
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.

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(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

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

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

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

2. Copying papers by any means

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

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

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

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

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

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

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

(b) above.

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

Lodging first step of process £3.15

Additional fee for making up £1.60
and lodging process

Note:

(i) Time necessarily
occupied in travelling
to be regarded as if
occupied on business.

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

6.

Correspondence

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

Formal letters £0.75

Telegrams or telephone calls, £1.60
including letters confirming

CHAPTER II

PART I – UNDEFENDED ACTIONS

(other than consistorial actions)

1.

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

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taking instructions up to and including obtaining extract decree

PART II – UNDEFENDED CONSISTORIAL ACTIONS
(other than actions to which part iii applies)

1.	Fee for all work (other than precognitions) up to and including the calling of summons in court	£94.80
Note:	Precognitions to be charged as in Part V, paragraph 5 of this Chapter	
2.	Incidental procedures Fixing diet, enrolling action, preparation for proof, citing witnesses, etc.	£53.65
3.	Amendment	
	(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	
	(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

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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>

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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 style="margin-left: 40px;">(a) (a) the facts set out in section 1(2) (b) (unreasonable behaviour) of the Divorce (Scotland) Act 1976 are relied upon; and</p> <p style="margin-left: 40px;">(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 style="margin-left: 40px;">(a) (a) the facts set out in section 1(2) (a) (adultery), 1(2) (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
<p>1. All work to and including the period of notice</p> <p>2. All work from the period of notice to and including swearing affidavits</p> <p>3. All work from swearing affidavits to and including sending extract decree</p> <p>4. All work to and including sending extract decree</p> <p>Add process fee to item 4</p>	<p>£113.55</p> <p>£54.35</p> <p>£29.60</p> <p>£197.50</p> <p>of 10%</p>
<p>3. If—</p> <p>(a) (a) the pursuer's solicitor charges an inclusive fee under either paragraph 1 or paragraph 2 of this Part; and</p> <p>(b) (b) the action to which the charge relates includes a</p>	

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Column 1 Work done	Column 2 Inclusive fee
<p>crave relating to an ancillary matter—</p> <p>in addition to that fee, he may charge in respect of the work specified in column 1 of Table C in this paragraph the inclusive fee specified in respect of that work in column 2 of that Table.</p>	

TABLE C

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

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

1.	<p>Instruction fee – £89.10</p> <p>to cover all work (except as hereinafter otherwise specially provided for in this Chapter) to the lodging of defences including copyings</p> <p>Additional fee where separate statement of facts and counter claim answers lodged £31.30</p>
2.	<p>Adjustment fee –</p> <p>to cover all work (except as hereinafter otherwise specially provided for in this Chapter) in connection</p>

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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) 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

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	Travelling time – per half hour	£11.45
7.	Specification of documents	
	Fee to cover drawing, intimating and lodging specification and relative motion and attendance at court debating specification	£34.40
	Inclusive fee to opposing solicitor	£22.35
	Fee for citation of havers, preparation for and attendance before commissioner at execution of commission–	
	Where attendance before commissioner does not exceed 1 hour	£31.30
	For each additional half hour after the first hour	£15.65
	If commission not executed – fee for serving each party with a copy of specification to include recovering and examining documents or productions referred to therein	£6.85
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 answers lodged	£38.05
	(b) (b) Where no answers lodged	£25.05

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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	£26.05
		instructions, marking	
		appeal or noting that	
		appeal marked and	
		instructing Edinburgh	
		correspondents	
14.		Settlements	
	(a)	(a)Judicial	
		tender	
		Fee for preparation	£30.70
		and lodging or for	
		consideration of	
		minute of tender	
		Fee on acceptance	£22.95
		of tender, to	
		include preparation	
		and lodging or	
		consideration of	
		minute of acceptance	
		and attendance at court	
		when decree granted in	
		terms thereof	
	(b)	(b) Extra-	
		judicial	
		settlements	
		Fee to cover	£52.15
		negotiations resulting	
		in settlement, framing	
		or revising joint	
		minute and attendance	
		at court when authority	
		interponed thereto	
15.		Final procedure	
		Fee to cover settling	£41.15
		with witnesses,	
		enquiries for cause	
		at avizandum, noting	
		final interlocutor	
		Fee to cover drawing	£33.35
		account of expenses,	
		arranging, intimating	
		and attending diet of	
		taxation and obtaining	
		approval of auditor's	
		report and adjusting	

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- | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| | account with opponent
where necessary,
ordering, procuring
and examining extract
decree | |
| | Fee to cover
considering opponent's
account of expenses
and attending diet of
taxation or adjusting
account with opponent | £10.45 |
| 16. | Copying fees
Copying all necessary
papers by any means— | |
| | First copy – per sheet | £0.71 |
| | Additional copies –
per sheet | £0.30 |
| | Note: | A sheet shall be 250
words. When copied
by photostatic or
similar process, each
page shall be charged
as one sheet. |
| 17. | Process fee
Fee to cover all
consultations between
solicitor and client
during the progress
of the cause and all
communications,
written or verbal,
passing between them:

10% on total fees
(including copying
fees) allowed on
taxation. | |
| 18. | Fee for instruction of
counsel | |
| | Fee for instructing
counsel to revise
record | £17.15 |
| | Fee for instructing
counsel to conduct
debate or proof | £34.40 |
| | Fee for instructing
counsel to conduct | £34.40 |

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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 |
| 2. | Time occupied in the
performance of all
other work including
attendances with
client and others and
attendances at court
in all circumstances,
except as otherwise
specifically provided—

(a) (a) Solicitor
– per half
hour

(b) Allowance
for time
of clerk –
one half of
above. | £11.45 |
| | 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 |
| 4. | Framing affidavits –
per sheet | £5.80 |

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- | | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| 5. | Revising papers where
revisal ordered – for
each five sheets | £1.60 |
| 6. | Copying all necessary
papers by any means–

First copy – per sheet

Additional copies –
per sheet | £0.71

£0.30 |
| | Note: | When copied by
photostatic or similar
process each page
shall be charged as one
sheet. |
| 7. | Certifying or signing a
document | £1.60 |
| 8. | Perusing any
document (other than a
letter) not exceeding 2
sheets in length

For each 2 sheets
thereafter | £3.15

£3.15 |
| 9. | Lodging in process

Each necessary
lodging in or uplifting
from process or each
necessary enquiry for
documents due to be
lodged | £1.60 |
| 10. | Borrowing process

Each necessary
borrowing of process
to include return of
same | £1.60 |
| 11. | Extracts

Ordering, procuring
and examining
extracts, interim or
otherwise | £7.30 |
| 12. | Correspondence,
intimations, etc.

(a) (a) Formal
letters and
intimations

(b) (b) Letters
other than | £0.75

£3.15 |

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- above – per
page of 125
words
- (c) ~~(c)~~ Telephone £1.60
calls except
those to
which
subparagraph
below
applies
- (d) ~~(c)~~ 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) Obtaining £3.15
warrant to sell
 - (b) Instructing £3.15
auctioneer or officer to conduct sale
 - (c) Perusing £3.15
report of sale
 - (d) Reporting £2.10
sales under poindings or sequestrations or any other judicial sales
 - (e) Noting £2.10
approval of roup roll
 - (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) 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.	(a) (a) Instruction fee for pursuer’s solicitor, to include taking instructions, framing summons and statement of claim, obtaining warrant for service, enquiring for notice of intention to defend, attendance at first calling, noting defence	£42.25
	(b) (b) Instruction fee for defender’s solicitor, to include taking instructions (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 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 drawing and lodging interrogatories and cross-interrogatories – per sheet	£7.50
	(e)	(e) Attendance before commissioner – per hour	£10.45
		Travelling time – per hour	£7.00
14.		Supplementary note of defence (when leave granted to lodge)	£7.50
15.		Appeals	
		Fee to cover instructions, marking of appeal or noting that appeal marked, noting of diet of hearing thereof and preparations for hearing	£52.15
		Fee to cover conduct of hearing – per half hour	£10.95
16.		Final Procedure	
		Fee to cover settling with witnesses, enquiries at avizandum, noting final interlocutor	£23.15
		Fee to cover drawing account of expenses, arranging, intimating and attending hearing on expenses, and 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.)