STATUTORY INSTRUMENTS

1986 No. 681 (S. 66)

LEGAL AID AND ADVICE, SCOTLAND

The Legal Aid (Scotland) (Fees in Civil Proceedings) Amendment Regulations 1986

Made - - - -	*9th April* 1986
Laid before Parliament	10*th April* 1986
Coming into Operation	1*st May* 1986

The Secretary of State, in exercise of the powers conferred upon him by sections 14A and 15 of the Legal Aid (Scotland) Act 1967(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations:-

1.—(1) These regulations may be cited as the Legal Aid (Scotland) (Fees in Civil Proceedings) Amendment Regulations 1986 and shall come into operation on 1st May 1986.

(2) In these regulations "the principal regulations" means the Legal Aid (Scotland) (Fees in Civil Proceedings) Regulations 1984(**b**).

2. For the Table of Fees in Schedule 1 to the principal regulations (fees of solicitors for proceedings in the Court of Session) there shall be substituted the Table of Fees set out in Schedule 1 to these regulations.

3. For the Table of Fees in Schedule 2 to the principal regulations (fees of solicitors for proceedings in the Sheriff Court) there shall be substituted the Table of Fees set out in Schedule 2 to these regulations.

4. For the Table of Fees in Schedule 3 to the principal regulations (fees of counsel for proceedings in the Court of Session) there shall be substituted the Table of Fees set out in Schedule 3 to these regulations.

5. The amendments to the principal regulations made by regulations 2, 3 and 4 of these regulations shall apply only to fees for work done on or after 1st May 1986.

John J. MacKay,
Parliamentary Under Secretary of State,
Scottish Office.

New St Andrew's House,
Edinburgh.
9th April 1986.

(**a**) 1967 c.43; section 14A was inserted by section 3 of the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c.12).
(**b**) S.I. 1984/519; the relevant amending instrument is S.I. 1985/557.

SCHEDULE 1 Regulation 2

TABLE OF FEES

CHAPTER 1

DETAILED FEES

1.	*(a)* Framing precognitions and other papers (not affidavits), not drawn by counsel - per sheet	£3.50
	(b) Framing formal documents such as inventories, title pages and accounts of expenses etc. - per sheet	£1.50
	(c) Framing affidavits - per sheet	£5.50
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, 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	£0.68
	Additional copies - per sheet	£0.29
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.	£1.50
4.	*Citation of parties, witnesses, havers, instructions to messengers-at-arms*	
	Each party	£3.00
	Each witness or haver	£3.00
	Instructing messenger-at-arms including examining execution and settling fee	£3.00
5.	*Time charges*	
	(a) Attendance at meetings, preparation for proof, trial or debate, attendance at court, consultation with counsel, etc. -	
	Per half hour	£10.90
	or such other sum as in the opinion of the auditor is justified.	
	(b) Perusal of documents -	
	Per half hour	£5.95
	or such other sum as in the opinion of the auditor is justified.	
	(c) Allowance for time of clerk - one half of the fee in sub-paragraph *(a)* or *(b)* above.	
	(d) Attendance at court offices for performance of formal work (other than lodging process or first step of process).	£1.50
	Lodging first step of process	£3.00
	Additional fee for making up and lodging process	£1.50

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 below) including instructions to counsel - each page of 125 words	£3.00
Formal letters	£0.70
Telegrams or telephone calls, including letters confirming	£1.50

CHAPTER II

PART I - UNDEFENDED ACTIONS

(OTHER THAN CONSISTORIAL ACTIONS)

1.	Inclusive fee to pursuer's solicitor in all undefended cases where no proof is led, to cover all work from taking instructions up to and including obtaining extract decree	£63.50

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	£90.30

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.	£51.10

3. *Amendment*

(a) where summons amended, where re-service is not ordered, and motion is not starred	£12.90
(b) where summons amended, where re-service is not ordered and motion is starred	£18.85
(c) where summons amended and re-service is ordered	£23.85

4. *Commissions to take evidence on iterrogatories*

(a) Basic fee to cover all work up to and including lodging completed interrogatories	£18.85
(b) Additional fee for completed interrogatories, including all copies - per sheet	£3.95

5. *Commissions to take evidence on open commission*

(a) Basic fee to solicitor applying for commission but excluding attendance at execution thereof	£21.30
(b) Attendance at execution of commission - per half hour	£10.90

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* - 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	£63.50

8. *Accounts*

Framing and lodging account and attending taxation	£20.35

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

(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	£131.65	£150.50
2. All work from calling to and including swearing affidavits	£94.05	£112.85
3. All work from swearing affidavits to and including sending extract decree	£28.20	£42.30
4. All work to and including sending extract decree	£253.95	£305.65
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	£108.15	£126.95
2. All work from calling to and including swearing affidavits	£51.75	£65.85
3. All work from swearing affidavits to and including sending extract decree	£28.20	£42.30
4. All work to and including sending extract decree	£188.10	£235.15
Add session fee to item 4	of 7½%	of 10%

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

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	£26.35
2. All work from calling to and including swearing affidavits	£30.10
3. All work under items 1 and 2	£56.45
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	£133.00
	(b) in any other case	£185.60

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	£90.30

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) For each report by Accountant of Court	£15.90
(b) For any other report as under Part V, paragraph 6 of this Chapter.	

5. Obtaining Bond of Caution £15.90

PART V - DEFENDED ACTIONS

1. *Instruction fee*

(a) To cover all work (apart from precognitions) until lodgement of open record	£125.05
(b) Instructing re-service where necessary	£13.40
(c) If counter-claim lodged, additional fee for solicitor for each party	£26.35

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	£133.00
(b) To cover all work as above, so far as applicable, where action settled or disposed of before record closed	£82.85
(c) If consultation held before record closed, additional fees may be allowed as follows:-	
(i) Arranging consultation	£13.40
(ii) Attendance at consultation - per half hour	£10.90
(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	£39.20
(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	£58.50

3. *Procedure Roll or Debate Roll*

(a) Preparing for discussion and all work incidental thereto including instruction of counsel	£26.35
(b) Attendance at court - per half-hour	£10.90
(c) Advising and work incidental thereto	£19.85

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	£25.35
(b) If one counter-issue, additional fee to solicitor for pursuer	£6.95
(c) If more than one counter-issue, additional fee to solicitor for pursuer for each additional counter-issue	£3.00
(d) Fee to solicitor for defender or third part for all work in connection with lodging of counter-issue and adjustment and approval thereof	£25.35
(e) Fee to solicitor for defender or third party for considering issue where no counter-issue lodged	£6.95
(f) Fee to solicitor for defender or third party for considering each additional counter-issue	£3.00

5. *Precognitions*

Taking and drawing precognitions - per sheet	£12.90

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	£27.80
	(b) Additional fee per sheet of report to include all copies required (maximum £27.60)	£3.95
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	£26.35
	(b) Fee to opponent's solicitor	£12.90
	(c) If commission executed, additional fee - per half hour	£10.90
	(d) If alternative procedure adopted, fee per person upon whom order served	£10.45
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	£53.10
	(b) Basic fee to opposing solicitor if cross-interrogatories lodged	£42.70
	(c) Fee to opposing solicitor if no cross-interrogatories lodged	£15.90
	(d) Additional fee to solicitor for each party for completed interrogatories or cross-interrogatories, including all copies - per sheet	£3.95
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	£58.50
	(b) Basic fee to opposing solicitor	£26.35
	(c) Attendance at execution of commission - per half hour	£10.90
10.	*Miscellaneous motions where not otherwise covered by this Chapter*	
	(a) Where attendance of counsel and/or solicitor not required	£6.95
	(b) Where attendance of counsel and/or solicitor required, inclusive of instruction of counsel - not exceeding half hour	£19.85
	(c) Thereafter attendance fee - per additional half hour	£10.90
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	£74.45
12.	*Amendment of record*	
	(a) Amendment of conclusions only - fee to solicitor for pursuer	£19.85
	(b) Amendment of conclusions only - fee to solicitor for opponent	£6.95
	(c) Amendment of pleadings after record closed, where no answers to the amendment are lodged - fee to solicitor for proposer	£28.80
	(d) In same circumstances - fee to solicitor for opponent	£13.40
	(e) Amendment of pleadings after record closed where answers are lodged - fee for solicitor for each party lodging answers	£67.95
	(f) Fee for adjustment of minute and answers, where applicable, to be allowed in addition to solicitor for each party	£37.25

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	£180.60
	(b) For each day or part of a day after the first, including instruction of counsel	£15.90
	(c) To cover preparing for adjourned diet and all work incidental as in *(a)*, if diet postponed more than 5 days	£32.75
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) Basic fee for lodging, or for considering, first tender	£39.20
	(b) Fee for lodging, or for considering, each further tender	£26.35
	(c) Additional fee if tender accepted	£26.35
16.	*Extra-judicial settlement*	
	Fee inclusive of joint minute (not based on a judicial tender)	£67.95
17.	*Proof or trial*	
	Attendance fee - per half-hour	£10.90
18.	*Accounts* - to include framing and lodging account, intimating diet, and attending taxation, uplifting account and noting and intimating taxations	£47.65
19.	*Ordering and obtaining extract*	£9.95
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 judgement	£53.10
	(b) If case disposed of before trial or proof	£15.90
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	£39.20
	(b) Fee for solicitor for respondent	£19.85
	(c) Additional fee for solicitor for each party for every 50 pages of appendix	£16.40
2.	*Appeals from inferior courts*	
	(a) Fee for solicitor for appellant	£47.65
	(b) Fee for solicitor for respondent	£23.35
	(c) Additional fee for solicitor for each party for every 50 pages of appendix	£16.35
3.	*Summar or Short Roll*	
	(a) Preparing for discussion, instructing counsel, and preparing appendix	£39.20

	(b) Attendance fee - per half-hour	£10.90
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	£15.90

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 Table of Fees according to the circumstances.

(a) 1933 c.41.

SCHEDULE 2 Regulation 3

TABLE OF FEES

CHAPTER I - UNDEFENDED ACTIONS (OTHER THAN ACTIONS TO WHICH CHAPTER IV OR V APPLIES)

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

1.	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	£39.20
	In cases where settlement is effected after service of a writ but before the expiry of the period of notice	£33.75
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	£185.60

Part II - Actions of divorce or separation and aliment where proof is by means of affidavits.

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

(a) the facts set out in section 1(2)*(b)* (unreasonable behaviour) of the Divorce (Scotland) Act 1976(**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	Column 2
Work done	*Inclusive fee*
1. All work to and including the period of notice	£131.65
2. All work from the period of notice to and including swearing affidavits	£94.05
3. All work from swearing affidavits to and including sending extract decree	£28.20
4. All work to and including sending extract decree	£253.95
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.

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

TABLE B

Column 1	Column 2
Work done	*Inclusive fee*
1. All work to and including the period of notice	£108.15
2. All work from the period of notice to and including swearing affidavits	£51.75
3. All work from swearing affidavits to and including sending extract decree	£28.20
4. All work to and including sending extract decree	£188.10
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	Column 2
Work done	*Inclusive fee*
1. All work to and including the period of notice	£51.25
2. All work from the period of notice to and including swearing affidavits	£30.10
3. All work under items 1 and 2	£81.35

CHAPTER II - DEFENDED ACTIONS (OTHER THAN ACTIONS TO WHICH CHAPTER IV OR V 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	£84.85
	Additional fee where separate statement of facts and counter claim answers lodged	£29.80
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	£127.00
	(b) Fee to each original party's solicitor if action settled before record is closed	£84.85
	(c) Additional fee to each original party's solicitor if additional defender brought in before closing of record	£14.90
	(d) Additional fee to each original party's solicitor if additional defender brought in after closing of record	£21.35
3.	*Fee for framing affidavits* - per sheet	£5.50
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	£63.55
	For every half hour engaged after the first hour	£14.90
	(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	£37.20
5.	*Precognitions* - taking and drawing - per sheet	£12.90
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	£27.80
	(b) Additional fee per sheet of report to include all copies required (maximum £27.60)	£3.95
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 Chaper) but excluding attendance at execution of commission	£79.40
	Fee to opposing solicitor if cross-interrogatories prepared and lodged	£53.10
	If no cross-interrogatories lodged	£15.90
	(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	£47.65
	Fee to solicitor for opposing party	£26.35
	Fee for attendance at execution of commission - per half hour	£14.90
	Travelling time - per half hour	£10.90
7.	*Specification of documents*	
	Fee to cover drawing, intimating and lodging specification and relative motion and attendance at court debating specification	£32.75
	Inclusive fee to opposing solicitor	£21.30
	Fee for citation of havers, preparation for and attendance before commissioner at execution of commission -	
	Where attendance before commissioner does not exceed 1 hour	£29.80
	For each additional half hour after the first hour	£14.90
	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	£6.50
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	£36.25
	(b) Where no answers lodged	£23.85
	Inclusive fee to opposing solicitor -	
	(a) Where answers lodged	£29.80
	(b) Where no answers lodged	£19.85
	Additional fee to solicitor for each party for adjustment of minute and answers, where applicable	£26.35
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	£37.20
	(b) Where unopposed (including for each party a joint minute other than under paragraph 14*(b)*	£26.35
	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	£21.30
	(b) Where motion, minute or reponing note unopposed	£13.45
10.	*Procedure preliminary to proof*	
	(a) Fee to cover fixing diet of proof, citation of witnesses, and generally preparing for proof and if necessary instructing shorthand writer	£53.10
	(b) Fee to cover preparing for adjourned diet and all incidental work as in subparagraph *(a)* above if diet postponed for more than 6 days - for each additional diet	£31.75
	(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)	£13.45
	Where only one party lodges productions, opponent's solicitor's fee for considering same	£6.95
11.	*Conduct of proof*	
	Fee to cover conduct of proof and debate on evidence if taken at close of proof - per half hour	£14.90
	If counsel employed, fee to solicitor appearing with counsel - per half hour	£10.90
12.	*Debate on evidence*	
	Where debate on evidence not taken at conclusion of proof, fee for preparing for debate	£26.35
	Fee for conduct of debate - per half hour	£14.90
	If counsel employed, fee to solicitor appearing with counsel - per half hour	£10.90
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	£49.65
	Fee to cover conduct of hearing - per half hour	£14.90
	If counsel employed, fee to solicitor appearing with counsel - per half hour	£10.90
	(b) To Court of Session	
	Fee to cover instructions, marking appeal or noting that appeal marked and instructing Edinburgh correspondents	£24.80
14.	*Settlements*	
	(a) Judicial tender	
	Fee for preparation and lodging or for consideration of minute of tender	£29.25
	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	£21.85
	(b) Extra-judicial settlements	
	Fee to cover negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto	£49.65
15.	*Final procedure*	
	Fee to cover settling with witnesses, enquiries for cause at avizandum, noting final interlocutor	£39.20

	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	£31.75
	Fee to cover considering opponent's account of expenses and attending diet of taxation or adjusting account with opponent	£9.95
16.	*Copying fees*	
	Copying all necessary papers by any means -	
	First copy - per sheet	£0.68
	Additional copies - per sheet	£0.29
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	£16.35
	Fee for instructing counsel to conduct debate or proof	£32.75
	Fee for instructing counsel to conduct appeal to sheriff principal	£32.75
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	£14.90
2.	Time occupied in the performance of all other work including attendances with client and others and attendances at court in all circumstances, except as otherwise specifically provided -	
	(a) Solicitor - per half hour	£10.90
	(b) Allowance for time of clerk - one half of above.	
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	£3.50
4.	Framing affidavits - per sheet	£5.50
5.	Revising papers where revisal ordered - for each five sheets	£1.50
6.	Copying all necessary papers by any means -	
	First copy - per sheet	£0.68
	Additional copies - per sheet	£0.29
Note:	When copied by photostatic or similar process each page shall be charged as one sheet.	
7.	Certifying or signing a document	£1.50
8.	Perusing any document (other than a letter) not exceeding 2 sheets in length	£3.00
	For each 2 sheets thereafter	£3.00
9.	*Lodging in process*	
	Each necessary lodging in or uplifting from process or each necessary enquiry for documents due to be lodged	£1.50

10.	*Borrowing process*	
	Each necessary borrowing of process to include return of same	£1.50
11.	*Extracts*	
	Ordering, procuring and examining extracts, interim or otherwise	£6.95
12.	*Correspondence, intimations, etc.*	
	(a) Formal letters and intimations	£0.70
	(b) Letters other than above - per page of 125 words	£3.00
	(c) Telephone calls except those to which subparagraph *(d)* below applies	£1.50
	(d) Telephone calls (lengthy) to be treated as attendances or long letters.	
13.	*Citations*	
	Each citation of party or witness including execution thereof	£3.00
14.	*Instructions to officers*	
	Instructing officer to serve, execute or intimate various kinds of writs or diligence including the examination of executions	£1.50
	For each party after the first on whom service or intimation is simultaneously made	£1.50
	Agency accepting service of any writ	£3.00
	Reporting diligence	£3.00
15.	*Personal diligence*	
	(a) Recording execution of charge	£3.00
	(b) Procuring fiat	£3.00
	(c) Instructing apprehension	£3.00
	(d) Framing state of debt and attendance at settlement	£4.50
16.	*Sales*	
	(a) Obtaining warrant to sell	£3.00
	(b) Instructing auctioneer or officer to conduct sale	£3.00
	(c) Perusing report of sale	£3.00
	(d) Reporting sales under poindings or sequestrations or any other judicial sales	£2.00
	(e) Noting approval of roup roll	£2.00
	(f) Obtaining warrant to pay	£2.00

CHAPTER IV - 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	£29.25
2.	*Service*	
	(a) Citation by post wheresoever after the first citation for each party	£3.35
	(b) Framing and instructing service by advertisement - for each party	£9.40
3.	Attendance at court	£9.40

	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	£31.75
	Fee to cover considering opponent's account of expenses and attending diet of taxation or adjusting account with opponent	£9.95
16.	*Copying fees*	
	Copying all necessary papers by any means -	
	First copy - per sheet	£0.68
	Additional copies - per sheet	£0.29
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	£16.35
	Fee for instructing counsel to conduct debate or proof	£32.75
	Fee for instructing counsel to conduct appeal to sheriff principal	£32.75
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	£14.90
2.	Time occupied in the performance of all other work including attendances with client and others and attendances at court in all circumstances, except as otherwise specifically provided -	
	(a) Solicitor - per half hour	£10.90
	(b) Allowance for time of clerk - one half of above.	
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	£3.50
4.	Framing affidavits - per sheet	£5.50
5.	Revising papers where revisal ordered - for each five sheets	£1.50
6.	Copying all necessary papers by any means -	
	First copy - per sheet	£0.68
	Additional copies - per sheet	£0.29
Note:	When copied by photostatic or similar process each page shall be charged as one sheet.	
7.	Certifying or signing a document	£1.50
8.	Perusing any document (other than a letter) not exceeding 2 sheets in length	£3.00
	For each 2 sheets thereafter	£3.00
9.	*Lodging in process*	
	Each necessary lodging in or uplifting from process or each necessary enquiry for documents due to be lodged	£1.50

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	£40.25
	(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	£3.35
	Citation by post elsewhere - for each party	£7.15
	(b) Instructing service or reservice by sheriff officer including persuing execution of citation and settling sheriff officer's fee - for each party	£3.35
	(c) Framing and instructing service by advertisement - for each party	£10.45
3.	*Attendance at court*	
	Attendance at any diet except as otherwise specifically provided	£10.45
4.	Preparing for proof, to include all work in connection with proof not otherwise provided for	£36.35
5.	Fee to cover preparing for adjourned diet and all incidental work if diet postponed for more than 6 days - for each adjourned diet	£18.20
6.	Drawing and lodging inventory of productions, lodging the production specified therein and considering opponents' productions (to be charged once only in each process)	£15.45
	Where only one party lodges productions, opponent's solicitor's fee for considering same	£7.15
7.	*Precognitions*	
	Drawing precognitions, including instructions, attendances with witnesses and all relative meetings and correspondence - per witness	£15.45
	Where precognition exceeds 2 sheets - for each additional sheet	£7.15
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	£22.05
	(b) Where unopposed (including for each party a joint minute or joint motion)	£13.25
9.	Fee to cover considering opponents' written motion or minute, excluding a minute or motion to recall decree, and relative attendance at court -	
	(a) Where motion or minute opposed	£18.20
	(b) Where motion or minute unopposed	£10.45
10.	*Conduct of proof*	
	Fee to cover conduct of proof and debate on evidence taken at close of proof - per half hour	£10.45
	Waiting time - per half hour	£5.55
11.	*Settlements*	
	(a) Judicial tender -	

	Fee for consideration of, preparing and lodging minute of tender	£22.05
	Fee for consideration and rejection of tenders	£15.45
	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	£15.45
	Extra-judicial settlement - fee to cover negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interponed thereto	£36.35
12.	*Specification of documents*	
	(a) Fee to cover drawing, intimating and lodging specification of documents and relative motion and attendance at court	£18.20
	(b) Inclusive fee to opposing solicitor	£16.55
	(c) Fee to solicitor for each party for citation of havers, preparation for and attendance before commissioner - for each half hour	£10.45
	(d) If alternative procedure adopted, fee per person upon whom order served	£7.15
13.	*Commissions to take evidence*	
	(a) Fee to cover drawing, lodging and intimating motion and attendance at court -	
	(i) Where opposed	£22.05
	(ii) Where unopposed	£13.25
	(b) Fee to cover considering such motion and attendance at court -	
	(i) Where opposed	£18.20
	(ii) Where unopposed	£10.45
	(c) Fee to cover instructing commissioner and citing witness	£10.45
	(d) Fee to cover drawing and lodging interrogatories and cross-interrogatories - per sheet	£7.15
	(e) Attendance before commissioner - per hour	£9.95
	Travelling time - per hour	£6.65
14.	Supplementary note of defence (when leave granted to lodge)	£7.15
15.	*Appeals*	
	Fee to cover instructions, marking of appeal or noting that appeal marked, noting of diet of hearing thereof and preparations for hearing	£49.65
	Fee to cover conduct of hearing - per half hour	£10.45
16.	*Final Procedure*	
	Fee to cover settling with witnesses, enquiries at avizandum, noting final interlocutor	£22.05
	Fee to cover drawing account of expenses, arranging, intimating and attending hearing on expenses, and obtaining approval of sheriff clerk's report	£22.05
	Fee to cover considering opponents' account of expenses and attendance at hearing on expenses	£10.45

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, attendance at Court, moving for decree-dative, extracting decree where necessary and all matters incidental to petition	£22.35

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	£22.35

3. Fees for other work shall be chargeable according to Chapter III.

Regulation 4

SCHEDULE 3

TABLE OF FEES

CHAPTER I - JUNIOR COUNSEL

PART I - UNDEFENDED ACTIONS OF DIVORCE OR SEPARATION- AFFIDAVIT PROCEDURE

1.	*Summons or other initiating writ*	
	(a) Subject to sub-paragraph *(b)* below the fees shall be -	
	(i) Where the facts set out in section 1(2)*(b)* (unreasonable behaviour) of the Divorce (Scotland) Act 1976(**a**) are relied on	£21.00
	(ii) Where the facts set out in section 1(2)*(a)* (adultery) or section 1(2)*(c)* (desertion) of the said Act are relied on and the action is not straightforward	£21.00
	(iii) Where the facts set out in the said section 1(2)*(a)* (adultery) or section 1(2)*(c)* (desertion) are relied on and the action is straightforward	£17.00
	(iv) When the facts set out in section 1(2)*(d)* (2 years non-cohabitation and consent) or 1(2)*(e)* (5 years non-cohabitation) of the said Act are relied on	£17.00
	(b) Where common law interdict and/or any order under the Matrimonial Homes (Family Protection) (Scotland) Act 1981(**b**) or any other ancillary order is also sought, the fee shall be within the following range:	
	From	£21.00
	To	£39.50
2.	*Minute*	
	(a) Minute involving arrangements for a child or children and/or financial provision	£16.00
	(b) Any other minute	£12.00
3.	*By order roll appearance*	£12.00
4.	*All other work*	
	The fees specified in Part IV shall apply.	

PART II - CONSISTORIAL ACTIONS OTHER THAN THOSE TO WHICH PART I APPLIES

1.	*Summons or other initiating writ*	
	The fees specified in Part I shall apply.	
2.	*Minute for pursuer relating to custody, aliment or access*	£17.50
3.	*Defences or answers*	
	(a) Defences or answers in purely skeleton form to preserve rights of parties	£10.00
	(b) Answers to minute	£16.00
	(c) The fee for defences or answers to which sub-paragraphs *(a)* or *(b)* do not apply shall be within the following range:	
	From	£17.00
	To	£35.50
4.	*Joint minute regulating custody, aliment or access*	

(**a**) 1976 c.39.
(**b**) 1981 c.59.

	Framing or adjusting the minute	£15.50
5.	*By order roll appearance*	£12.00
6.	*All other work*	
	The fees specified in Part IV shall apply.	

PART III - PETITIONS

1.	*Petition (including any revisals thereto)*	
	(a) Petition for interdict	£45.00
	(b) Other Outer House petitions	£29.50
	(c) Inner House petition: such fee shall be allowed as appears to the auditor to provide reasonable remuneration for the work.	
2.	*Answers (including any revisals thereto)*	
	(a) Petition for interdict	£45.00
	(b) Other Outer House petitions	£27.50
	(c) Inner House petitions: such fee shall be allowed as appears to the auditor to provide reasonable remuneration for the work.	
3.	*All other work*	
	The fees specified in Part IV shall apply.	

PART IV - ORDINARY ACTIONS

1.	*Summons* (including any revisals thereto)	
	(a) Straightforward cases	£37.50
	(b) Other cases	£49.50
2.	*Defences* (including any revisals thereto)	
	(a) Where in purely skeleton form to preserve rights of parties	£10.00
	(b) Otherwise the fee shall be within the following range, having regard to nature of summons:	
	From	£37.50
	To	£49.50
3.	*Adjustment of record*	
	(a) Adjustment fee (each occasion)	£16.00
	(b) Additional adjustment fee, where skeleton defences require to be amplified, where additional parties are introduced, etc.	£37.50
4.	*Specification of documents*	
	Standard calls only	£16.00
5.	*Minutes, etc.*	
	(a) Formal amendments or answers	£14.50
	(b) Amendments or answers other than formal	£25.50
	(c) Revising and signing tender or acceptance	£6.00
	(d) Note of exceptions	£16.00
	(e) Abandonment, sist, restriction, etc.	£7.50
	(f) Issue of counter issue	£7.50
6.	*Notes*	
	(a) Note on quantum only	£39.50
	(b) Note advising on tender or extra-judicial offer, where not merely confirming advice at consultation	£45.00
	(c) Note on line of evidence	£45.00

3.	*Notes*	
	(a) Note on quantum only	£59.50
	(b) Advice on tender or extra-judicial offer where not merely confirming advice at consultation	£65.00
	(c) Note on line of evidence (revisal)	£65.00
	(d) The fee for other notes shall be within the following range:	
	From	£20.00
	To	£65.00
4.	*Consultations*	
	(a) Before proof or trial, or otherwise involving a significant degree of preparation or lengthy discussion	£79.00
	(b) Other consultations	£65.00
5.	*Day in court*	
	(a) Inner House - per day	£233.00
	(b) Outer House - per day	£217.50

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations further amend the Legal Aid (Scotland) (Fees in Civil Proceedings) Regulations 1984 so as to increase the fees allowable to solicitors for legal aid in civil proceedings and to increase the fees allowable to counsel for legal aid in proceedings in the Court of Session. The increased fees will apply to work done on or after 1st May 1986.

Regulation 2 and Schedule 1 substitute a new Table of Fees for the Table of Fees in Schedule 1 to the 1984 Regulations. (This Table 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.) The overall increase is around 4½%.

Regulation 3 and Schedule 2 substitute a new Table of Fees for the Table of Fees in Schedule 2 to the 1984 Regulations. (This Table of Fees regulates solicitors' fees for legal aid in the sheriff court. Chapter III of the Table of Fees also regulates solicitors' fees for legal aid in the Scottish Land Court and in certain circumstances the Lands Tribunal for Scotland.) The fees have been increased by amounts similar to those in Schedule I.

Regulation 4 and Schedule 3 substitute a new Table of Fees for the Table of Fees in Schedule 3 to the 1984 Regulations. (This Table of Fees regulates counsels' fees in the Court of Session.) The overall increase is around 4½%.

SI 1986/681
ISBN 0-11-066681-X

