1990 No. 1036 (S.127)

LEGAL AID AND ADVICE, SCOTLAND

The Civil Legal Aid (Scotland) (Fees) Amendment (No.2) Regulations 1990

Made - - - -	*9th May 1990*
Laid before Parliament	*11th May 1990*
Coming into force	*1st June 1990*

The Secretary of State, in exercise of the powers conferred on him by section 33 of the Legal Aid (Scotland) Act 1986(**a**), 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 Civil Legal Aid (Scotland) (Fees) Amendment (No.2) Regulations 1990 and shall come into force on 1st June 1990.

(2) In these Regulations "the principal Regulations" means the Civil Legal Aid (Scotland) (Fees) Regulations 1989(**b**).

Amendment of principal Regulations

2. 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.

3. 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.

4. For the Table of Fees set out in Schedule 3 to the principal Regulations (table of detailed fees chargeable by solicitors for proceedings in the court of session and sheriff court) there shall be substituted the Table of Fees set out in Schedule 3 to these Regulations.

5. The amendments to the principal Regulations contained in regulations 2, 3 and 4 of these Regulations shall apply only to fees for work done on or after 1st June 1990.

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

St. Andrew's House, Edinburgh
9th May 1990

(**a**) 1986 c.47.
(**b**) S.I. 1989/1490, to which there are amendments not relevant to these Regulations.

SCHEDULE 1

Regulation 2

"TABLE OF FEES

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	£81.65

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	£116.05
Note:	Precognitions to be charged as in Part V, paragraph 5 of this Schedule	
2.	*Incidental procedures*	
	Fixing diet, enrolling action, preparation for proof, citing witnesses, etc.	£65.70
3.	*Amendment*	
	(a) Where summons amended, where re-service is not ordered, and motion is not starred	£16.55
	(b) Where summons amended, where re-service is not ordered and motion is starred	£24.25
	(c) Where summons amended and re-service is ordered	£30.70
4.	*Commissions to take evidence on interrogatories*	
	(a) Basic fee to cover all work up to and including lodging completed interrogatories	£24.25
	(b) Additional fee for completed interrogatories, including all copies – per sheet	£5.10
5.	*Commissions to take evidence on open commission*	
	(a) Basic fee to solicitor applying for commission but excluding attendance at execution thereof	£27.35
	(b) Attendance at execution of commission – per half hour	£14.05
6.	Where applicable the fees set out in paragraphs 6, 7, 10, 14, 16 and 21 of Part V of this Schedule may be charged	
7.	*Proof and completion fee* – 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	£81.65
8.	*Accounts*	
	Framing and lodging account and attending taxation	£26.10

PART III – UNDEFENDED CONSISTORIAL ACTIONS: AFFIDAVIT PROCEDURE

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

(a) the facts set out in section 1(2)(b) (unreasonable behaviour) of the Divorce (Scotland) Act 1976(a) are relied upon; and

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(a) 1976 c.39.

(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 *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	£169.25	£193.50
2. All work from calling to and including swearing affidavits	£120.95	£145.15
3. All work from swearing affidavits to and including sending extract decree	£36.30	£54.40
4. All work to and includding sending extract decree	£326.50	£393.05
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 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	£139.05	£163.25
2. All work from calling to and including swearing affidavits	£66.55	£84.65
3. All work from swearing affidavits to and including sending extract decree	£36.30	£54.40
4. All work to and includding sending extract decree	£241.90	£302.30
Add session fee to item 4	of 7½%	of 10%

3. 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 conclusion relating to an ancillary matter,

in addition to that fee, he may charge in respect of the work specified in column 1 of Table C in this paragraph the inclusive fee specified in respect of that work in column 2 of that Table.

TABLE C

Column 1 *Work done*	Column 2 *Inclusive fee*
1. All work to and including calling of the summons	£33.85
2. All work from calling to and including swearing affidavits	£38.65
3. All work under items 1 and 2	£72.50
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) in the case of an Edinburgh solicitor acting alone	£171.05
	(b) in any other case	£238.65
Note:	Outlays including duplicating charges to be allowed in addition.	

B. Opposed petitions

2.	Fee for all work (other than precognitions) up to and including lodging petition, obtaining and executing warrant for service	£116.05
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 Schedule may be charged.	
4.	Reports–	
	(a) For each report by Accountant of Court	£20.45
	(b) For any other report as under Part V, paragraph 6 of this Schedule	
5.	Obtaining Bond of Caution	£20.45

PART V – DEFENDED ACTIONS

1.	*Instruction fee*	
	(a) To cover all work (apart from precognitions) until lodgement of open record	£160.75
	(b) Instructing re-service where necessary	£17.20
	(c) If counter-claim lodged, additional fee for solicitor for each party	£33.85
2.	*Record fee*	
	(a) To cover all work in connection with adjustment and closing of record including subsequent work in connection with By Order Adjustment Roll	£171.05
	(b) To cover all work as above, so far as applicable, where action settled or disposed of before record closed	£106.55
	(c) If consultation held before record closed, additional fees may be allowed as follows:–	
	(i) Arranging consultation	£17.20
	(ii) Attendance at consultation – per half hour	£14.05
	(d) Additional fee (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	£50.35

	(e) Additional 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	£75.25
3.	*Procedure Roll or Debate Roll*	
	(a) Preparing for discussion and all work incidental thereto including instruction of counsel	£33.85
	(b) Attendance at court – per half hour	£14.05
	(c) Advising and work incidental thereto	£25.55
4.	*Adjustment of issues and counter-issues*	
	(a) Fee to solicitor for pursuer to include all work in connection with and incidental to the lodging of an issue, and adjustment and approval thereof	£32.55
	(b) If one counter-issue, additional fee to solicitor for pursuer	£9.00
	(c) If more than one counter-issue, additional fee to solicitor for pursuer for each additional counter-issue	£3.85
	(d) Fee to solicitor for defender or third party for all work in connection with lodging of counter-issue and adjustment and approval thereof	£32.55
	(e) Fee to solicitor for defender or third party for considering issue where no counter-issue lodged	£9.00
	(f) Fee to solicitor for defender or third party for considering each additional counter-issue	£3.85
5.	*Precognitions*	
	Taking and drawing precognitions – per sheet	£16.55
Note:	(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) Fee for all work incidental thereto	£35.75
	(b) Additional fee per sheet of report to include all copies required (maximum £35.55)	£5.10
7.	*Specification of documents*	
	(a) Basic fee to cover instructing counsel, revising and lodging and all incidental procedures to obtain a diligence up to and including obtaining interlocutor	£33.85
	(b) Fee to opponent's solicitor	£16.55
	(c) If commission executed, additional fee – per half hour	£14.05
	(d) If alternative procedure adopted, fee per person upon whom order served	£13.45
8.	*Commission to take evidence on interrogatories*	
	(a) Basic fee to solicitor applying for commission to cover all work up to and including lodging report of commission with completed interrogatories and cross-interrogatories	£68.25
	(b) Basic fee to opposing solicitor if cross-interrogatories lodged	£54.90
	(c) Fee to opposing solicitor if no cross-interrogatories lodged	£20.45
	(d) Additional fee to solicitor for each party for completed interrogatories or cross-interrogatories, including all copies – per sheet	£5.10
9.	*Commission to take evidence on open commission*	
	(a) Basic fee to solicitor applying for commission up to and including lodging report of commission, but excluding attendance at execution thereof	£75.25
	(b) Basic fee to opposing solicitor	£33.85
	(c) Attendance at execution of commission – per half hour	£14.05
10.	*Miscellaneous motions where not otherwise covered by this Schedule*	
	(a) Where attendance of counsel and/or solicitor not required	£9.00

	(b) Where attendance of counsel and/or solicitor required, inclusive of instruction of counsel – not exceeding half hour	£25.55
	(c) Thereafter attendance fee – per additional half hour	£14.05
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	£95.75
12.	*Amendment of record*	
	(a) Amendment of conclusions only – fee to solicitor for pursuer	£25.55
	(b) Amendment of conclusions only – fee to solicitor for opponent	£9.00
	(c) Amendment of pleadings after record closed, where no answers to the amendment are lodged – fee to solicitor for proposer	£37.05
	(d) In same circumstances – fee to solicitor for opponent	£17.20
	(e) Amendment of pleadings after record closed where answers are lodged – fee for solicitor for each party lodging answers	£87.35
	(f) Fee for adjustment of minute and answers, where applicable, to be allowed in addition to solicitor for each party	£47.90
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) If action settled before trial or proof, or the trial or proof lasts only one day, to include, where applicable, instruction of counsel	£232.25
	(b) For each day or part of a day after the first, including instruction of counsel	£20.45
	(c) To cover preparing for adjourned diet and all work incidental as in (a), if diet postponed more than 5 days	£42.15
14.	*Copying all necessary papers by any means–*	
	First copy – per sheet	£0.87
	Additional copies – per sheet	£0.37
15.	*Settlement by tender – fees for solicitor for either party*	
	(a) Basic fee for lodging, or for considering, first tender	£50.35
	(b) Fee for lodging, or for considering, each further tender	£33.85
	(c) Additional fee if tender accepted	£33.85
16.	*Extra-judicial settlement*	
	Fee inclusive of joint minute (not based on a judicial tender)	£87.35
17.	*Proof or trial*	
	Attendance fee – per half hour	£14.05
18.	*Accounts* – to include framing and lodging account, intimating diet, and attending taxation, uplifting account and noting and intimating taxations	£61.25
19.	*Ordering and obtaining extract*	£12.80
20.	*Final procedure*	
	(a) If case goes 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 judgment	£68.25
	(b) If case disposed of before trial or proof	£20.45
21.	*Session fee – to cover communications with client and counsel*	
	(a) Where no correspondent – 7½% of total fees (including copying fees) allowed on taxation	
	(b) Where correspondent involved – 10% of total fees (including copying fees) allowed on taxation.	

PART VI – INNER HOUSE BUSINESS

1.	*Reclaiming motions*	
	(a) Fee for solicitor for appellant for all work up to interlocutor sending case to roll	£50.35
	(b) Fee for solicitor for respondent	£25.55
	(c) Additional fee for solicitor for each party for every 50 pages of appendix	£21.00
2.	*Appeals from inferior courts*	
	(a) Fee for solicitor for appellant	£61.25
	(b) Fee for solicitor for respondent	£30.00
	(c) Additional fee for solicitor for each party for every 50 pages of appendix	£21.00
3.	*Summer or Short Roll*	
	(a) Preparing for discussion, instructing counsel, and preparing appendix	£50.35
	(b) Attendance fee – per half hour	£14.05
4.	Where applicable the fees set out in Part V of this Schedule may be charged.	
5.	*Special cases and Inner House petitions*	
	According to circumstances of the case.	
6.	Obtaining Bond of Caution	£20.45

PART VII – ADMIRALTY AND COMMERCIAL CASES, SEQUESTRATIONS IN BANKRUPTCY, APPLICATIONS FOR SUMMARY TRIAL UNDER SECTION 10 OF THE ADMINISTRATION OF JUSTICE (SCOTLAND) ACT 1933(a) AND CASES REMITTED FROM THE SHERIFF COURT

The fees shall be based on this Schedule or Schedule 3 according to the circumstances."

SCHEDULE 2

Regulation 3

"TABLE OF FEES

CHAPTER I – UNDEFENDED ACTIONS (OTHER THAN ACTIONS TO WHICH CHAPTER III OR IV APPLIES)

Part I – All actions except those actions of divorce or separation and aliment to which Part II applies

1.	Actions (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	£50.35
	In cases where settlement is effected after service of a writ but before the expiry of the period of notice	£43.45
2.	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	£238.65

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) 1933 c.41.

(a) the facts set out in section 1(2)(b) (unreasonable behaviour) of the Divorce (Scotland) Act 1976(**a**) 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 *Work done*	Column 2 *Inclusive fee*
1. All work to and including the period of notice	£169.25
2. All work from the period of notice to and including swearing affidavits	£120.95
3. All work from swearing affidavits to and including sending extract decree	£36.30
4. All work to and including sending extract decree	£326.50
Add process fee to item 4	of 10%

2. In any undefended action of divorce or separation and aliment 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 those facts by means of affidavits,

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.

TABLE B

Column 1 *Work done*	Column 2 *Inclusive fee*
1. All work to and including the period of notice	£139.05
2. All work from the period of notice to and including swearing affidavits	£66.55
3. All work from swearing affidavits to and including sending extract decree	£36.30
4. All work to and including sending extract decree	£241.90
Add process fee to item 4	of 10%

3. 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.

TABLE C

Column 1 *Work done*	Column 2 *Inclusive fee*
1. All work to and including the period of notice	£65.85
2. All work from the period of notice to and including swearing affidavits	£38.65
3. All work under items 1 and 2	£104.50
Add process fee to item 3	of 10%

(**a**) 1976 c.39.

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

1.	*Instruction fee* – to cover all work (except as hereinafter otherwise specially provided for in this Chapter) to the lodging of defences including copyings	£109.10
	Additional fee where separate statement of facts and counter claim answers lodged	£38.30
2.	*Adjustment fee* – to cover all work (except as hereinafter otherwise specially provided for in this Chapter) in connection with the adjustment of the record including (when appropriate) closing thereof, making up and lodging closed record and copyings–	
	(a) Fee to solicitor for any party	£163.30
	(b) Fee to each original party's solicitor if action settled before record is closed	£109.10
	(c) Additional fee to each original party's solicitor if additional defender brought in before closing of record	£19.15
	(d) Additional fee to each original party's solicitor if additional defender brought in after closing of record	£27.40
3.	*Fee for framing affidavits – per sheet*	£7.10
4.	(a) *Debate fee* – 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	£81.75
	For every half hour engaged after the first hour	£19.15
	(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	£47.80
5.	*Precognitions* – taking and drawing – per sheet	£16.55
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) Fee for all work incidental thereto	£35.75
	(b) Additional fee per sheet of report to include all copies required (maximum £35.55)	£5.10
6.	*Commissions to take evidence*	
	(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	£102.05
	Fee to opposing solicitor if cross-interrogatories prepared and lodged	£68.25
	If no cross-interrogatories lodged	£20.45
	(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	£61.25
	Fee to solicitor for opposing party	£33.85
	Fee for attendance at execution of commission – per half hour	£19.15
	Travelling time – per half hour	£14.05
7.	*Specification of documents*	
	Fee to cover drawing, intimating and lodging specification and relative motion and attendance at court debating specification	£42.15
	Inclusive fee to opposing solicitor	£27.35

	Fee for citation of havers, preparation for and attendance before commissioner at execution of commission–	
	Where attendance before commissioner does not exceed 1 hour	£38.30
	For each additional half hour after the first hour	£19.15
	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	£8.40
8.	*Amendment of record*	
	Fee to cover drawing, intimating and lodging minute of amendment and relative motion and relative attendance at court–	
	(a) Where answers lodged	£46.60
	(b) Where no answers lodged	£30.70
	Inclusive fee to opposing solicitor–	
	(a) Where answers lodged	£38.30
	(b) Where no answers lodged	£25.55
	Additional fee to solicitor for each party for adjustment of minute and answers, where applicable	£33.85
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) Where opposed	£47.80
	(b) Where unopposed (including for each party a joint minute other than under paragraph 14(b))	£33.85
	Fee to cover considering opponent's written motion, minute or reponing note and relative attendances at court–	
	(a) Where motion, minute or reponing note opposed	£27.35
	(b) Where motion, minute or reponing note unopposed	£17.30
10.	*Procedure preliminary to proof*	
	(a) Fee to cover fixing diet of proof, citation of witnesses, and generally preparing for trial or proof and if necessary instructing shorthand writer–	
	(i) if action settled or abandoned not later than 14 days before the diet of proof	£119.55
	(ii) in any other proceedings	£199.20
	(b) Fee to cover preparing for adjourned diet and all incidental work as in sub-paragraph (a) above if diet postponed for more than 6 days - for each additional diet	£40.85
	(c) Drawing and lodging an inventory of productions, lodging the productions specified therein, and considering opponent's productions (to be charged once only in each process)	£17.30
	(d) Where only one party lodges productions, opponent's solicitor's fee for considering same	£9.00
11.	*Conduct of proof*	
	Fee to cover conduct of proof and debate on evidence if taken at close of proof – per half hour	£19.15
	If counsel employed, fee to solicitor appearing with counsel - per half hour	£14.05
12.	*Debate on evidence*	
	Where debate on evidence not taken at conclusion of proof, fee for preparing for debate	£33.85
	Fee for conduct of debate – per half hour	£19.15
	If counsel employed, fee to solicitor appearing with counsel - per half hour	£14.05
13.	*Appeals*	
	(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	£63.85
	Fee to cover conduct of hearing – per half hour	£19.15

	If counsel employed, fee to solicitor appearing with counsel - per half hour	£14.05
	(b) To Court of Session	
	Fee to cover instructions, marking appeal or noting that appeal marked and instructing Edinburgh correspondents	£31.85
14.	*Settlements*	
	(a) Judicial tender	
	Fee for preparation and lodging or for consideration of minute of tender	£37.65
	Fee on acceptance of tender, to include preparation and lodging or consideration of minute of acceptance and attendance at court when decree granted in terms thereof	£28.10
	(b) Extra-judicial settlements	
	Fee to cover negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto	£63.85
15.	*Final procedure*	
	Fee to cover settling with witnesses, enquiries for cause at avizandum, noting final interlocutor	£50.35
	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	£40.85
	Fee to cover considering opponent's account of expenses and attending diet of taxation or adjusting account with opponent	£12.80
16.	*Copying fees*	
	Copying all necessary papers by any means–	
	First copy – per sheet	£0.87
	Additional copies – per sheet	£0.37
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	£20.95
	Fee for instructing counsel to conduct debate or proof	£42.15
	Fee for instructing counsel to conduct appeal to sheriff principal	£42.15
Note:	In each case to cover all consultations, revisal of papers and all incidental work.	

CHAPTER III – SUMMARY CAUSE

Part I – Undefended actions

1.	Fee, to include taking 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	£37.65
2.	*Service*	
	(a) Citation by post wheresoever after the first citation for each party	£4.30
	(b) Framing and instructing service by advertisement - for each party	£12.10
3.	Attendance at court	£12.10

Part II – Defended actions

1.	(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	£51.70
	(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) Citation by post within the United Kingdom, Isle of Man, Channel Islands, or the Republic of Ireland – for each party	£4.30
	Citation by post elsewhere – for each party	£9.20
	(b) Instructing service or reservice by sheriff officer including perusing execution of citation and settling sheriff officer's fee - for each party	£4.30
	(c) Framing and instructing service by advertisement – for each party	£13.45
3.	*Attendance at court*	
	Attendance at any diet except as otherwise specifically provided	£13.45
4.	Preparing for proof, to include all work in connection with proof not otherwise provided for	£46.70
5.	Fee to cover preparing for adjourned diet and all incidental work if diet postponed for more than 6 days – for each adjourned diet	£23.40
6.	Drawing and lodging inventory of productions, lodging the productions specified therein and considering opponents' productions (to be charged once only in each process)	£19.90
	Where only one party lodges productions, opponent's solicitor's fee for considering same	£9.20
7.	*Precognitions*	
	Drawing precognitions, including instructions, attendances with witnesses and all relative meetings and correspondence – per witness	£19.90
	Where precognition exceeds 2 sheets – for each additional sheet	£9.20
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) Where opposed	£28.40
	(b) Where unopposed (including for each party a joint minute or joint motion)	£17.05
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) Where motion or minute opposed	£23.40
	(b) Where motion or minute unopposed	£13.45
10.	*Conduct of proof*	
	Fee to cover conduct of proof and debate on evidence taken at close of proof – per half hour	£13.45
	Waiting time – per half hour	£7.15
11.	*Settlements*	
	(a) Judicial tender–	
	Fee for consideration of, preparing and lodging minute of tender	£28.40
	Fee for consideration and rejection of tenders	£19.90
	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	£19.90

	Extra-judicial settlement – fee to cover negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto	£46.70
12.	*Specification of documents*	
	(a) Fee to cover drawing, intimating and lodging specification of documents and relative motion and attendance at court	£23.40
	(b) Inclusive fee to opposing solicitor	£21.35
	(c) Fee to solicitor for each party for citation of havers, preparation for and attendance before commissioner – for each half hour	£13.45
	(d) If alternative procedure adopted, fee per person upon whom order served	£9.20
13.	*Commissions to take evidence*	
	(a) Fee to cover drawing, lodging and intimating motion and attendance at court–	
	(i) Where opposed	£28.40
	(ii) Where unopposed	£17.05
	(b) Fee to cover considering such motion and attendance at court –	
	(i) Where opposed	£23.40
	(ii) Where unopposed	£13.45
	(c) Fee to cover instructing commissioner and citing witness	£13.45
	(d) Fee to cover drawing and lodging interrogatories and cross-interrogatories – per sheet	£9.20
	(e) Attendance before commissioner – per hour	£12.80
	Travelling time – per hour	£8.55
14.	Supplementary note of defence (when leave granted to lodge)	£9.20
15.	*Appeals*	
	Fee to cover instructions, marking of appeal or noting that appeal marked, noting of diet of hearing thereof and preparations for hearing	£63.85
	Fee to cover conduct of hearing – per half hour	£13.45
16.	*Final Procedure*	
	Fee to cover settling with witnesses, enquiries at avizandum, noting final interlocutor	£28.40
	Fee to cover drawing account of expenses, arranging, intimating and attending hearing on expenses, and obtaining approval of sheriff clerk's report	£28.40
	Fee to cover considering opponent's account of expenses and attendance at hearing on expenses	£13.45

EXECUTRY BUSINESS

CHAPTER IV

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	£28.70
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	£28.70
3.	Fees for other work shall be chargeable according to Schedule 3"	

SCHEDULE 3

Regulation 4

TABLE OF DETAILED FEES CHARGEABLE BY SOLICITORS FOR PROCEEDINGS IN THE COURT OF SESSION AND SHERIFF COURT

1. The fee for–

(a) Any time up to the first half hour spent by a solicitor conducting a proof or hearing shall be £22.25;

(b) Each quarter hour (or part thereof) subsequent to the first half hour shall be £11.10.

2. The fee for–

(a) Each quarter hour (or part thereof) spent by a solicitor in carrying out work other than that prescribed in paragraphs 1 and 3 to 8 hereof, provided that any time is additional to the total time charged for under paragraph 1(a) above, shall be £9.25.

(b) Each quarter hour (or part thereof) spent by a solicitor's clerk in carrying out work other than that prescribed in paragraphs 3 to 8 hereof shall be £4.60.

3. The fee for–

Framing affidavits – per sheet (or part thereof) shall be £7.90.

4. The fee for–

Framing and drawing all necessary papers, other than affidavits or papers of a formal character, shall be £5.05.

5. The fee for–

(a) Each citation of a party, witness or haver including execution thereof;

(b) Instructing messengers-at-arms and sheriff officers, including examining execution and settling fee;

(c) Agency accepting service of any writ;

(d) Lodging first step of process;

(e) Lengthy telephone calls (of over 4 minutes and up to 10 minutes duration);

(f) Letters, including instructions to counsel - per page (or part thereof), subject to paragraph 7 below;

(g) Perusing any document (other than a letter) consisting of not more than 12 sheets – for the first 2 sheets and each 2 sheets thereafter* shall be £4.55.

*(NOTE: Where the document perused consists of more than 12 sheets the fee for perusing the whole document shall be charged in accordance with paragraph 2 above).

6. The fee for–

(a) Attendance at court offices for carrying out formal work including making up process and each necessary lodging in (other than first step), uplifting from or borrowing of process (to include return of same) or enquiry for documents due to be lodged;

(b) Revising papers drawn by counsel, open and closed records etc or where revisal ordered – per 5 sheets (or part thereof);

(c) Framing formal papers such as inventories, title pages and accounts of expenses per sheet (or part thereof);

(d) Certifying or signing a document;

(e) Short telephone calls (of up to 4 minutes duration), shall be £2.20.

7. The fee for–

Short letters of a formal nature, intimations, and letters confirming telephone calls shall be £1.20.

8. Where an exceptional amount of copying proves necessary, a fee of 30 pence shall be paid for each sheet.

Interpretation

In this Table–

"court" means court or tribunal as the case may be;

a "sheet" shall consist of 250 words or numbers;

a "page" shall consist of 125 words or numbers; and

"exceptional" means the production of more than 20 output copy sheets (whether 20 of 1 sheet, 5 of 4 sheets or whatever) when a document has been copied."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (Scotland) (Fees) Regulations 1989 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 7½% and applies to work done on or after 1st June 1990.

Regulation 2 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).

Regulation 3 and Schedule 2 substitute a new Table of Fees for the Tables of Fees in Schedule 2 to the principal Regulations. (This Table of Fees regulates solicitors' fees for legal aid in the sheriff court).

Regulation 4 and Schedule 3 substitute a new Table of Fees for the Table of Fees in Schedule 3 of the principal Regulations. (This Table of Fees regulates solicitors' fees for legal aid where the solicitor chooses to lodge a detailed fee account).