

2014 No. 15

COURT OF SESSION

**Act of Sederunt (Rules of the Court of Session Amendment)
(Fees of Solicitors) 2014**

Made - - - - - *20th January 2014*
Laid before the Scottish Parliament *21st January 2014*
Coming into force - - - *1st March 2014*

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 5 of the Court of Session Act 1988(a) and of all other powers enabling them in that behalf, do hereby enact and declare:

Citation, commencement and interpretation

- 1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session Amendment) (Fees of Solicitors) 2014.
- (2) It comes into force on 1st March 2014.
- (3) A certified copy of this Act of Sederunt is to be inserted in the Books of Sederunt.

Amendment of the Rules of the Court of Session

2. The Rules of the Court of Session 1994(b) are amended in accordance with paragraph 3.

Table of fees

- 3.—(1) Subject to subparagraph (4), rule 42.16 (table of fees)(c) is amended in accordance with the following subparagraphs.
- (2) After subparagraph (1) insert—
- “(1A) In addition to the matters set out in the Table of Fees, travel time at a rate of £35 per quarter hour may be claimed on cause shown at the discretion of the Auditor.”.
- (3) The Table of Fees in rule 42.16(3) is amended as follows—
- (a) for Chapter I (table of detailed charges) substitute the Chapter set out in Schedule 1;
- (b) in Chapter III—
- (i) for Part I (undefended causes) substitute the Part set out in Schedule 2;

(a) 1988 c.36. Section 5 was amended by the Civil Evidence (Scotland) Act 1988 (c.32), section 2(3); the Children (Scotland) Act 1995 (c.36), Schedule 4 paragraph 45; the Vulnerable Witnesses (Scotland) Act 2004 (asp 3), section 14(1); the Judiciary and Courts (Scotland) Act 2008 (asp 6), section 46(3); and the Legal Services (Scotland) Act 2010 (asp 16), section 126(a).

(b) S.I. 1994/1443, last amended by S.S.I. 2013/317.

(c) Rule 42.16 was last amended by S.S.I. 2013/111.

- (ii) for Part II (undefended consistorial actions) substitute the Part set out in Schedule 3;
- (iii) in Part III (undefended consistorial actions (affidavit procedure)) for Tables A, B and C substitute the respective tables set out in Schedule 4;
- (iv) for Part IV (Outer House petitions) substitute the Part set out in Schedule 5;
- (v) for Part V (defended actions) substitute the Part set out in Schedule 6;
- (vi) for Part VA (defended personal injuries actions etc.) substitute the Part set out in Schedule 7;
- (vii) for Part VI (Inner House business) substitute the Part set out in Schedule 8.

Saving

4. Paragraph 3 does not affect fees chargeable for work done, or outlays incurred, before 1st March 2014.

BRIAN GILL
Lord President
I.P.D.

Edinburgh
20th January 2014

SCHEDULE 1

Paragraph 3(3)(a)

CHAPTER 1

TABLE OF DETAILED CHARGES

	£
1. Framing documents	
(a) Framing precognitions and other papers (but not including affidavits, witness summaries and witness statements), per sheet	19.50
(b) Framing formal documents such as inventories and title pages, etc., per sheet	9.75
(c) Framing affidavits and (where ordered by the court) witness summaries and witness statements, per sheet	39.00
(d) Framing accounts of expenses, per sheet	19.50
<u>Note:</u>	
Where a skilled witness prepares his or her own precognition or report, the solicitor shall be allowed for perusing it (whether or not in the course of so doing he or she revises or adjusts it), half of the framing fee per sheet.	
2. Copying	
For the copying of papers by whatever means—	
(a) where a copy is required to be lodged, or sent, in pursuance of any of rules 4.7, 22.1 and 22.3, such charge as the Auditor may from time to time determine (and the Auditor may make different provision for different classes of case); and	
(b) in any other case, if the Auditor determines (either or both) that—	
(i) the copying had to be done in circumstances which were in some way exceptional;	
(ii) the papers which required to be copied were unusually numerous having regard to the nature of the cause,	
such charge, if any, as the Auditor considers reasonable (but a charge based on time expended by any person in copying shall not be allowed)	
<u>Note:</u>	
1. Where a determination is required under subparagraph (b), the purpose of copying, the number of copies made and the charge claimed shall be shown in the account.	
2. Copying done other than in the place of business of the solicitor shall be shown as an outlay.	
3. Revising	
Papers drawn by counsel or other person having a right of audience, open and closed records, etc., for each five sheets or part of a sheet	9.75
4. Citation of parties, witnesses, havers and instructions to messenger-at-arms	
(a) Each party	19.50
(b) Each witness or haver	19.50

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| (c) Instructing messenger-at-arms including examining, execution and settling fee | 19.50 |
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5. Time charge

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| (a) Preparation for proof, jury trial or any other hearing at court, per quarter hour (or such other sum as in the opinion of the Auditor is justified) | 39.00 |
| (b) Attendance at meetings, proof, jury trial or any other hearing at court including waiting time, or consultation with counsel or other person having a right of audience, per quarter hour (or such other sum as in the opinion of the Auditor is justified) | 39.00 |
| (c) Perusal of documents per quarter hour (or such other sum as in the opinion of the Auditor is justified) | 39.00 |
| (d) Allowance for time of clerk, one-half of the above | |
| (e) Attendance at Office of Court— | |
| (i) for making up and lodging process | 19.50 |
| (ii) for lodging all first steps of process | 19.50 |
| (iii) for performance of formal work (other than work under head (ii)) | 9.75 |

Note:

In the event of a party in a proof or jury trial being represented by one counsel or other person having a right of audience 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 attendance of the solicitor.

6. Correspondence

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| (a) Letters including instruction to counsel or other person having a right of audience (whether sent by hand, post, telex or facsimile transmission), each page of 125 words | 19.50 |
| (b) Formal letters | 4.88 |
| (c) Telephone calls (except under subparagraph (d)) | 9.75 |
| (d) Telephone calls (lengthy), to be charged at attendance rate | |

Note:

In relation to subparagraph (d), whether a telephone call is “lengthy” will be determined by the Auditor.

SCHEDULE 2

Paragraph 3(3)(b)(i)

CHAPTER III

PART I – UNDEFENDED CAUSES (OTHER THAN CONSISTORIAL ACTIONS)

1. Inclusive fee

£

In all undefended causes where no proof is led, the pursuer's solicitor may at his or her option elect to charge an inclusive fee to cover all work from taking instructions up to and including obtaining extract decree. The option shall be exercised by the solicitor for the pursuer endorsing a minute of election to the above effect on the principal summons or petition before decree is taken.

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|------------------------------------------------------------------------------------------------------|--------|
| (a) All work up to and obtaining extract decree | 351.00 |
| (b) Outlays to an amount not exceeding £448.50 (exclusive of value added tax) shall also be allowed. | |

SCHEDULE 3

Paragraph 3(3)(b)(ii)

PART II – UNDEFENDED CONSISTORIAL ACTIONS (OTHER THAN BY AFFIDAVIT PROCEDURE IN PART III OF THIS CHAPTER)

	£
1. Instruction	
All work (apart from precognitions) up to and including the calling of the summons in court	468.00
<u>Note:</u>	
Precognitions to be charged as in paragraph 10 of Part V of this Chapter of this Table.	
2. Incidental procedure	
Fixing diet, enrolling action, preparing for proof, citing witnesses, etc.	273.00
3. Amendment	
(a) Where summons amended, re-service is not ordered and motion is not starred	78.00
(b) Where summons amended, re-service is not ordered and motion is starred	97.50
(c) Where summons amended and re-service is ordered	117.00
4. Commission to take evidence on interrogatories	
(a) All work up to and including lodging of completed interrogatories, but excluding attendance at execution of commission	117.00
(b) Attendance at execution of commission (if required), per quarter hour	39.00
(c) In addition a fee per sheet for completed interrogatories (including all copies)	19.50
5. Commission to take evidence on open commission	
(a) All work up to and including lodging of report of commission, but excluding attendance at execution of commission	117.00
(b) Attendance at execution of commission, per quarter hour	39.00
6. Other matters	
Where applicable, charges under paragraphs 11, 12, 15, 20 and 22 of Part V of this Chapter of this Table.	
7. Proof and completion fee	
All work to and including sending extract decree, but excluding account of expenses	351.00
8. Accounts	
Framing and lodging account and attending taxation	117.00

SCHEDULE 4

Paragraph 3(3)(b)(iii)

PART III – UNDEFENDED CONSISTORIAL ACTIONS (AFFIDAVIT PROCEDURE)

Table A

<i>Column 1 Work Done</i>	<i>Column 2 Inclusive fee</i>	<i>Column 3 Discretionary inclusive fee Edinburgh solicitor and solicitor outside Edinburgh</i>
	£	£
1. All work to and including calling of the summons	780.00	897.00
2. All work from calling to and including swearing affidavits	546.00	663.00
3. All work from swearing affidavits to and including sending extract decree	156.00	273.00
4. All work to and including sending extract decree	1,482.00	1,833.00

Table B

<i>Column 1 Work Done</i>	<i>Column 2 Inclusive fee</i>	<i>Column 3 Discretionary inclusive fee Edinburgh solicitor and solicitor outside Edinburgh</i>
	£	£
1. All work to and including calling of the summons	624.00	741.00
2. All work from calling to and including swearing affidavits	312.00	429.00
3. All work from swearing affidavits to and including sending extract decree	156.00	273.00
4. All work to and including sending extract decree	1,092.00	1,443.00

Table C

<i>Column 1</i> <i>Work done</i>	<i>Column 2</i> <i>Discretionary inclusive</i> <i>fee Edinburgh solicitor</i> <i>and solicitor outside</i> <i>Edinburgh</i> <i>£</i>
1. All work to and including calling of the summons	156.00
2. All work from calling to and including swearing affidavits	156.00
3. All work under items 1 and 2	312.00

SCHEDULE 5

Paragraph 3(3)(b)(iv)

PART IV – OUTER HOUSE PETITIONS

	£
1. Unopposed petition	
(a) All work including precognitions and all copyings, up to and obtaining extract decree	702.00
(b) Where the party has been represented by an Edinburgh solicitor and a solicitor outside Edinburgh, the Auditor may, if satisfied that it was appropriate for the party to be so represented, allow a fee of	936.00
(c) Outlays including duplicating charges to be allowed in addition.	
2. Opposed petition	
(a) All work (other than precognitions) up to and including lodging petition, obtaining and executing warrant for service	546.00
(b) Outlays including duplicating charges to be allowed in addition	
(c) Where applicable, charges under paragraphs 2, 3, 4, 6(a) to (c), 7 and 10 to 26 of Part V of this Chapter.	
3. Reports in opposed petitions	
(a) For each report by the Accountant of Court	78.00
(b) For any other report, as under paragraph 11 of Part V of this Chapter.	
4. Obtaining a bond of caution	78.00

SCHEDULE 6

Paragraph 3(3)(b)(v)

PART V – DEFENDED ACTIONS

	£
1. Instruction	
(a) All work (apart from precognitions) from commencement until lodgement of open record	702.00
(b) Instructing re-service where necessary	78.00
(c) If counterclaim lodged, additional fee for each party	156.00
2. Work before action commences	
All work which the Auditor is satisfied has reasonably been undertaken in contemplation of, or preparatory to, the commencement of proceedings (or such other sum as in the opinion of the Auditor is justified)	702.00
3. Lodging productions	
(a) For lodging productions – each inventory	78.00
(b) For considering opponent’s productions – each inventory	39.00
4. Record	
(a) All work in connection with adjustment and closing of record (including subsequent work in connection with By Order (Adjustment) Roll, except in actions proceeding under Chapter 42A)	780.00
(b) All work as above, so far as applicable, where cause settled or disposed of before record closed	468.00
(c) If consultation held before record closed, additional fees may be allowed as follows—	
(i) arranging consultation	78.00
(ii) attendance at consultation, per quarter hour	39.00
(d) Additional fee to subparagraph (a) or (b) (to include necessary amendments) to be allowed to every existing party for each pursuer, defender or third party brought in before the record is closed	234.00
(e) Additional fee to every existing party if an additional pursuer, defender or third party is brought in after the record is closed	351.00
(f) Fee allowable to a new pursuer who requires to be brought in as a result of the death of an existing pursuer	234.00
5. By Order (Adjustment) Roll in actions proceeding under Chapter 42A	
(a) Fee to cover preparing and instruction of counsel or other person having a right of audience to include attendance not exceeding half an hour	117.00
(b) Thereafter attendance fee, per quarter hour	39.00
6. Notes of Argument, Statements of Facts or Issues and Notes of Proposals for Further Procedure	
(a) Instructing, perusing and lodging first Note of Arguments (either party)	156.00
(b) Perusing opponent’s Note of Arguments	78.00
(c) Instructing, perusing and lodging any further Note of Arguments (either party)	78.00

(d) Instructing, perusing and lodging (each) Statement of Facts or Issues	117.00
(e) Perusing opponent's Statement of Facts or Issues (each)	78.00
(f) Instructing, revising and lodging (each) Note of Proposals for Further Procedure	117.00
(g) Perusing opponent's Note of Proposals for Further Procedure (each)	78.00
7. Procedure Roll, preliminary, procedural or other hearing	
(a) Preparing for hearing including all work, incidental work and instruction of counsel or other person having a right of audience	156.00
(b) Attendance fee, per quarter hour	39.00
(c) Advising and work incidental to it	117.00
8. Valuation of claim in actions proceeding under Chapter 42A	
(a) Fee to cover note on quantum/valuation of claim	468.00
(b) Opponent's fee for inspection of valuation of claim	234.00
(c) Inspection of documents, per quarter hour	39.00
9. Adjustment of issues and counter issues	
(a) All work in connection with and incidental to the lodging of an issue and adjustment and approval of it	156.00
(b) If one counter-issue, additional fee to pursuer	39.00
(c) Where more than one counter-issue, an additional fee to pursuer for each additional counter-issue	19.50
(d) All work in connection with and incidental to the lodging of a counter-issue and adjustment and approval of it	156.00
(e) Fee to defender or third party for considering issue where no counter-issue lodged	39.00
(f) Fee to defender or third party for considering each additional counter-issue	19.50
10. Precognitions, affidavits and (where ordered by the court) witness summaries and witness statements	
(a) Taking and drawing precognitions, per sheet	78.00
(b) All work in connection with preparation and lodging of affidavits and (where ordered by the court) witness summaries and witness statements, per sheet	78.00
(c) Perusing opponent's witness summaries, witness statements and affidavits, per sheet	39.00
<u>Note:</u>	
Where a skilled person prepares his or her own precognition or report, the solicitor shall be allowed, for perusing it (whether or not in the course of doing so he or she revises or adjusts it), half of the taking and drawing fee per sheet.	
11. Reports obtained under order of court excluding Auditor's report	
(a) All work incidental to it	156.00
(b) Additional, fee for perusal of report, per quarter hour (or such other sum as in the opinion of the Auditor is justified)	35.00

12. Specification of documents

(a) Instructing counsel or other person having a right of audience, revising and lodging and all incidental procedure to obtain a diligence up to and including obtaining interlocutor	156.00
(b) Fee to opponent	78.00
(c) Arranging commission to recover documents, citing havers, instructing commissioner and shorthand writer and preparation for commission	156.00
(d) Fee to opponent	78.00
(e) Attendance at execution of commission, per quarter hour	39.00
(f) If alternative procedure adopted, a fee per person on whom order served	58.50
(g) Fee for perusal of documents recovered under a specification of documents (or by informal means) where not otherwise provided for in the Table of Fees, per quarter hour	39.00

13. Commission to take evidence on interrogatories

(a) Applying for commission to cover all work up to and including lodging report of commission with completed interrogatories and cross-interrogatories	312.00
(b) Fee to opponent if cross-interrogatories lodged	234.00
(c) Fee to opponent if no cross-interrogatories lodged	97.50
(d) In addition to above, fee per sheet to each party for completed interrogatories or cross-interrogatories, including all copies	19.50

14. Commission to take evidence on open commissions

(a) Applying for commission up to and including lodging report of commission, but excluding subparagraph (c)	351.00
(b) Fee to opponent	156.00
(c) Fee for attendance at execution of commission, per quarter hour	39.00

15. Miscellaneous motions and minutes where not otherwise covered by this Part

(a) Where attendance of counsel or other person having a right of audience and/or solicitor not required	39.00
(b) Where attendance of counsel or other person having a right of audience and/or solicitor required, inclusive of instruction of counsel or other person having a right of audience, not exceeding half an hour	117.00
(c) Thereafter attendance fee, per additional quarter hour	39.00
(d) Instructing counsel or other person having a right of audience for a minute (other than a minute ordered by the court), revising and lodging as a separate step in process including any necessary action	117.00
(e) Perusing a minute of admission or abandonment	39.00

16. Incidental Procedure (not chargeable prior to the approval of issue of allowance of proof)

Fixing diet, obtaining note on the line of evidence etc., borrowing and returning process and all other work prior to the consultation on the sufficiency of evidence	351.00
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17. Amendment of record

(a) Amendment of conclusions only, fee to proposer	117.00
(b) Amendment of conclusions only, fee to opponent	39.00
(c) Amendment of pleadings after record closed, where no answers to the amendment are lodged, fee to proposer	156.00
(d) In same circumstances, fee to opponent	78.00
(e) Amendment of pleadings after record closed, where answers are lodged, fee for proposer and each party lodging answers	390.00
(f) Additional fee for adjustment of minute and answers, where applicable, to be allowed to each party	234.00

18. Preparation for proof or jury trial

To include fixing consultation on the sufficiency of evidence, fee-funding precept, citing witnesses, all work checking and writing up process and preparing for proof or jury trial—

(a) if action settled before proof or jury trial, or lasts only one day, to include, where applicable, instruction of counsel or other person having a right of audience	1,014.00
(b) for each day or part of day after the first, including instruction of counsel or other person having a right of audience	97.50
(c) preparing for adjourned diets and all work incidental to it as in subparagraph (a), if adjourned for more than five days	234.00
(d) if consultation held before proof or jury trial, attendance at it, per quarter hour	39.00
(e) all work in connection with making up and pagination of joint bundle of medical records in actions proceeding under Chapter 42A	156.00

19. Pre-trial meeting

(a) Fee arranging pre-trial meeting (each occasion)	78.00
(b) Fee preparing for pre-trial meeting	429.00
(c) Fee for preparing for continued pre-trial meeting (each occasion)	156.00
(d) Fee attending pre-trial meeting, per quarter hour	39.00
(e) Joint minute of pre-trial meeting	39.00

20. Copying

For the copying of papers by whatever means—

- (a) where a copy is required to be lodged, or sent, in pursuance of any of rules 4.7, 22.1 and 22.3, such charge as the Auditor may from time to time determine (and the Auditor may make different provision for different classes of case); and
- (b) in any other case, if the Auditor determines (either or both) that —
 - (i) the copying had to be done in circumstances which were in some way exceptional;
 - (ii) the papers which required to be copied were unusually numerous having regard to the nature of the cause,such charge, if any, as the Auditor considers reasonable (but a charge based on time expended by any person in copying shall not be allowed).

Notes:

1. Where a determination is required under subparagraph (b), the purpose of copying, the number of copies and the charge claimed shall be shown in the account.
2. Copying done other than in the place of business of the solicitor shall be shown as an outlay.

21. Settlement

(a) Judicial tender—	
(i) lodging or considering first tender	234.00
(ii) lodging or considering each further tender	156.00
(iii) if tender accepted, an additional fee to each accepting party	156.00
(b) Extrajudicial settlement – advising on, negotiating and agreeing extrajudicial settlement (not based on judicial tender) to include preparation and lodging of joint minute	390.00
(c) The Auditor may allow a fee in respect of work undertaken with a view to settlement (whether or not settlement is in fact agreed), including offering settlement	624.00
(d) If consultation held to consider tender, extrajudicial settlement (not based on judicial tender) or with a view to settlement (whether or not settlement is in fact agreed), attendance at it, per quarter hour	39.00

22. Hearing limitation fee

To include all work undertaken with a view to limiting the matters in dispute or limiting the scope of any hearing, and including exchanging documents, precognitions and expert reports, agreeing any fact, statement or document, and preparing and lodging any joint minute	780.00
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23. Proof or jury trial

Attendance fee, per quarter hour	39.00
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24. Accounts

(a) To include framing, adjusting and lodging account	234.00
(b) To include considering Notes of Objections, and generally preparing for taxation	234.00
(c) Attendance at taxation, per quarter hour	39.00

25. Ordering and obtaining extract

58.50

26. Final procedure

(a) If case goes to proof or jury trial, or is settled within 14 days before the diet of proof or jury trial, to include all work to close of cause so far as not otherwise provided for	312.00
(b) In any other case	97.50

SCHEDULE 7

Paragraph 3(3)(b)(vi)

PART VA – DEFENDED PERSONAL INJURIES ACTIONS COMMENCED ON OR AFTER 1 APRIL 2003

	£
1. Precognitions/Expert Reports/Factual Reports	
Taking and drawing precognitions, per sheet	78.00
<u>Note:</u>	
Where a skilled person prepares his or her own precognition or report, the solicitor shall be allowed, for perusing it (whether or not in the course of doing so he or she revises or adjusts it), half of the taking and drawing fee per sheet.	
2. Pre-litigation fee	
All work which the Auditor is satisfied has reasonably been undertaken in contemplation of, or preparatory to the commencement of proceedings particularly to include communications between parties in relation to areas of medical/quantum/discussion re settlement (or such other sum as in the opinion of the Auditor is justified)	702.00
3. Lodging productions	
(a) For lodging productions, each inventory	78.00
(b) For considering opponent's productions, each inventory	39.00
4. Instruction	
(a) To cover all work (except as otherwise specially provided for in this Part) from commencement to lodging of defences	702.00
(b) Specification of documents per Form 43.2-B	117.00
(c) Fee to opponent for considering specification of documents	78.00
(d) In the event of the summons being drafted without the assistance of counsel or other person having a right of audience such further fee will be allowed as the Auditor considers appropriate, up to	234.00
(e) Instructing re-service where necessary	78.00
(f) If counterclaim lodged, additional fee for each party to include Answers	234.00
(g) Arranging commission to recover documents, citing havers, instructing commissioner and shorthand writer and preparation for commission	156.00
(h) Fee to opponent where commission arranged	78.00
(i) Attendance at execution of commission, per quarter hour	39.00
(j) If alternative procedure adopted, a fee per person on whom order served	58.50
(k) Fee for perusal of documents recovered under a specification of documents (or by informal means) where not otherwise provided for in the Table of Fees, per quarter hour	39.00
5. Record	
(a) All work in connection with adjustment and closing of record	780.00
(b) All work as above, so far as applicable, where cause settled or disposed of before record closed	468.00

(c) If consultation held before record closed, additional fees may be allowed as follows—	
(i) arranging consultation	78.00
(ii) attendance at consultation, per quarter hour	39.00
(d) Additional fee to subparagraph (a) or (b), to include necessary amendments, to be allowed to every existing party for each pursuer, defender or third party brought in before the record is closed	234.00
(e) Additional fee to every existing party if an additional pursuer, defender or third party is brought in after the record is closed	351.00
(f) Fee allowable to a new pursuer who requires to be brought in as a result of the death of an existing pursuer	234.00
6. Notes of arguments	
(a) Instructing, perusing and lodging first Note of Arguments, where ordained by the Court (either party)	156.00
(b) Perusing opponent's Note of Arguments	78.00
(c) Instructing, perusing and lodging any further Note of Arguments, where ordained by the Court (either party)	78.00
7. Valuation of claim	
(a) Fee to cover note on quantum/valuation of claim	468.00
(b) Opponent's fee for inspection of valuation of claim	234.00
(c) Inspection of documents, per quarter hour	39.00
8. Adjustment of issues and counter-issues	
(a) All work in connection with and incidental to the lodging of an issue, and adjustment and approval of it	156.00
(b) If one counter-issue, additional fee to pursuer	39.00
9. By Order Roll/variation of timetable order/adjustment on final decree/interim payment of damages	
(a) Fee to cover preparing and instruction of counsel or other person having a right of audience to include attendance not exceeding half an hour	117.00
(b) Thereafter attendance fee, per additional quarter hour	39.00
(c) In the event of a separate Advising/Opinion and all work incidental thereto	117.00
10. Reports obtained under order of court excluding Auditor's Report	
(a) All work incidental to it	156.00
(b) Additional fee for perusal of report, per quarter hour (or such other sum as in the opinion of the Auditor is justified)	35.00
11. Incidental procedure (not chargeable prior to the approval of issue or allowance of proof)	
Fixing diet, obtaining note on the line of evidence etc., borrowing and returning process, and all other work prior to the consultation on the sufficiency of evidence	351.00

12. Specification of documents (if further specification considered necessary)

(a) Instructing counsel or other person having a right of audience, revising and lodging and all incidental procedure to obtain a diligence up to and including obtaining interlocutor	156.00
(b) Fee to opponent	78.00
(c) Arranging commission to recover documents, citing havers, instructing commissioner and shorthand writer and preparation for commission	156.00
(d) Fee to opponent	78.00
(e) Attendance at execution of commission, per quarter hour	39.00
(f) If alternative procedure adopted, a fee per person on whom order served	58.50
(g) Fee for perusal of documents recovered under a specification of documents (or by informal means) where not otherwise provided for in the Table of Fees, per quarter hour	39.00

13. Commission to take evidence on interrogatories

(a) Applying for commission to cover all work up to and including lodging report of commission with completed interrogatories and cross-interrogatories	312.00
(b) Fee to opponent if cross-interrogatories lodged	234.00
(c) Fee to opponent if no cross-interrogatories lodged	97.50
(d) In addition to above, fee per sheet to each party for completed interrogatories or cross-interrogatories, including all copies	19.50

14. Commission to take evidence on open commission

(a) Applying for commission up to and including lodging report of commission, but excluding subparagraph (c)	351.00
(b) Fee to opponent	156.00
(c) Fee for attendance at execution of commission, per quarter hour	39.00

15. Miscellaneous motions and minutes where not otherwise covered by this Part

(a) Where attendance of counsel or other person having a right of audience and/or solicitor not required	39.00
(b) Where attendance of counsel or other person having a right of audience and/or solicitor required inclusive of instruction of counsel or other person having a right of audience, not exceeding half an hour	117.00
(c) Thereafter attendance fee, per quarter hour	39.00
(d) Instructing counsel or other person having a right of audience for a minute/note on further procedure (if applicable), revising and lodging as a separate step in process including any necessary action	117.00
(e) Perusing a minute of admission or abandonment, a note ordered by the court, or a notice of grounds	39.00

16. Amendment of record

(a) Amendment of conclusions only, fee to proposer	117.00
(b) Amendment of conclusions only, fee to opponent	39.00
(c) Amendment of pleadings after record closed, where no answers to the amendment are lodged, fee to proposer	156.00

(d) In same circumstances, fee to opponent	78.00
(e) Amendment of pleadings after record closed, where answers are lodged, fee for proposer and each party lodging answers	390.00
(f) Additional fee for adjustment of minute and answers, where applicable, to be allowed to each party	234.00

17. Copying

- (a) Where a copy is required to be lodged, or sent, in pursuance of rules 4.7 or 43.6(4), such charge as the Auditor may from time to time determine (and the Auditor may make different provision for different classes of case); and
- (b) In any other case, if the Auditor determines (either or both) that—
- (i) the copying had to be done in circumstances which were in some way exceptional;
 - (ii) the papers which required to be copied were unusually numerous having regard to the nature of the cause,
- such charge, if any, as the Auditor considers reasonable (but a charge based on time expended by any person in copying shall not be allowed).

Notes:

1. Where a determination is required under subparagraph (b), the purpose of copying, the number of copies made and the charge claimed shall be shown in the account.
2. Copying done other than in the place of business of the solicitor shall be shown as an outlay.

18. Preparation for proof or jury trial

To include fixing consultation on the sufficiency of evidence, fee-funding precept, citing witnesses, all work checking and writing up process and preparing for proof or jury trial—

(a) if action settled before proof or jury trial, or lasts only one day, to include where applicable, instruction of counsel or other person having a right of audience	1,014.00
(b) for each day or part of day after the first, including instruction of counsel or other person having a right of audience	97.50
(c) preparing for adjourned diets and all work incidental to it as in subparagraph (a), if adjourned for more than five days	234.00
(d) if consultation held before proof or jury trial, attendance at it, per quarter hour	39.00

19. Pre-trial meeting

(a) Fee arranging pre-trial meeting (each occasion)	78.00
(b) Fee preparing for pre-trial meeting	429.00
(c) Fee for preparing for continued pre-trial meeting (each occasion)	156.00
(d) Fee attending pre-trial meeting, per quarter hour	39.00
(e) Joint Minute of pre-trial meeting	39.00

20. Hearing limitation fee

For any work undertaken to limit matters in dispute not otherwise provided for — subject to details being provided	312.00
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21. Settlement

(a) Judicial tender—	
(i) lodging or considering first tender	234.00
(ii) lodging or considering each further tender	156.00
(iii) if tender accepted, an additional fee to each accepting party	156.00
(b) Extrajudicial settlement — advising on, negotiating and agreeing extrajudicial settlement (not based on judicial tender) to include preparation and lodging of joint minute	390.00
(c) The Auditor may allow a fee in respect of work undertaken with a view to settlement (whether or not settlement is in fact agreed), including offering settlement	624.00
(d) If consultation held to consider tender, extrajudicial settlement (not based on judicial tender) or with a view to settlement (whether or not settlement is in fact agreed), attendance at it, per quarter hour	39.00

22. Proof or jury trial

Attendance fee, per quarter hour	39.00
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23. Accounts

(a) Preparation of judicial account, to include production of vouchers and adjustment of expenses	312.00
(b) Perusal of points of objections, per quarter hour	39.00
(c) Attendance at taxation, per quarter hour	39.00

24. Ordering and obtaining extract

58.50

25. Final procedure

(a) If case goes to proof or jury trial, or is settled within 14 days before the diet of proof or jury trial, to include all work to close of cause so far as not otherwise provided for	312.00
(b) In any other case	97.50

SCHEDULE 8

Paragraph 3(3)(b)(vii)

PART VI – INNER HOUSE BUSINESS

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1. Reclaiming motions	
(a) Fee for claimer for all work (except as otherwise provided for in this Part) up to interlocutor sending cause to roll	234.00
(b) Fee for respondent	117.00
(c) Additional fee for each party for preparing or revising every 50 pages of Appendix	97.50
2. Appeals from inferior courts	
(a) Fee for appellant	273.00
(b) Fee for respondent	136.50
(c) Additional fee for each party for preparing or revising every 50 pages of Appendix	97.50
3. Special cases, Inner House petitions and appeals other than under paragraph 2 of this Part	
According to circumstances of the case.	
4. Note of objection	
(a) Instructing, perusing and lodging note of objection	156.00
(b) Perusing opponent's note of objection	78.00
(c) Where attendance of counsel or other person having a right of audience and/or solicitor required inclusive of instruction of counsel or other person having a right of audience, not exceeding half an hour	117.00
(d) Thereafter attendance fee, per additional quarter hour	39.00
5. Grounds of appeal or cross appeal	
(a) Instructing, perusing and lodging grounds of appeal or cross appeal	156.00
(b) Perusing opponent's note of appeal or cross appeal	78.00
6. Incidental procedure	
All work in connection with noting remittance of cause to Summar Roll and fixing of Summar Roll hearing	156.00
7. Summar Roll	
(a) Preparing for hearing and instructing counsel or other person having a right of audience including instructing and lodging lists of authorities and notes of arguments	234.00
(b) Attendance fee, per quarter hour	39.00
8. Obtaining a bond of caution	97.50
9. Other matters	
Where applicable, charges under Part V of this Chapter of this Table	

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt amends Chapter 42 (taxation of accounts and fees of solicitors) of the Rules of the Court of Session 1994 (S.I. 1994/1443).

The Table of Fees has been amended to provide that all monetary values are expressed as a multiple or fraction of the new rate of £156 per hour. The previous rate was £142 per hour, which has not been increased since 2009 and certain values were previously not expressed as a multiple or fraction of that rate. They have now been standardised to the nearest appropriate multiple or fraction of £156 per hour.

The Table of Fees was last amended by the Act of Sederunt (Rules of the Court of Session Amendment No. 2) (Fees of Shorthand Writers) 2013 (S.S.I. 2013/111).

The Act of Sederunt does not apply as respects fees chargeable for work done, or outlays incurred, before it comes into force.

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