excluding attendance at execution of commission	
	Fee to opposing solicitor if cross-interrogatories prepared and lodged	£55.75
	If no cross-interrogatories lodged	£16.70
	(b) (b) Open commissions	
	Fee to solicitor applying for commission to include all work (except as otherwise specially provided for in this Chapter) up to lodging report of commission but excluding attendance thereat	£50.05
	Fee to solicitor for opposing party	£27.65
	Fee for attendance at execution of commission – per half hour	£15.65
	Travelling time – per half hour	£11.45
7.	Specification of documents	
	Fee to cover drawing, intimating and lodging specification and relative motion and attendance at court debating specification	£34.40
	Inclusive fee to opposing solicitor	£22.35
	Fee for citation of havers, preparation for and attendance before commissioner at execution of commission–	
	Where attendance before commissioner does not exceed 1 hour	£31.30
	For each additional half hour after the first hour	£15.65
	If commission not executed – fee for serving each party with a copy of specification to include recovering and	£6.85

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- examining documents or
productions referred to therein
8. Amendment of record
- Fee to cover drawing,
intimating and lodging minute
of amendment and relative
motion and relative attendance
at court
- (a) (a) Where £38.05
answers lodged
- (b) (b) Where no £25.05
answers lodged
- Inclusive fee to opposing
solicitor—
- (a) (a) Where £31.30
answers lodged
- (b) (b) Where no £20.85
answers lodged
- Additional fee to solicitor for £27.65
each party for adjustment of
minute and answers, where
applicable
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) (a) Where £39.05
opposed
- (b) (b) Where £27.65
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) (a) Where motion, £22.35
minute or reponing
note opposed

- (b) (b) Where motion, £14.10
minute or reponing
note unopposed
10. Procedure preliminary to proof
- (a) (a) Fee to £55.75
cover fixing diet
of proof, citation
of witnesses, and
generally preparing
for proof and if
necessary instructing
shorthand writer
- (b) (b) Fee to £33.35
cover preparing for
adjourned diet and
all incidental work as
in subparagraph (a)
above if diet
postponed for more
than 6 days – for each
additional diet
- (c) (c) Drawing and £14.10
lodging an inventory
of productions,
lodging the
productions specified
therein, and
considering
opponent's
productions (to be
charged once only in
each process)
- Where only one party lodges £7.30
productions, opponent's
solicitor's fee for considering
same
11. Conduct of proof
- Fee to cover conduct of proof £15.65
and debate on evidence if
taken at close of proof – per
half hour
- If counsel employed, fee £11.45
to solicitor appearing with
counsel – per half hour
12. Debate on evidence

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- Where debate on evidence not taken at conclusion of proof, fee for preparing for debate £27.65
- Fee for conduct of debate – per half hour £15.65
- If counsel employed, fee to solicitor appearing with counsel – per half hour £11.45
13. Appeals
- (a) (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 £52.15
- Fee to cover conduct of hearing – per half hour £15.65
- If counsel employed, fee to solicitor appearing with counsel – per half hour £11.45
- (b) (b) To Court of Session
- Fee to cover instructions, marking appeal or noting that appeal marked and instructing Edinburgh correspondents £26.05
14. Settlements
- (a) (a) Judicial tender
- Fee for preparation and lodging or for consideration of minute of tender £30.70
- 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 £22.95
- (b) (b) Extra-judicial settlements
- Fee to cover negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto £52.15

15.	Final procedure	
	Fee to cover settling with witnesses, enquiries for cause at avizandum, noting final interlocutor	£41.15
	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	£33.35
	Fee to cover considering opponent's account of expenses and attending diet of taxation or adjusting account with opponent	£10.45
16.	Copying fees	
	Copying all necessary papers by any means—	
	First copy – per sheet	£0.71
	Additional copies – per sheet	£0.30
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	£17.15
	Fee for instructing counsel to conduct debate or proof	£34.40

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Fee for instructing counsel to conduct appeal to sheriff principal £34.40

Note: In each case to cover all consultations, revisal of papers and all incidental work.

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

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|----|---|--------|
| 1. | Attendance at court conducting proof or formal debate or hearing -per half hour | £15.65 |
| 2. | Time occupied in the performance of all other work including attendances with client and others and attendances at court in all circumstances, except as otherwise specifically provided– | |
| | (a) (a) Solicitor – per half hour | £11.45 |
| | (b) (b) Allowance for time of clerk – one half of above. | |

Note: Time necessarily occupied in travelling to such to be chargeable at these rates.

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|----|---|-------|
| 3. | Drawing all necessary papers other than affidavits (the sheet throughout this Chapter to consist of 250 words or numbers) – per sheet | £3.70 |
| 4. | Framing affidavits – per sheet | £5.80 |
| 5. | Revising papers where revisal ordered – for each five sheets | £1.60 |
| 6. | Copying all necessary papers by any means– | |
| | First copy – per sheet | £0.71 |
| | Additional copies – per sheet | £0.30 |

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

7.	Certifying or signing a document	£1.60
8.	Perusing any document (other than a letter) not exceeding 2 sheets in length	£3.15
	For each 2 sheets thereafter	£3.15
9.	Lodging in process	
	Each necessary lodging in or uplifting from process or each necessary enquiry for documents due to be lodged	£1.60
10.	Borrowing process	
	Each necessary borrowing of process to include return of same	£1.60
11.	Extracts	
	Ordering, procuring and examining extracts, interim or otherwise	£7.30
12.	Correspondence, intimations, etc.	
	(a) (a) Formal letters and intimations	£0.75
	(b) (b) Letters other than above – per page of 125 words	£3.15
	(c) (c) Telephone calls except those to which subparagraph (d) below applies	£1.60
	(d) (d) Telephone calls (lengthy) to be treated as attendances or long letters.	
13.	Citations	
	Each citation of party or witness including execution thereof	£3.15
14.	Instructions to officers	
	Instructing officer to serve, execute or intimate various kinds of writs or diligence	£1.60

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- including the examination of
executions
- For each party after the first on £1.60
whom service or intimation is
simultaneously made
- Agency accepting service of £3.15
any writ
- Reporting diligence £3.15
15. Personal diligence
- (a) (a) Recording £3.15
execution of charge
 - (b) (b) Procuring fiat £3.15
 - (c) (c) Instructing £3.15
apprehension
 - (d) (d) Framing £4.75
state of debt
and attendance at
settlement
16. Sales
- (a) (a) Obtaining £3.15
warrant to sell
 - (b) (b) Instructing £3.15
auctioneer or officer
to conduct sale
 - (c) (c) Perusing £3.15
report of sale
 - (d) (d) Reporting £2.10
sales under poindings
or sequestrations or
any other judicial
sales
 - (e) (e) Noting £2.10
approval of roup roll
 - (f) (f) Obtaining £2.10
warrant to pay
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CHAPTER IV – SUMMARY CAUSE

Part I –

Undefended actions

1.	Fee, to include taking instructions, framing summons and statement of claim, obtaining warrant for service, serving, instructing service as necessary by sheriff officer (where appropriate), attendance endorsing minute for and obtaining decree in absence and extract decree and including posts and incidents	£30.70
2.	Service	
	(a) (a) Citation by post wheresoever after the first citation for each party	£3.50
	(b) (b) Framing and instructing service by advertisement – for each party	£9.85
3.	Attendance at court	£9.85

Part II –

Defended actions

1.	(a) (a) Instruction fee for pursuer's solicitor, to include taking instructions, framing summons and statement of claim, obtaining warrant for service, enquiring for notice of intention to defend, attendance at first calling, noting defence	£42.25
	(b) (b) Instruction fee for defender's solicitor, to include taking instructions	

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(including instructions for a counter-claim) and all work up to and including attendance at first calling and stating a defence—

Such fee as appears to the auditor to provide reasonable remuneration for the work done but not to exceed the fee prescribed in sub-paragraph (a) above.

2.

Service

(a) (a) Citation £3.50
by post within the United Kingdom, Isle of Man, Channel Islands, or the Republic of Ireland – for each party

Citation by post elsewhere – £7.50
for each party

(b) (b) Instructing £3.50
service or reservice by sheriff officer including perusing execution of citation and settling sheriff officer's fee – for each party

(c) (c) Framing and £10.95
instructing service by advertisement – for each party

3.

Attendance at court

Attendance at any diet except £10.95
as otherwise specifically provided

4.

Preparing for proof, to include £38.15
all work in connection with proof not otherwise provided for

5.

Fee to cover preparing £19.10
for adjourned diet and all incidental work if diet postponed for more than 6 days – for each adjourned diet

6. Drawing and lodging inventory £16.20
of productions, lodging the
productions specified therein
and considering opponents'
productions (to be charged
once only in each process)
- Where only one party lodges £7.50
productions, opponent's
solicitor's fee for considering
same
7. Precognitions
- Drawing precognitions, £16.20
including instructions,
attendances with witnesses
and all relative meetings and
correspondence – per witness
- Where precognition exceeds £7.50
2 sheets – for each additional
sheet
8. Motions and minutes
- Fee to cover drawing,
intimating and lodging of any
written motion or minute,
excluding a minute or motion
to recall decree, and relative
attendance at court (except
as otherwise provided in this
Chapter)–
- (a) (a) Where £23.15
opposed
- (b) (b) Where £13.90
unopposed (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–
- (a) (a) Where motion £19.10
or minute opposed
- (b) (b) Where motion £10.95
or minute unopposed
10. Conduct of proof

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11.

Fee to cover conduct of proof and debate on evidence taken at close of proof – per half hour	£10.95
Waiting time – per half hour	£5.85
Settlements	
Judicial tender–	
Fee for consideration of, preparing and lodging minute of tender	£23.15
Fee for consideration and rejection of tenders	£16.20
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	£16.20
Extra-judicial settlement – fee to cover negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto	£38.15
12.

Specification of documents	
(a) (a) Fee to cover drawing, intimating and lodging specification of documents and relative motion and attendance at court	£19.10
(b) (b) Inclusive fee to opposing solicitor	£17.40
(c) (c) Fee to solicitor for each party for citation of havers, preparation for and attendance before commissioner – for each half hour	£10.95
(d) (d) If alternative procedure adopted, fee per person upon whom order served	£7.50
13.

Commissions to take evidence	
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- | | | | |
|-----|------|---|--------|
| | (a) | (a) Fee to cover drawing, lodging and intimating motion and attendance at court– | |
| | (i) | Where opposed | £23.15 |
| | (ii) | Where unopposed | £13.90 |
| | (b) | (b) Fee to cover considering such motion and attendance at court– | |
| (i) | | Where opposed | £19.10 |
| | (ii) | Where unopposed | £10.95 |
| | (c) | (c) Fee to cover instructing commissioner and citing witness | £10.95 |
| | (d) | (d) Fee to cover drawing and lodging interrogatories and cross-interrogatories – per sheet | £7.50 |
| | (e) | (e) Attendance before commissioner – per hour | £10.45 |
| | | Travelling time – per hour | £7.00 |
| 14. | | Supplementary note of defence (when leave granted to lodge) | £7.50 |
| 15. | | Appeals | |
| | | Fee to cover instructions, marking of appeal or noting that appeal marked, noting of diet of hearing thereof and preparations for hearing | £52.15 |
| | | Fee to cover conduct of hearing – per half hour | £10.95 |
| 16. | | Final Procedure | |
| | | Fee to cover settling with witnesses, enquiries at avizandum, noting final interlocutor | £23.15 |
| | | Fee to cover drawing account of expenses, arranging, intimating and attending hearing on expenses, and | £23.15 |

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obtaining approval of sheriff
clerk's report

Fee to cover considering £10.95
opponent's account of
expenses and attendance at
hearing on expenses

EXECUTRY BUSINESS

CHAPTER V

1.	Petition for decree dative	
	Inclusive fee for taking instructions to present petition, drawing petition and making necessary copies, lodging and directing publication, attendance at Court, moving for decree-dative, extracting decree where necessary and all matters incidental to petition	£23.45
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	£23.45
3.	Fees for other work shall be chargeable according to Chapter III.	

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Legal Aid (Scotland) (Fees in Civil Proceedings) Regulations 1984 so as to increase the fees allowable to solicitors for legal aid in civil proceedings. The overall increase is around 5% and will apply to work done on or after 5th June 1987.

Regulation 2 and Schedule 1 substitute a new table of Fees for the table of Fees in Schedule 1 to the 1984 Regulations. (This table of Fees regulates solicitors' fees for legal aid in the Court of Session,

and Chapter 1 of the table also regulates solicitors' fees for legal aid in the House of Lords, Restrictive Practices Court and Employment Appeal Tribunal, and in certain circumstances the Lands Tribunal for Scotland.)

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

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