
STATUTORY INSTRUMENTS

1987 No. 895 (S.77)

LEGAL AID AND ADVICE, SCOTLAND

**The Civil Legal Aid (Scotland) (Fees)
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 section 33 of the Legal Aid (Scotland) Act 1986⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

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

(2) In these Regulations “the principal Regulations” means the Civil Legal Aid (Scotland) (Fees) Regulations 1987⁽²⁾.

Amendment of principal Regulations

2. After regulation 8 of the principal Regulations there shall be inserted the following Regulations—

“Fees or outlays in relation to solicitor’s place of business

8A. Where a solicitor acts for a client in an area in which that solicitor has not a place of business he shall be entitled, when acting for that client in that area, to receive only such fees and outlays as would be payable if he had a place of business in that area.

Accounts in respect of solicitors' fees and outlays

8B.—(1) Subject to paragraph (2) below, accounts prepared in respect of fees and outlays allowable to solicitors shall be submitted to the Board not later than 6 months after the date of completion of the proceedings in respect of which that legal aid was granted.

(1) 1986 c. 47.

(2) S.I.1987/366, to which there are amendments not relevant to these Regulations.

(2) The Board may accept accounts submitted in respect of fees and outlays later than the 6 months referred to in paragraph (1) if they consider that there is a special reason for late submission.”.

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. For the Table of Fees set out 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.

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

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

Ian Lang
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE 1

Regulation 3

TABLE OF FEES

CHAPTER 1

detailed fees

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- | | |
|----|---|
| 1. | <div style="display: flex; align-items: flex-start;"><div style="margin-right: 10px;">(a)</div><div style="margin-right: 10px;">(a)</div><div>Framing
precognitions and
other papers (not
affidavits), not drawn
by counsel -per sheet</div><div style="margin-left: 20px;">£3.70</div></div> <div style="margin-top: 10px;"><div style="display: flex; align-items: flex-start;"><div style="margin-right: 10px;">(b)</div><div style="margin-right: 10px;">(b)</div><div>Framing
formal documents
such as inventories,
title pages and
accounts of expenses
etc. -per sheet</div><div style="margin-left: 20px;">£1.60</div></div><div style="margin-top: 10px;"><div style="display: flex; align-items: flex-start;"><div style="margin-right: 10px;">(c)</div><div style="margin-right: 10px;">(c)</div><div>Framing
affidavits -per sheet</div><div style="margin-left: 20px;">£5.80</div></div></div></div> |
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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
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
- or such other sum as in the opinion of the auditor is justified.
- (b) (b) Perusal of documents—
- Per half hour £6.25
- 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((3)) are relied upon; and
 - (b) (b) the pursuer seeks to prove those facts by means of affidavits–

(3) 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—	

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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—	
	(a) (a) the pursuer's solicitor charges an inclusive fee under either paragraph 1 or paragraph 2 of this Part, and	
	(b) (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	

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Column 1 Work done	Column 2 Inclusive fee Edinburgh solicitor acting alone	Column 3 Inclusive fee any other case
	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 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	£94.80
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	including lodging petition, obtaining and executing warrant for service	
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 £16.70 report by Accountant of Court	
	(b) (b) For any other report as under Part V, paragraph 6 of this Chapter.	
5.	Obtaining Bond of Caution	£16.70

PART V –
DEFENDED ACTIONS

1.	Instruction fee	
	(a) (a) To cover £131.30 all work (apart from precognitions) until lodgement of open record	
	(b) (b) Instructing £14.05 re-service where necessary	
	(c) (c) If counter- £27.65 claim lodged, additional fee for solicitor for each party	
2.	Record fee	
	(a) (a) To cover all £139.65 work in connection with adjustment and closing of record including subsequent work in connection	

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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

Taking and drawing £13.55
precognitions -per sheet

- Note:
- (i) In addition each solicitor
shall be entitled to
charge for copies of the

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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 fee to opposing solicitor if cross-interrogatories lodged £44.85

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

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

9. Commission to take evidence on open commission

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

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

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

Miscellaneous motions where not otherwise covered by this Chapter

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

(b) (b) Where attendance of counsel or solicitor or both required, inclusive of instruction of counsel £20.85

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- 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 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 £78.20
- 12. Amendment of record
 - (a) (a) Amendment of conclusions only – fee to solicitor for pursuer £20.85
 - (b) (b) Amendment of conclusions only – fee to solicitor for opponent £7.30
 - (c) (c) Amendment of pleadings after record closed, where no answers to the amendment are lodged – fee to solicitor for proposer £30.25
 - (d) (d) In same circumstances – fee to solicitor for opponent £14.05
 - (e) (e) Amendment of pleadings after record closed where answers are lodged – fee for solicitor for each party lodging answers £71.35
 - (f) (f) Fee for adjustment of minute and answers, where applicable, to be allowed in addition £39.10

- 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 considering, each further tender
 - (c) (c) Additional fee £27.65 if tender accepted

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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.
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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.
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((4)) AND CASES REMITTED FROM THE SHERIFF COURT

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

SCHEDULE 2

Regulation 4

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.	<p>Actions (other than those specified in paragraph 2 of this Part) in which decree is granted without proof–</p> <p>Inclusive fee to cover all work from taking instructions up to and including obtaining extract decree £41.15</p> <p>In cases where settlement is effected after service of a writ but before the expiry of the period of notice £35.45</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>Inclusive fee to cover all work from taking instructions up to and including obtaining extract decree £194.90</p>

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)</p> <p>(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.	<p>In any undefended action of divorce or separation and aliment where–</p> <p>(a) (a) the facts set out in section 1(2)</p> <p>(a) (adultery), 1(2)</p> <p>(c) (desertion), 1(2)</p>	

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Column 1 Work done	Column 2 Inclusive fee
<p>(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</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 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%
3. If—	
(a) (a) the pursuer's solicitor charges an inclusive fee under either paragraph 1 or paragraph 2 of this Part; and	
(b) (b) the action to which the charge relates includes a	

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Column 1 Work done	Column 2 Inclusive fee
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 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	

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with the adjustment of
the record including
(when appropriate)
closing thereof,
making up and lodging
closed record and
copyings—

(a) (a) Fee to £133.35
solicitor for
any party

(b) (b) Fee to £89.10
each original
party's
solicitor if
action settled
before record
is closed

(c) ~~A~~dditional £15.65
fee to each
original
party's
solicitor if
additional
defender
brought in
before
closing of
record

(d) ~~A~~dditional £22.40
fee to each
original
party's
solicitor if
additional
defender
brought in
after closing
of record

3. Fee for framing £5.80
affidavits – per sheet

4. (a) (a) Debate
fee – to
include
preparation
for and
conduct of
any hearing
or debate
other than
on evidence,

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	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	£4.15

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	(maximum £29.00)	
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, instructing commissioner and all incidental work (except as otherwise specially provided for in this Chapter) but excluding attendance at execution of commission	£83.35
	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 £11.45
half hour
7. Specification of documents
- Fee to cover drawing, £34.40
intimating and lodging
specification and
relative motion and
attendance at court
debating specification
- Inclusive fee to £22.35
opposing solicitor
- Fee for citation of
havers, preparation
for and attendance
before commissioner
at execution of
commission–
- Where attendance £31.30
before commissioner
does not exceed 1 hour
- For each additional £15.65
half hour after the first
hour
- If commission not £6.85
executed – fee
for serving each
party with a copy
of specification to
include recovering and
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 £25.05
no answers
lodged

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Inclusive fee to
opposing solicitor–

(a) (a) Where £31.30
answers
lodged

(b) (b) Where £20.85
no answers
lodged

Additional fee to £27.65
solicitor for 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 £22.35
motion,
minute or
reponing
note opposed

(b) (b) Where £14.10
motion,
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 £33.35
to cover
preparing for
adjourned
diet and
all incidental
work as in
subparagraph
above if diet
postponed
for more
than 6 days
– for each
additional
diet
- (c) (c) Drawing £14.10
and lodging
an inventory
of
productions,
lodging the
productions
specified
therein, and
considering
opponent's
productions
(to be
charged once
only in each
process)

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| | Where only one party lodges productions, opponent's solicitor's fee for considering same | £7.30 |
| 11. | Conduct of proof | |
| | Fee to cover conduct of proof and debate on evidence if taken at close of proof – per half hour | £15.65 |
| | If counsel employed, fee to solicitor appearing with counsel -per half hour | £11.45 |
| 12. | Debate on evidence | |
| | 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 |

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	(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	£33.35

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- account with opponent
where necessary,
ordering, procuring
and examining extract
decree
- Fee to cover £10.45
considering opponent's
account of expenses
and attending diet of
taxation or adjusting
account with opponent
16. Copying fees
Copying all necessary
papers by any means—
First copy – per sheet £0.71
Additional copies – £0.30
per sheet
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 £17.15
counsel to revise
record
Fee for instructing £34.40
counsel to conduct
debate or proof
Fee for instructing £34.40
counsel to conduct

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appeal to sheriff
principal

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.

1.	Attendance at court conducting proof or formal debate or hearing—per half hour	£15.65
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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	£11.45
	– per half hour	
	(b) Allowance for time of clerk – one half of above.	

Note:

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

3.	Drawing all necessary papers other than affidavits (the sheet throughout this Chapter to consist of 250 words or numbers) – per sheet	£3.70
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4.	Framing affidavits – per sheet	£5.80
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5. Revising papers where £1.60
revisal ordered – for
each five sheets
6. Copying all necessary
papers by any means–
First copy – per sheet £0.71
Additional copies – £0.30
per sheet
Note: When copied by
photostatic or similar
process each page
shall be charged as one
sheet.
7. Certifying or signing a £1.60
document
8. Perusing any £3.15
document (other than a
letter) not exceeding 2
sheets in length
For each 2 sheets £3.15
thereafter
9. Lodging in process
Each necessary £1.60
lodging in or uplifting
from process or each
necessary enquiry for
documents due to be
lodged
10. Borrowing process
Each necessary £1.60
borrowing of process
to include return of
same
11. Extracts
Ordering, procuring £7.30
and examining
extracts, interim or
otherwise
12. Correspondence,
intimations, etc.
(a) (a) Formal £0.75
letters and
intimations
(b) (b) Letters £3.15
other than

- above – per
page of 125
words
- (c) ~~(c)~~ Telephone £1.60
calls except
those to
which
subparagraph
below
applies
- (d) ~~(d)~~ Telephone
calls
(lengthy) to
be treated as
attendances
or long
letters.
13. Citations
- Each citation of party £3.15
or witness including
execution thereof
14. Instructions to officers
- Instructing officer £1.60
to serve, execute
or intimate various
kinds of writs or
diligence including
the examination of
executions
- For each party after £1.60
the first on whom
service or intimation is
simultaneously made
- Agency accepting £3.15
service of any writ
- Reporting diligence £3.15
15. Personal diligence
- (a) ~~(a)~~ Recording £3.15
execution of
charge
- (b) ~~(b)~~ Procuring £3.15
fiat
- (c) ~~(c)~~ Instructing £3.15
apprehension
- (d) ~~(d)~~ Framing £4.75
state of

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- 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
-

CHAPTER IV – SUMMARY CAUSE

Part I –

Undefended actions

-
- 1. Fee, to include taking £30.70
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
 - 2. Service
 - (a) (a) Citation £3.50
by post wheresoever

	after the first citation for each party	
	(b) (b) Framing and instructing service by advertisement – for each party	£9.85
3.	Attendance at court	£9.85

Part II – Defended actions

1.	<p>(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</p> <p>(b) (b) Instruction fee for defender’s solicitor, to include taking instructions (including instructions for a counter-claim) and all work up to and including attendance at first calling and stating a defence–</p> <p>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.</p>	£42.25
2.	Service	
	(a) (a) Citation by post within the United Kingdom, Isle of Man, Channel Islands, or the Republic of Ireland – for each party	£3.50

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| | 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
- 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
11. 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

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- Extra-judicial settlement – £38.15
fee to cover negotiations
resulting in settlement, framing
or revising joint minute and
attendance at court when
authority interponed thereto
12. Specification of documents
- (a) (a) Fee to cover £19.10
drawing, intimating
and lodging
specification of
documents and
relative motion and
attendance at court
- (b) (b) Inclusive fee £17.40
to opposing solicitor
- (c) (c) Fee to £10.95
solicitor for each
party for citation
of havers, preparation
for and attendance
before commissioner
– for each half hour
- (d) (d) If alternative £7.50
procedure adopted,
fee per person upon
whom order served
13. Commissions to take evidence
- (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 £10.95
cover instructing
commissioner and
citing witness

	(d)	(d) Fee to cover £7.50 drawing and lodging interrogatories and cross-interrogatories – per sheet	
	(e)	(e) Attendance £10.45 before commissioner – per hour	
		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 obtaining approval of sheriff clerk's report	£23.15
		Fee to cover considering opponent's account of expenses and attendance at hearing on expenses	£10.95

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,	£23.45

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| | attendance at Court, moving
for decree-dative, extracting
decree 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 | £23.45 |
| 3. | Fees for other work shall
be chargeable according to
Chapter III. | |
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Civil Legal Aid (Scotland) (Fees) Regulations 1987 for a number of purposes, but principally so as to increase the fees allowable to solicitors for civil legal aid (and for legal aid in certain proceedings relating to children). The overall increase is around 5% and applies to work done on or after 5th June 1987.

Regulation 2 provides that where a solicitor acts for a legally aided person in an area outwith the area within which he has his place of business, his fees and outlays will be calculated as if his place of business were in that area outwith the area of his place of business.

Regulation 2 also introduces a requirement on a solicitor to submit accounts to the Scottish Legal Aid Board within 6 months from the date of completion of the proceedings in respect of which the legal aid was granted. An exception is made which allows the Board to waive this time bar where it considers that a special reason exists for the late submission of accounts.

Regulation 3 and Schedule 1 substitute a new Table of Fees for the Table of Fees in Schedule 1 to the principal Regulations. (This Table of Fees regulates solicitors' fees for legal aid in the Court of Session, and chapter I 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 4 and Schedule 2 substitute a new Table of Fees for the Table of Fees in Schedule 2 to the principal 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.)