

SCHEDULE 9

Paragraph 3(5)(d)

PART IIIB – DEFENDED ACTIONS: PERSONAL INJURY
CLAIMS COMMENCED ON OR AFTER 1ST MARCH 2014

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| 1. Precognition and reports | |
| Taking and drawing precognitions, per sheet | 71.00 |
| Note: | |
| Where a skilled witness prepares his or her own precognition or report, the solicitor shall be allowed, for perusing it (whether or not in the course of doing so he or she revises or adjusts it), half of the taking and drawing fee per sheet. | |
| 2. Work before action commences | |
| All work which the Auditor is satisfied has reasonably been undertaken in contemplation of, or preparatory to the commencement of proceedings (or such lesser sum as in the opinion of the Auditor is justified). | 426.00 |
| 3. Instruction fee | |
| (a) To cover all work (except as otherwise specifically provided for in this Chapter) from commencement to the lodging of the form of response, including effecting service of summons by post | 284.00 |
| (b) Fee for consideration of each additional form of response lodged | 71.00 |
| (c) Specification of documents as per Form 10e | 71.00 |
| (d) Fee to opponent for considering specification of documents | 71.00 |
| (e) Instructing service or re-service by way of sheriff officer including perusing execution of citation and settling sheriff officers' charges | 71.00 |
| (f) If counterclaim lodged, additional fee to each party to include answers | 213.00 |
| (g) Arranging commission for recovery of documents including citing havers, instructing commissioner and shorthand writer and preparation for commission | 106.50 |
| (h) Fee to opponent where a commission arranged | 71.00 |
| (i) Attendance at execution of commission, per quarter hour | 35.50 |
| (j) If optional procedure adopted, fee per person on whom order is served | 35.50 |
| (k) Fee for perusal of documents recovered, per quarter hour | 35.50 |
| 4. Adjustment fee | |
| (a) All work (except as otherwise specifically provided for in this Chapter) in connection with adjustment of statement of valuation of claim and/or response thereto including preparing and lodging certified adjusted statement of valuation of claim or response | 266.25 |
| (b) All work as above, so far as applicable, where cause settled or disposed of before expiry of adjustment period | 159.75 |

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5. Introduction of additional parties

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| Fee (to include necessary amendments) to the pursuer and existing defender to be allowed for each pursuer, defender or third party brought in | 213.00 |
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6. Valuation of claim

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| (a) Fee for preparation and lodging of statement of valuation of claim | 213.00 |
| (b) Fee for consideration of opponent’s statement of valuation of claim | 106.50 |
| (c) Fee for inspection of documents, per quarter hour | 35.50 |

7. Productions

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| (a) Fee for lodging productions, each inventory | 71.00 |
| (b) Fee for consideration of opponent’s productions, each inventory | 35.50 |

8. Affidavits

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| Framing affidavits, per sheet | 35.50 |
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9. Incidental applications and minutes

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| (a) Fee to cover drawing, intimating and lodging any written incidental application and minute including a minute for recall of decree, and relative attendance at court (except as otherwise provided for in this Chapter)— | |
| (i) where opposed | 177.50 |
| (ii) where unopposed – including for each party a joint minute or joint incidental application (other than under paragraph 19(b)) | 71.00 |
| (iii) where incidental application exceeds half an hour, additional fee per quarter hour | 35.50 |
| (iv) attendance at continued incidental application, per quarter hour | 35.50 |
| (b) Fee for consideration of opponent’s written incidental application or minute and relative attendance at court— | |
| (i) where opposed | 177.50 |
| (ii) where unopposed | 71.00 |
| (iii) where incidental application exceeds half an hour, additional fee per quarter hour | 35.50 |
| (iv) attendance at continued incidental application, per quarter hour | 35.50 |

10. Reports obtained under order of court excluding Auditor’s Report

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| (a) All work incidental to report | 142.00 |
| (b) Additional fee for perusal of report, per quarter hour | 32.00 |

11. Specification of documents (if further specification deemed necessary)

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| (a) Fee to cover drawing, intimating and lodging specification of documents and relevant incidental application— | |
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| (i) where incidental application unopposed | 142.00 |
| (ii) where incidental application opposed, additional fee per quarter hour | 35.50 |
| (b) Fee to opponent— | |
| (i) where incidental application not opposed | 71.00 |
| (ii) where incidental application opposed, additional fee per quarter hour | 35.50 |
| (c) Fee for arranging commission to recover documents, citing havers, instructing commissioner and shorthand writer and preparation for commission | 142.00 |
| (d) Fee to opponent | 71.00 |
| (e) Attendance at execution of commission, per quarter hour | 35.50 |
| (f) If optional procedure adopted, fee per person upon whom order is served | 35.50 |
| (g) Fee for perusal of documents recovered under a specification of documents (or by informal means) not otherwise provided for in this Chapter, per quarter hour | 35.50 |

12. Commissions to take evidence – open commissions

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| (a) 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 at execution of commission | 248.50 |
| (b) Fee to opponent | 142.00 |
| (c) Fee for attendance at execution of commission, per quarter hour | 35.50 |

13. Hearing limitation fee

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| Fee to include work done (except as otherwise specifically provided for in this Chapter) with a view to limiting the scope of any hearing and including the exchange of documents, precognitions and expert reports, agreeing in fact, statement or document not in dispute and preparing and lodging or considering any joint minute, not exceeding | 248.50 |
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14. Preparation for proof

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| (a) Fee to cover all work preparing for proof (except as otherwise specially provided for in this Chapter)— | |
| (i) if action settled or abandoned within 7 days of diet of proof | 781.00 |
| (ii) in any other case | 568.00 |
| (b) Fee to cover preparing for any adjourned diet and all incidental work as in (a) if diet postponed for more than 6 days, each additional diet | 177.50 |

15. Pre-proof conference

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| (a) Fee for arranging pre-proof conference (each occasion) | 71.00 |
| (b) Fee preparing for pre-proof conference— | |
| (i) where counsel or solicitor advocate not employed | 390.50 |
| (ii) where counsel or solicitor advocate employed | 195.25 |
| (c) Fee for attending pre-proof conference, per quarter hour— | |

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- (i) where counsel or solicitor advocate not employed 35.50
- (ii) where counsel or solicitor advocate employed 32.00
- (d) Joint minute of pre-proof conference 71.00

Note:

Where pre-proof conference takes place by telephone or other remote means, the foregoing charges shall apply.

16. Conduct of proof

- (a) Fee to cover conduct of proof or trial, and debate on evidence taken at close of proof, per quarter hour 35.50
- (b) If counsel or solicitor advocate employed, fee to solicitor appearing with counsel or solicitor advocate, per quarter hour 32.00
- (c) Waiting time, per quarter hour 32.00

17. Debate on evidence

- (a) Where debate on evidence not taken at conclusion of proof, fee preparing for debate 142.00
- (b) Fee for conduct of debate, per quarter hour 35.50
- (c) If counsel or solicitor advocate employed, fee to solicitor appearing with counsel or solicitor advocate, per quarter hour 32.00
- (d) Waiting time, per quarter hour 32.00

18. Attendance at court

Attendance at any hearing except as otherwise specially provided 71.00

19. Settlements

- (a) Settlement by judicial tender—
 - (i) fee for preparation and lodging or for consideration of each minute of tender 142.00
 - (ii) fee on acceptance of tender to include preparation and lodging or consideration of minute of acceptance of tender and attendance at court when decree granted in terms thereof 106.50
- (b) Extra-judicial settlement, to include negotiations resulting in settlement, framing or revising joint minute and attendance at court when authority interposed thereto 248.50
- (c) Whether or not fees payable under (a) or (b) above, where additional work has been undertaken with a view to effecting settlement, including offering settlement, although settlement not agreed, not exceeding 248.50

20. Final procedure

- (a) If case proceeds to proof or is settled within 14 days before the diet of proof, fee to cover settling with witnesses and enquiring for cause at avizandum and noting final interlocutor 195.25
- (b) In any other case 88.75

21. Copying

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For the copying of papers by whatever means, if the Auditor determines (either or both) that—

- (a) the copying had to be done in circumstances which were in some way exceptional;
 - (b) the papers which required to be copied were unusually numerous having regard to the nature of the case,
- such charge, if any, as the Auditor considers reasonable (but a charge based on the time expended by any person shall not be allowed).

Note:

1. Where a determination is required under this paragraph, the purpose of the copying, the number of copies made and the charge claimed shall be shown in the account.

2. Copying done other than in the place of business of the solicitor shall be shown as an outlay.

22. Appeals

- (a) Fee to cover instructions, marking of appeal or noting that appeal marked, noting of diet of hearing thereof, perusing Stated Case and all work re adjustment thereof, including preparation for hearing 390.50
- (b) Conduct of appeal, per quarter hour 35.50
- (c) If counsel or solicitor advocate employed, fee to solicitor appearing with counsel or solicitor advocate, per quarter hour 32.00
- (d) Waiting time, per quarter hour 32.00

23. Instruction of counsel or solicitor advocate

- (a) Fee for instructing counsel or solicitor advocate to attend court 177.50
- (b) Fee for attending consultation with counsel or solicitor advocate—
 - (i) Where total time engaged does not exceed one hour 177.50
 - (ii) Fee for each additional quarter hour 35.50

24. Accounts of Expenses

Preparation of judicial account of expenses to include production of vouchers and adjustment thereof 177.50

25. Ordering and procuring extract 35.50
