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STATUTORY INSTRUMENTS

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**1989 No. 1495 (S.124)**

**LEGAL AID AND ADVICE, SCOTLAND**

**The Legal Aid (Scotland) (Fees in Civil Proceedings) Amendment (No.2) Regulations 1989**

<i>Made</i>	- - - -	<i>14th August 1989</i>
<i>Laid before Parliament</i>		<i>17th August 1989</i>
<i>Coming into force</i>	- -	<i>31st August 1989</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<sup>(1)</sup>, as read with section 45 of, and paragraph 3(1) of Schedule 4 to, the Legal Aid (Scotland) Act 1986<sup>(2)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Legal Aid (Scotland) (Fees in Civil Proceedings) Amendment (No.2) Regulations 1989 and shall come into force on 31st August 1989.

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

**Amendment of principal Regulations**

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 31st August 1989.

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(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; the relevant amending instruments are S.I. 1987/894 and 1988/1108.

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St. Andrew's House,  
Edinburgh  
14th August 1989

*Sanderson of Bowden*  
Minister of State, Scottish Office

## SCHEDULE 1

Regulation 2

### TABLE OF FEES

#### CHAPTER I

#### DETAILED FEES

- 
- |    |   |
|----|---|
| 1. | <div style="display: flex; justify-content: space-between;"><div>(a)</div><div>(a) Framing<br/>precognitions and<br/>other papers (not<br/>affidavits), not drawn<br/>by counsel—per<br/>sheet</div><div>£4.20</div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>(b)</div><div>(b) Framing<br/>formal documents<br/>such as inventories,<br/>title pages and<br/>accounts of expenses<br/>etc.—per sheet</div><div>£1.80</div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>(c)</div><div>(c) Framing<br/>affidavits—per sheet</div><div>£6.60</div></div> |
|----|---|

*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 and 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, unless the auditor is

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satisfied that it was in the interests of the client that the solicitor in charge of the case would attend personally.

2. *Copying papers by any means*

First copy—per sheet	£0.81
Additional copies—per sheet	£0.34

*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.	£1.80
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4. *Citation of parties, witnesses, havers, instructions to messengers-at-arms*

Each party	£3.60
Each witness or haver	£3.60
Instructing messenger-at-arms including examining execution and settling fee	£3.60
5. *Time charges*
  - (a) (a) Attendance at meetings, preparation of proof, trial or debate, attendance at court, consultation with counsel, etc.— £13.05
 

Per half hour or such other sum as in the opinion of the auditor is justified.
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  - (b) (b) Perusal of documents— £7.15
 

Per half hour or such other sum as in the opinion of the auditor is justified.
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(c) (c) Allowance for time of clerk—one half of the fee in subparagraph (a) or (b) above.

(d) (d) Attendance £1.80 at court offices for performance of formal work (other than lodging process or first step of process).

Lodging first step of process £3.60

Additional fee for making up and lodging process £1.80

*Note:*

(i) Time necessarily occupied in travelling to be regarded as it 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 below) including instructions to counsel—each page of 125 words £3.60

Formal letters £0.85

Telegrams or telephone calls, including letters confirming £1/.80

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## CHAPTER II

### PART I

#### —UNDEFENDED ACTIONS

##### (OTHER THAN CONSISTORIAL ACTIONS)

1.	Inclusive fee to pursuer's solicitor in all undefended cases where no proof is led, to cover all work from taking instructions up to and including obtaining extract decree	£75.95
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### PART II

#### —UNDEFENDED CONSISTORIAL ACTIONS

##### (OTHER THAN ACTIONS TO WHICH PART III APPLIES)

1.	Fee for all work (other than precognitions) up to and including the calling of summons in court	£107.95
<i>Note:</i>	Precognitions to be charged as in Part V, paragraph 5 of this Chapter	
2.	<i>Incidental procedures</i> Fixing diet, enrolling action, preparation for proof, citing witnesses, etc.	£61.10
3.	<i>Amendment</i> (a) (a) Where summons amended, where re-service is not ordered, and motion is not starred	£15.40
	(b) (b) Where summons amended, where re-service is not ordered and motion is starred	£22.55
	(c) (c) Where summons amended and re-services is ordered	£28.55

4. *Commissions to take evidence on interrogatories*
- (a) (a) Basic fee to cover all work up to and including lodging completed interrogatories £22.55
  - (b) (b) Additional £4.75 fee for completed interrogatories, including all copies—per sheet
5. *Commissions to take evidence on open commission*
- (a) (a) Basic fee £25.45 to solicitor applying for commission but excluding attendance at execution thereof
  - (b) (b) Attendance £13.05 at execution of commission—per half hour
- 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* £75.95  
*fee*—excluding accounts of expenses but including instructing counsel for proof, attendance at proof, settling with witnesses, borrowing and returning productions, procuring the interlocutor, and obtaining extract decree of divorce
8. *Accounts*
- Framing and lodging account £24.30  
and attending taxation
- 

### PART III

#### —UNDEFENDED CONSISTORIAL ACTIONS: AFFIDAVIT PROCEDURE

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

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- (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) the pursuer seeks to prove those facts by means of affidavits—
  - the pursuer's solicitor may in respect of the work specified in column 1 of Table A in this paragraph charge, in a case where he is an Edinburgh solicitor acting alone, the inclusive fee specified in respect of that work in column 2 of that Table, and, in any other case, the inclusive fee specified in respect of that work in column 3 of that Table.

**TABLE A**

Column 1 <i>Work done</i>	Column 2 <i>Inclusive fee Edinburgh solicitor acting alone</i>	Column 3 <i>Inclusive fee any other case</i>
1. All work to and including calling of the summons	£157.45	£180.00
2. All work from calling to and including swearing affidavits	£112.50	£135.00
3. All work from swearing affidavits to and including sending extract decree	£33.75	£50.60
4. All work to and including sending extract decree	£303.75	£365.60
Add session fee to item 4	of 7½%	of 10%

- 2. In any undefended action of divorce or separation where—
  - (a) the facts set out in section 1(2)(a) (adultery), 1(2)(c) (desertion), 1(2)(d) (two years' non-cohabitation and consent) or 1(2)(e) (five years' non-cohabitation) of the Divorce (Scotland) Act 1976 are relied on; and
  - (b) the pursuer seeks to prove these facts by means of affidavits—
    - the pursuer's solicitor may in respect of the work specified in column 1 of

(4) 1976 c. 39.



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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 <i>Work done</i>	Column 2 <i>Inclusive fee Edinburgh solicitor acting alone</i>	Column 3 <i>Inclusive fee any other case</i>
1. All work to and including calling of the summons	£129.35	£151.85
2. All work from calling to and including swearing affidavits	£61.90	£78.75
3. All work from swearing affidavits to and including sending extract decree	£33.75	£50.60
4. All work to and including sending extract decree	£225.00	£281.20
Add session fee to item 4	of 7½%	of 10%
3.	<p>If—</p> <p>(a) the pursuer's solicitor charges an inclusive fee under either paragraph 1 or paragraph 2 of this Part, and</p> <p>(b) the action to which the charge relates includes a conclusion 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 <i>Work done</i>	Column 2 <i>Inclusive fee</i>
1. All work to and including calling of the summons	£31.50
2. All work from calling to and including swearing affidavits	£35.95
3 All work under items 1 and 2	£67.45

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Column 1 <i>Work done</i>	Column 2 <i>Inclusive fee</i>
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                                      | £159.10 |
|    | (b) (b) in any other case   | £222.00 |

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

**B. Apposed petitions**

- |    |  |         |
|----|--|---------|
| 2. | Fee for all work (other and precognitions) up to and including lodging petition, obtaining and executing warrant for service | £107.95 |
|----|--|---------|

*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 | £19.00 |

- (b) (b) For any other report as under Part V, paragraph 6 of this Chapter.

- |    |                           |        |
|----|---------------------------|--------|
| 5. | Obtaining Bond of caution | £19.00 |
|----|---------------------------|--------|

PART V  
—DEFENDED ACTIONS

- 
1. *Instruction fee*
- (a) (a) T cover all £149.55  
work (apart from  
precognitions) until  
lodgement of open  
record
  - (b) (b) Instructing £16.00  
re-service where  
necessary
  - (c) (c) Ic counter- £31.50  
claim lodged,  
additional fee for  
solicitor for each  
party
2. *Record fee*
- (a) (a) To cover all £159.10  
work in connection  
with adjustment and  
closing of record  
including subsequent  
work in connection  
with By Order  
Adjustment roll
  - (b) (b) To cover £99.10  
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 £16.00
    - (ii) Attendance at £15.05  
consultation—per half  
hour
  - (d) (d) Additional fee £46.85  
(to include necessary  
amendments) to the  
solicitors for the  
existing pursuer  
and each existing

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defender, to be  
allowed for each  
pursuer, defender or  
third party brought in  
before the record is  
closed, each of

- (e) (e) Additional £70.00  
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 £31.50  
for discussion and  
all work incidental  
thereto including  
instruction of counsel
- (b) (b) Attendance at £13.05  
court—per half-hour
- (c) (c) Advising £23.75  
and work incidental  
thereto

4.

*Adjustments of issues and  
counter-issues*

- (a) (a) Fee to £30.30  
solicitor for pursuer  
to include all work  
in connection with  
and incidental to the  
lodging of an issue,  
and adjustment and  
approval thereof
- (b) (b) If one counter- £8.35  
issue, additional fee  
to solicitor for  
pursuer
- (c) (c) If more than £3.60  
one counter-issue,  
additional fee to  
solicitor for pursuer  
for each additional  
counter-issue

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- (d) (d) Fee to solicitor £30.30  
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 £8.35  
for defender or third  
party for considering  
issue where no  
counter-issue lodged
- (f) (f) Fee to £3.60  
solicitor for defender  
or third party  
for considering each  
additional counter-  
issue

3. Taking and drawing £15.40  
precognition—per sheet

*Note:*

- (i) (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 £33.25  
all work incidental  
thereto
- (b) (b) Additional fee £4.75  
per sheet of report  
to include all copies  
required (maximum  
£33.05)

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7.

*Specification of documents*

- (a) (a) Basic fee £31.50  
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 £15.40  
opponent's solicitor
- (c) (c) If commission £13.05  
executed, additional  
fee—per half hour
- (d) (d) If alternative £12.50  
procedure adopted,  
fee per person upon  
whom order served

8.

*Commission to take evidence  
on interrogatories*

- (a) (a) Basic fee £63.50  
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 £51.05  
fee to opposing  
solicitor if cross-  
interrogatories  
lodged
- (c) (c) Fee to £19.00  
opposing solicitor  
if no cross-  
interrogatories  
lodged
- (d) (d) Additional fee £4.75  
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 £70.00  
to solicitor applying  
for commission up  
to and including  
lodging report of  
commission, but  
excluding attendance  
at execution thereof
- (b) (b) Basic fee to £31.50  
opposing solicitor
- (c) (c) Attendance £13.05  
at execution of  
commission—per  
half hour

10.

*Miscellaneous motions where  
not otherwise covered by this  
Chapter*

- (a) (a) Where £8.35  
attendance of counsel  
or solicitor or both  
not required
- (b) (b) Where £23.75  
attendance of counsel  
or solicitor or both  
required, inclusive of  
instruction of counsel  
—not exceeding half  
hour
- (c) (c) Thereafter £13.05  
attendance fee—per  
additional half hour

11.

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

Fixing diet, obtaining note £89.05  
on the line of evidence, etc., FILE 89149506.TIF TO GO  
borrowing and returning HERE.  
process, lodging productions,  
considering opponent's  
productions, and all other work  
prior to the consultation on the  
sufficiency of evidence

3.

*Summer or Short Roll*

- (a) (a) Preparing for £46.85  
discussion, instructing

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	counsel, and preparing appendix	
	(b) (b) Attendance fee	£13.05
	—per half-hour	
4.	Where applicable the fees set out in Part V of this Chapter may be charged.	
5.	<i>Special cases and Inner House peritions</i>	
	According to circumstances of the case.	
6.	Obtaining bond of Caution	£19.00

## 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.	Action (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	£46.85
	In cases where settlement is effected after service of a writ	£40.40



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	but before the expiry of the period of notice	
4.	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	£222.00

## Part II

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

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

**TABLE A**

Column 1 <i>Work done</i>	Column 2 <i>Inclusive fee</i>
1. All work to and including the period of notice	£157.45
2. All work from the period of notice to and including swearing affidavits	£112.50
3. All work from swearing affidavits to and including sending extract decree	£33.75

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Column 1 <i>Work done</i>	Column 2 <i>Inclusive fee</i>
4. All work to and including sending extract decree	£303.75
Add process fee to item 4	of 10%
2.	<p>In any undefended action of divorce or separation and aliment where—</p> <p>(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</p> <p>(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 <i>Work done</i>	Column 2 <i>Inclusive fee</i>
1. All work to and including the period of notice	£129.35
2. All work from the period of notice to and including swearing affidavits	£61.90
3. All work from swearing affidavits to and including sending extract decree	£33.75
4. All work to and including sending extract decree	£225.00
Add process fee to item 4	of 10%

If—

- (a) the pursuer's solicitor charges an inclusive fee under either paragraph 1 or paragraph 2 of this Part; and
- (b) the action to which the charge relates includes a crave relating to an ancillary matter—
- in addition to that fee, he may charge in respect of the work specified in column 1 of Table C in this paragraph the inclusive fee specified in respect of that work in column 2 of that Table.

Column 1 <i>Work done</i>	Column 2 <i>Inclusive fee</i>
1. All work to and including the period of notice	£61.25

## CHAPTER II

1.	<i>Instruction fee</i> —to cover all work (except as hereinafter otherwise specially provided for in this Chapter) to the lodging of defences including copyings	£101.50
	Additional fee where separate statement of facts and counter claim answers lodged	£35.65
2.	<i>Additional fee</i> —to cover all work (except as hereinafter otherwise specially provided for in this Chapter) to the lodging of defences including copyings—	£151.90
	(a) Fee to solicitor for any party	
	(b) (b) Fee to each original party's solicitor if action settled before record is closed	£101.50
	(c) (c) Additional fee to each original party's solicitor if additional defender brought in before closing of record	£17.80
	(d) (d) Additional fee to each original party's solicitor if additional defender brought in after closing of record	£25.50
3.	<i>Fee for framing affidavits</i> —per sheet	£6.60

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	(a) (a) <i>Debate fee</i> —	£76.05
	to include preparation for and conduct of any hearing or debate other than on evidence, enquiring for cause at avizandum and noting interlocutor— When debate does not exceed 1 hour	
	For every half hour engaged after the first hour	£17.80
	<i>Interim interdict hearings</i> —	£44.45
	Fursuer'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	
5.	<i>Precognitions</i> —taking and drawing—per sheet	£15.40
<i>Note:</i>	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.	<i>Report obtained under order of court, excluding auditor's report</i>	£33.25
	(a) Fee for all work incidental thereto	
	(b) (b) Additional fee	£4.75
	per sheet of report to include all copies required (maximum £33.05)	
6	<i>Commissions to take evidence</i>	£94.95
	(a) On interrogatories	
	(a) Fee to solicitor applying for commission to	

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include drawing,  
intimating and lodging  
motion, drawing and  
lodging interrogatories,  
instructing commissioner  
and all incidental work  
(except as otherwise  
specially provided for  
in this Chapter) but  
excluding attendance at  
execution of commission

Fee to opposing solicitor £63.50  
if cross-interrogatories  
prepared and lodged

If no cross- £19.00  
interrogatories lodged

(b) (b) Open £57.00  
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

Fee to solicitor for £31.50  
opposing party

Fee for attendance at execution £17.80  
of commission—per half hour

Travelling time—per half £13.05  
hour

7. *Specification of documents* £39.20

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

Inclusive fee to opposing £25.45  
solicitor

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	Fee for citation of havers, preparation for and attendance before commissioner at execution of commission—	£35.65
	Where attendance before commissioner does not exceed 1 hour	
	For each additional half hour after the first hour	£17.80
	If commission not executed —fee for serving each party with a copy fo specification to include recovering and examining documents or productions referred to therein	£7.80
8.	<i>Amendment of record</i>	£43.35
	Fee to cover drawing, intimating and lodging minute of amendment and relative motion and relative attendance at court—	
	(a) Where answers lodged	
	(b) (b) Where no answers lodged	£28.55
	Inclusive fee of solicitor—	£35.65
	(a) Where answers lodged	
	(b) (b) Where no answers lodged	£23.75
	Additional fee to solicitor for each party for adjustment of minute and answers, where applicable	£31.50
9.	<i>Motions and minutes</i>	£44.45
	Fee to cover drawing, intimating and lodging any written motion or minute, including a reponing note, and relative attendances at court (except as otherwise provided for in this Chapter)—	
	(a) Where opposed	
	(b) (b) Where unopposed (including for each party a joint minute other	£31.50

- than under paragraph  
14(b))
- Fee to cover considering £25.45  
opponent's written motion,  
minute or reponing note and  
relative attendances at court—  
(a) Where motion, minute or  
reponing note opposed  
(b) (b) Where motion, £16.10  
minute or reponing  
note unopposed
10. *Procedure preliminary to proof* £63.50  
(a) Fee to cover fixing diet  
of proof, citation of  
witnesses, and generally  
preparing for proof and  
if necessary instructing  
shorthand writer  
(b) (b) Fee to £38.00  
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 £16.10  
and lodging and  
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 £8.35  
productions, opponent's  
solicitor's fee for considering  
same
11. *Conduct of proof* £17.80  
Fee to cover conduct of proof  
and debate on evidence if  
taken at close of proof—per  
half hour

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	If counsel employed, fee to solicitor appearing with counsel—per half hour	£13.05
12.	<i>Debate on evidence</i>	£31.50
	Where debate on evidence not taken at conclusion of proof, fee for preparing for debate	
	Fee for conduct of debate—perhalf hour	£17.80
	If counsel employed, fee to solicitor appearing with counsel—per half hour	£13.05
13.	<i>Appeals</i>	£59.40
	(a) To sheriff principal	
	(a) Fee to cover instructions, marking of appeal or noting that appeal marked, noting diet of hearing thereof and preparation for hearing	
	Fee to cover conduct of hearing—per half hour	£17.80
	If counsel employed, fee to solicitor appearing with counsel—per half hour	£13.05
	(b) (b) To Court of Session	£29.65
	Fee to cover instructions, marking appeal or noting that appeal marked and instructing Edinburgh correspondents	
14.	<i>Settlements</i>	£35.00
	(a) Judicial tender	
	(a) Fee for preparation and lodging or for consideration of minute of tender	
	Fee on acceptance of tender, to include preparation and lodging or consideration of minute of acceptance and	£26.15



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	attendance at court when decree granted in terms thereof	
	(b) (b) Extra-judicial settlements	£59.40
	Fee to cover negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto	
15.	<i>Final procedure</i>	£46.85
	Fee to cover settling with witnesses, enquiries for cause at avizandum, noting final interlocutor	
	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	£38.00
	Fee to cover considering apponent's account of expenses and attending diet of taxation or adjusting account with opponent	£11.90
16.	<i>Copying fees</i>	£0.81
	Copying all necessary papers by any means—	
	First copy—per sheet	
	Additional copies—per sheet	£0.34
<i>Note:</i>	A sheet shall be 250 words. When copied by photostatic or similar process, each page shall be charges as one sheet.	
17.	<i>Process fee</i>	
	Fee to cover all consultations between solicitor and client	

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	during the progress of the cause and all communications, written or verbal, passing between them:	
	10% on total fees (including copying fees) allowed on taxation.	
18.	<i>Fee for instruction of counsel</i>	£19.50
	Fee for instructing counsel to revise record	
	Fee for instructing counsel to conduct debate or proof	£39.20
	Fee for instructing counsel to conduct appeal to sheriff principal	£39.20
<i>Note:</i>	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	£17.80
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) Solicitor—per half hour (b) Allowance for time of clerk—one half of above.	£13.05
<i>Note:</i>	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	£4.20

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4. Framing affidavits—per sheet £6.60
  5. Revising papers where revision ordered—for each five sheets £1.80
  6. Copying all necessary papers by any means—  
First copy—per sheet £0.81  
Additional copies—per sheet £0.34
- Note:* When copied by photostatic or similar process each page shall be charged as one sheet.
7. Certifying or signing a document £1.80
  8. Perusing any document (other than a letter) not exceeding 2 sheets in length £3.60  
For each 2 sheets thereafter £3.60
  9. *Lodging in process* £1.80  
Each necessary lodging in or uplifting from process or each necessary enquiry for documents due to be lodged
  10. *Borrowing process* £1.80  
Each necessary borrowing of process to include return of same
  11. *Extracts* £8.35;  
Ordering, procuring and examining extracts, interim or otherwise
  12. *Correspondence, intimations, etc.*
    - (a) (a) Formal letters and intimations £0.85
    - (b) (b) Letters other than above—per page of 125 words £3.60
    - (c) (c) Telephone calls except those to which subpaagraph (d) below applies £1.80
    - (d) (d) Telephone calls (lengthy) to be

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- treated as attendances  
or long letters.
13. *Citations* £3.60
- Each citation of party or  
witness including execution  
thereof
14. *Instructions to officers* £1.80
- Instructing officers to serve,  
execute or intimate various  
kinds of writs or diligence  
including the examination or  
executions
- For each party after the first on £1.80  
whom service or intimation is  
simultaneously made
- Agency accepting service of £3.60  
any writ
- Reporting diligence £3.60
15. *Personal diligence*
- (a) (a) Recording £3.60  
execution of charge
- (b) (b) Procuring fiat £3.60
- (c) (c) Instructing £3.60  
apprehension
- (d) (d) Framing £5.40  
state of debt  
and attendance at  
settlement
16. *Sales*
- (a) (a) Obtaining £3.60  
warrant to sell
- (b) (b) Instructing £3.60  
auctioneer or officer  
to conduct sale
- (c) (c) Perusing £3.60  
report of sale
- (d) (d) Reporting £2.40  
sales under poindings  
or sequestrations or  
any other judicial  
sales
- (e) (e) Noting £2.40  
approval of roup roll

- (f) (f) Obtaining £2.40  
warrant to pay
- 

## CHAPTER IV

### —SUMMARY CAUSE

#### *Part I*

#### *—Undefended actions*

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- |    |  |        |
|----|--|--------|
| 1. | Fee, to include raking<br>instructions, framing summons<br>and statement of claim,<br>obtaining warrant for service,<br>serving, instructing service<br>as necessary by sheriff<br>officer (where appropriate),<br>attendance endorsing miniutre<br>for and obtaining decree in<br>absence and extract decree and<br>including posts and incidents | £35.00 |
| 2. | <i>Service</i><br><br>(a) (a) Citation £4.00<br>by post wheresoever<br>after the first citation<br>for each party<br><br>(b) (b) Framing and £11.25<br>instructing service<br>by advertisement—<br>for each party  |        |
| 3. | Attendance at court  | £11.25 |
- 

#### *Part II*

#### *—Defended actions*

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- |    |   |  |
|----|---|--|
| 1. | (a) (a) Instruction £48.10<br>fee for pursuer's<br>solicitor, to include<br>taking instructions,<br>framing summons<br>and statement of<br>claim, obtaining<br>warrant for service,<br>enquiring for notice<br>of intention to<br>defend, attendance at |  |
|----|---|--|

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first calling, noting  
defence

- (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—

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 £4.00  
by post within the  
United Kingdom, Isle  
of Man, Channel  
Islands, or the  
Republic of Ireland—  
for each party

Citation by post £8.55  
elsewhere—for each  
party

- (b) (b) Instructing £4.00  
service or reservice  
by sheriff officer  
including perusing  
execution of citation  
and settling sheriff  
officer's fee—for  
each party

- (c) (c) Framing and £12.50  
instructing service  
by advertisement—  
for each party

3.

*Attendance at court*

Attendance at any diet except £12.50  
as otherwise specifically  
provided

4. Preparing for proof, to include all work in connection with proof not otherwise provided for £43.45
5. Fee to cover preparing for adjourned diet and all incidental work if diet postponed for more than 6 days—for each adjourned diet £21.75
6. Drawing and lodging inventory of productions, lodging the productions specified therein and considering opponents' productions (to be charged once only in each process) £18.50  
Where only one party lodges productions, opponent's solicitor's fee for considering same £8.55
7. *Precognition*  
Drawing precognitions, including instructions, attendances with witnesses and all relative meetings and correspondence—per witness £18.50  
Where precognition exceeds 2 sheets—for each additional sheet £8.55
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 opposed £26.40
  - (b) (b) Where unopposed (including for each party a joint minute or joint motion) £15.85
9. Fee to cover considering opponent's written motion or minute, excluding a minute or

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motion to recall decree, and  
relative attendance at court—

- (a) (a) Where motion £21.75  
or minute opposed
- (b) (b) Where motion £12.50  
of minute unopposed

10.

*Conduct of proof*

Fee to cover conduct of proof £12.50  
and debate on evidence taken  
at close of proof—per half  
hour

Waiting time—per half hour £6.65

11.

*Settlements*

Judicial tender—

Fee for consideration of, £26.40  
preparing and lodging minute  
of tender

Fee for consideration and £18.50  
rejection of tenders

Fee on acceptance of tender £18.50  
—to include preparing and  
lodging, or consideration of,  
minute of acceptance and  
attendance at court when  
decree granted in terms thereof

Extra-judicial settlement— £43.45  
fee to cover negotiations  
resulting in settlement, framing  
or revising joint minute and  
attendance at court when  
authority interposed thereto

12.

*Specification of documents*

- (a) (a) Fee to cover £21.75  
drawing, intimating  
and lodging  
specification of  
documents and  
relative motion and  
attendance at court
- (b) (b) Inclusive fee £19.85  
to opposing solicitor
- (c) (c) Fee to £12.50  
solicitor for each  
party for citation  
of havers, preparation



for and attendance  
before commissioner  
—for each half hour

- (d) (d) If alternative £8.55  
procedure adopted,  
fee per person upon  
whom order served

13.

*Commissions to take evidence*

- (a) (a) Fee to cover £26.40  
drawing, lodging and  
intimating motion and  
attendance at court—

(i) Where opposed

- (ii) Where unopposed £15.85

- (b) (b) Fee to £21.75  
cover considering  
such motion and  
attendance at court—

(i) Where opposed

- (ii) Where unopposed £12.50

- (c) (c) Fee to £12.50  
cover instructing  
commissioner and  
citing witness

- (d) (d) Fee to cover £8.55  
drawing and lodging  
interrogatories and  
cross-interrogatories  
—per sheet

- (e) (e) Attendance £11.90  
before commissioner  
—per hour

Travelling time—per hour £7.95

14.

Supplementary note of defence £8.55  
(when leave granted to lodge)

15.

*Appeals*

Fee to cover instructions, £59.40  
marking of appeal or noting  
that appeal marked, noting  
of diet of hearing thereof and  
preparations for hearing

Fee to cover conduct of £12.50  
hearing—per half hour

16.

*Final Procedure*

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Fee to cover settling with witnesses, enquiries at avizandure, noting final interlocutor	£26.40
Fee to cover drawing account of expenses, arranging, intimating and attending hearing on expenses, and obtaining approval of sheriff clerk's report	£26.40
Fee to cover considering opponent's account of expenses and attendance at hearing on expenses	£12.50

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## CHAPTER V

### EXECUTIVE BUSINESS

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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 £26.70
  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 £26.70
  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 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 9% and will apply to work done on or after 31st August 1989.

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.