

SCHEDULE 1

GENERAL REGULATIONS

TABLE OF FEES

CHAPTER I

PART I—UNDEFENDED ACTIONS

(other than actions of divorce or separation and aliment (affidavit procedure))

1. *Actions (other than those specified in paragraph 2 of this Chapter) in which decree is granted without proof—* £100.00

- (a) Inclusive fee to cover all work from taking instructions up to and including obtaining extract decree
- (b) (b) In cases where settlement is effected after service of a writ but before the expiry of the *induciae* £80.00
- (c) (c) If the pursuer's solicitor elects to charge this inclusive fee he shall endorse a minute to that effect on the initial writ before ordering extract of decree. Outlays such as court dues for deliverance and posts shall be chargeable in addition and taxation shall be unnecessary.

2. *Actions of separation and aliment, adherence and aliment and custody and aliment where proof (other than by way of affidavit evidence) takes place—* £349.40

- (a) Inclusive fee to cover all work from taking instructions up to and including obtaining extract decree
- (b) (b) If the pursuer's solicitor elects to charge this inclusive fee he shall endorse a minute to that effect on the initial writ after the close of the proof and before extract of the decree is ordered; and when the option is so exercised decree for expenses shall be granted against the defender for said sum together with the shorthand writer's fee actually charged as provided by Act of Sederunt and of other outlays up to £60 without the necessity of taxation. If outlays in excess of £60, excluding

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

the shorthand writer's fee, are claimed, an account of such outlays shall be remitted to the auditor of court for taxation and the sum allowed for outlays shall be the amount of the account as taxed.

3. Petition for appointment or discharge of a curator bonis

- (a) (a) Inclusive fee to cover all £312.00 work enquiring into estate and taking instructions up to and including obtaining extract decree
- (b) (i) If the solicitor elects to charge the inclusive fee and to recover only the normal outlays as set out in head (ii) of this sub-paragraph, he shall endorse on the petition before ordering extract of the decree a minute setting out the said fee and the outlays. Taxation of charges so specified shall not be necessary.
- (ii) The normal outlays referred to in head (i) of this sub-paragraph are:—
 - reasonable fees for medical reports;
 - court dues for deliverance;
 - sheriff officers' fees for service;
 - advertising costs incurred;
 - posts and incidents; and
 - value added tax chargeable on solicitors' fees and posts.

PART II

UNDEFENDED ACTIONS OF DIVORCE AND OF SEPARATION AND ALIMENTS

(affidavit procedure)

- 1. In any undefended action of divorce or separation and aliment where—
 - (a) the facts set out in section 1(2)(b) (unreasonable behaviour) of the Divorce (Scotland) Act 1976(1) (“the 1976 Act”) are relied on;
 - (b) there is no crave relating to any ancillary matters; and

(1) 1976 c. 39.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) 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, charge the inclusive fee specified in respect of that work in column 2 of that Table.

TABLE A

<i>Column 1</i> <i>Work done</i>	<i>Column 2</i> <i>Inclusive fee</i> <i>£</i>
1. All work to and including the period of notice	245.80
2. All work from the period of notice to and including swearing affidavits	174.70
3. All work from swearing affidavits to and including sending extracts decree	53.70
4. All work to and including sending extract decree	474.20
Add process fee	of 10%

2. In any undefended action of divorce or separation and aliment where—
- (a) the facts set out in sections 1(2)(a) (adultery), 1(2)(c) (desertion), 1(2)(d) (two years' non-cohabitation and consent) and 1(2)(e) (five years' non-cohabitation) of the 1976 Act are relied on;
 - (b) there is no crave relating to any ancillary matters; and
 - (c) the pursuer seeks to prove those facts by means of affidavits, the pursuer’s solicitor may, in respect of work specified in column 1 of Table B, charge the inclusive fee specified in respect of that work in column 2 of that Table.

TABLE B

<i>Column 1</i> <i>Work done</i>	<i>Column 2</i> <i>Inclusive fee</i> <i>£</i>
1. All work to and including the period of notice	202.10
2. All work from the period of notice to and including swearing affidavits	97.30
3. All work from swearing affidavits to and including sending extract decree	53.70
4. All work to and including sending extract decree	353.10
Add process fee	of 10%

3. If—
- (a) the pursuer’s solicitor charges an inclusive fee under either paragraph 1 or paragraph 2 of this Part; and

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(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, the inclusive fee specified in respect of that work in column 2 of that Table.

TABLE C

<i>Column 1</i> <i>Work done</i>	<i>Column 2</i> <i>Inclusive fee</i> <i>£</i>
1. All work to and including the period of notice	97.30
(2) (2) All work from the period of notice to and including swearing affidavits	57.00
3. All work under items 1 and 2	154.30
Add process fee	of 10%

4. If the pursuer’s solicitor elects to charge an inclusive fee under this Part he shall endorse a minute to that effect on the initial writ before extract of the decree is ordered; and when the option is so exercised decree for expenses shall be granted against the defender for said sum together with outlays up to £85 inclusive of VAT without the necessity for taxation. If outlays in excess of £85 are claimed, an account of such outlays shall be remitted to the auditor of court for taxation and the sum allowed for outlays shall be the amount of the account as taxed.