

MRS. [REDACTED]

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This is a taxation between the Law Society and the Solicitors for the Defender who was an Assisted Person.

The Account is made up in terms of the Table of Fees Chapter III in other words on the Alternative or "block" fee system.

The proceedings in Court arose on the lodging by the Pursuer of a Minute of Variation to vary an Interlocutor of 6th December 1973 in respect of aliment and periodical allowance. It is therefore in the original process. The Defender lodged Answers and the case proceeded in the usual way until 7th January 1977 when on the morning of the Proof it was settled. There is a Joint Minute in the process which is No. 21 of Process.

The difference between the parties to the taxation arises out of the use of alternative fees and as to whether they should be modified in respect of the procedure in a Minute and Answers case being different to the ordinary defended action.

It is true that the procedure may be less difficult and have less work in it than in an ordinary action. It may also have more. If it is laid down in the rules of Court that this system of feeing is to be allowed then the Solicitors may charge on that basis. If in any part of the work covered by a fee a portion of it which is material is not done then in the Auditor's view some deduction is proper, but if generally the work covered by the fee is done it seems to the Auditor that the fee should be allowed.

The Auditor is not to be taken as agreeing in principle with the system of alternative fees as it now stands. This is not, however, the proper place for entering into a discussion on the principle. The account will therefore be sustained apart from the taxations made at the taxation.



*W. Angus Smith*

incurred by

Defender to

Messrs Allan Black & McCaskie, Solicitors

and

Messrs Alex Morison & Co, W.S.,

in causa

Mrs [REDACTED] (AP) PB PURSUER

against

Mr [REDACTED] (DP) JB DEFENDER

37A/2/9065-74

L102

1974

Oct

1 Instruction Fee

(Note:- most of the work included under the above was done after Nov 1st I think this is a fair fee in the circumstances).

Fee for Precognition of Mr [REDACTED] 1 sheet

Making 3 copies 1 sheet each

18 Fee for Motion to sist the cause

Fee for Legal Aid Application Memorandum and Copies

1975

Jan

9 Fee for Motion to Recall sist

21 Paid Mr D.R.A.Emslie fee for Answers

7 Fee for Motion to allow Answers to be Received late

£3.50

Paid Mr D.R.A.Emslie fee for Motion Roll

1976

Feb

10 Record fee

Paid Mr D.R.A.Emslie fee for Adjustments

Fee for Motion for increase in awards of aliment

Paid Mr D.R.A.Emslie fee for Motion Roll

May

25 Fee for Motion for interim access

Paid Mr D.R.A.Emslie fee for Motion Roll

Nov

22 Paid Lindsay & McLeod fee for Prints of Closed Record

£

£

30

00

2

50

50

1

50

3

00

2

00

6 00

3

50

2 00

40

00

4 00

6

00

4 00

6

00

4 00

4 36

3.50

BROUGHT FORWARD

£		£
24	36	95

22 Incidental Procedure

60

13 Fee for considering specification of Documents

10

Paid Mr D.R.A.Emslie fee for Motion Roll (opposing Specification) (Motion dropped to enable Specification to be amended)

8 00

7

4 Paid Mr B.A.Kerr fee for Note on the Line of Evidence

10 00

Paid Mr B.A.Kerr fee for Minute of amendment

4 00

Fee for Minute of amendment (no answers Lodged)

15

£15

Fee for Preparation for Proof

85

7 Paid Mr B.A.Kerr fee for Proof and negotiating Settlement

15 00

Fee for Joint Minute

35

£5

Fee for attendance at Proof (Settlement agreed) 1½ hours

15

Final Procedure

8

Paid dues of C.C.I

75

Authorized increase in fees from 1-9-75 to 31-8-76

15

.99 Session fee at 10%

33

1.36 Posts and Incidentals

44 80

Agents Fee

13

25-85

£	106	91	386
			<del>373</del>
			106

£ 479  
493

The Auditor of Court of Session is respectfully requested to tax the foregoing account of expenses on an agent and client third party or Fund paying basis.

Auditor's Fee

10

Taxed off

504

25

£478