

SHERIFFDOM OF LOTHIAN & BORDERS AT DUNS

NOTE OF OBJECTIONS

to

Auditor of Courts Taxation of the  
Pursuers Account of Expenses due by  
the Defender

in causa

[REDACTED]  
(Assisted Person) residing at [REDACTED]  
[REDACTED]

JG

PURSUER

against

[REDACTED], her husband  
residing at [REDACTED]  
[REDACTED]

RMc

DEFENDER

1. The Auditor of Court after a Diet of Taxation within Jedburgh Sheriff Court on 8th of March 1988 taxed the amount of expenss due by the Defender to the Pursuer in the sum of ONE THOUSAND ONE HUNDRED AND FORTY ONE POUNDS and SIXTY FIVE PENCE (£1.141.65). The said account had largely been prepared under the table of fees (Sheriff Court) Chapte. II.
2. The said account at the 27th of February 1986 had an entry for work claimed under the table of fees (Sheriff Court) Chapter 1 part II being the fee for all work from period of notice to and including swearing affidavits in the sum of ONE HUNDRED POUNDS (£100) the said entry should not have been allowed by the auditor of Court.
3. The said Chapter II provides at paragraph 1 (a)..... to cover all work/

work (except as hereinafter otherwise specifically provided for in this chapter). Therefore unless there is provision within the said chapter II no additional fees maybe charged. Chapter 1 part II relates only to undefended actions of divorce and of separation and aliment. The action between the parties was a defended action and therefore it is not competent to make any provision for charges under the said chapter 1 part II.

4. The entries for the process fee, posts and incidents and allowance for VAT should also be reduced accordingly.

IN RESPECT WHEREOF,

Solicitor,  
47 Market Square, Duns  
Agent for Defender.

SHERIFFDOM of LoTHIAN and BORDERS at DUNE

ANSWERS for PURSUER  
to NOTE of OBJECTIONS

in causa

PURSUER

against

1. It is suggested by the Defender that it is not competent to combine Chapter I and Chapter II of the Sheriff Court Table of Fees. Reference is specifically made to the Act of Sederunt (Fees of Solicitors in the Sheriff Court) 1986 and Paragraph 7 of the General Regulations. It is stated at Paragraph 7 that:-

"Save as otherwise provided in the Table Fees it shall be in the option of the Solicitor to charge an account either on the basis of the inclusive fees of Chapters I and II or on the basis of the detailed fees of Chapter III of the Table of Fees but in accounts as between party and party it shall not be competent to make charges partly on the one basis and partly on the other."

2. Accordingly, although it is specifically prohibited to charge partly on the basis of the inclusive fees of Chapter I and Chapter II and partly on the basis of the inclusive fees of Chapter III, there is no prohibition noted to prevent Solicitors charging on the basis of partly Chapter I and partly Chapter II.
3. It is explained that the Table of Fees covering Court of Session proceedings were amended by Act of Sederunt to the effect that in an action warranted or signeted on or after 15 April 1981 a Solicitor must opt to charge an account either wholly on a block fee or on a wholly detailed basis. Prior to that date accounts could be prepared on a partly block and partly detailed basis. At that time there was an inclusive fee for undefended action /

actions as well as a block table for both undefended and defended actions. When the alternative Table of Fees came into effect it was specifically broken down in line with the previous undefended table, i.e. Part 1 - Instruction Fee, Part 2 - Incidental Procedure and Part 3 - Proof and Completion Fee. At a taxation before the Auditor of the Court of Session it was argued that in an action which was defended and then undefended unless a Solicitor was able to charge his account on the defended block fee and then revert back to the particular section of the alternative table when the action either settled or became undefended he would not be able to exercise his option to charge his account on a wholly block basis. This argument was accepted by the Auditor of the Court of Session who taxed the Solicitor's account on this basis.

4. Accordingly the Auditor has correctly allowed fees under Chapter I and Chapter II and the Pursuer seeks Decree for the sum of £1,141.65 as taxed expenses.

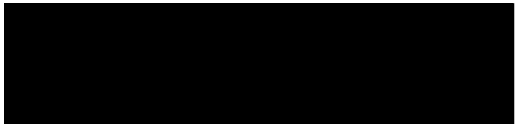
IN RESPECT WHEREOF

(Sgd.) Ronald A. Hastings

Solicitor,  
10 The Square,  
Kelso.  
Agent for Pursuer

INITIAL WRIT

in causa



..... PURSUER

against



..... DEFENDER

DUNS: 27 Juny 1788

Act: Hastings

Alt; Allardice

The Sheriff, having heard parties solicitors on the note of objections to the Auditor of Court's taxation of the pursuer's account of expenses due by the defender repels same, approves the auditors report, decerns the defender to pay to the pursuers the sum of ONE THOUSAND ONE HUNDRED AND FORTY ONE POUNDS SIXTY FIVE PENCE (£1,141.65) of expenses, finds the defender liable to the pursuers in the expenses of the hearing, allows an account thereof to be given in and remits same when lodged to the auditor of court to tax and to report.

Sheriff

Certified a true copy.

*M. Strauch*  
Sheriff Depute  
Date 30/4/88

2  
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SHERIFFDOM OF LoTHIANS AND BORDERS AT DUNS

Jedburgh 6th March, 1986

The Sheriff pronounced decree (1) divorcing the Defender from the Pursuer (2) ordaining payment (a) by the Defender to the Pursuer of a capital sum of £6000 with interest thereon at the rate of 15 per centum per annum from 6th March, 1986 until payment (3) finding the Defender liable to the Pursuer in expenses as the same may be subsequently taxed.

ACCOUNT OF EXPENSES

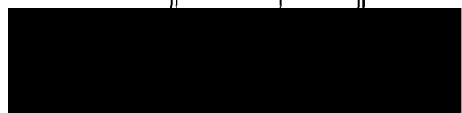
Incurred by

THE PURSUER

to

MESSRS TAIT'S SOLICITORS KELSEY

In Causa



PURSUER

against



z  
z

1984

Blatter 2

£

Precognitions:

Fee for Precognition by Pursuer  
2 shs.

26 00 ✓

Extending and 2 copies (1) 1 baby allowed.

2 00  
~~2 60~~

Fee for Medical Report by [redacted]  
1 sh. (half)

6 00 ✓

Extending and 2 copies (1) 1 baby allowed

1 00  
~~1 30~~

Oct 23 Fee for Precognition by [redacted]  
2 shs.

26 00 ✓

Extending and 2 copies (1) 1 baby allowed

2 00  
~~2 60~~

1985  
Apr 11 Fee for your Supplementary Statement

12 00 ✓

Extending and 2 copies (1) 1 baby allowed

1 00  
~~1 30~~

May 13 Instruction Fee

85 50 ✓

Paid Court Dues

40 00 ✓

Paid dues of Marriage Certificate

5 00 ✓

June 5 Fee for Defender's Motion to sist the Cause  
(Unopposed)

13 50 ✓

10 Fee for revising Valuation Report (instructed  
by Defender's agents)  
2 shs. (half)

13 00 ✓

		£			
			45	00	188 00 <del>189 80</del>
1985					
July	31	Fee for Pursuer's Motion to recall the Sist and ordain the Defender to lodge Defences Unopposed			26 50 ✓
Aug	23	Making copy of Productions for our file (Accounts 9 shs. <i>adj.</i> )			6 30 ✓
Nov	12	Fee for Valuation by [REDACTED] 3 shs. (half)			19 50 ✓
		Extending and 2 copies <i>1 copy allowed.</i>			3 00 <del>3 90</del>
		Paid Fee for Valuation	67	28	
Dec	4	Adjustment Fee			128 00 ✓
1986					
Feb	21	Fee for Inventory of Productions			13 50 ✓
	25	Fee for considering Minute of Tender of Capital Sum			29 50 ✓
		Making copy of Productions lodged by the Defender 15 shs.			10 50 ✓ <del>10 55</del>
	26	Making copy of Defender's further productions 5 shs.			3 50 ✓
	27	Fee for all work from Period of Notice to and including swearing Affidavits (re. merits only)			100 00 ✓
		Paid Notary's fee for notarising Affidavits by Pursuer and two witnesses	24	00	
		VAT thereon @ 15%	3	60	
		NOTE: It should be noted that the crave for divorce itself was allowed to proceed as Un defended and Affidavits were allowed to be lodged in that connection. A Hearing on the financial Conclusions was appointed to take place on 5 March			



1986

Feb

Fee for Ancillary Conclusion (still defended)

£

139

88

~~528~~ 30  
~~531~~ 05

27 Fee for preparation for Proof (Proof fixed for 5 March on Financial Conclusion only)

53 50 ✓

Mar

5 Attendance at Duns Sheriff Court when the Defender's agents handed over the signed Agreement and we lodged Productions and a Joint Minute and the Proof was thereafter discharged

- --

Extra-judicial Settlement Fee to cover all negotiations throughout the whole course of the Action and Adjustment of Minute of Agreement and Joint Minute

50 00 ✓

Fee for swearing all Affidavits to and including sending Extract Decree (in respect of the merits) *do not allow, uncontracted in fee of £100, 27/2/86.*

~~30~~ 00

Add 7% Authorised Increase from 1 May 1985  
(£635.62) (£631.80)

44 22  
~~44~~ 50

---

676 02

1987

Oct

Account fee

- --

Add Process fee @ 10% (£709.05)

67 60

~~70~~ 90

---

743 62

Posts and Incidents @ 12% (£779.95)

~~93~~ 60

89 23

---

832 85

£

~~873~~ 55

Add Outlays:

- --

---

832 85

£

~~873~~ 55

Add Allowance for VAT @ 15% (£873.55)

131 04

~~124~~ 92

---

957 77

£

~~1004~~ 60

Add Dues of Extract re. Expenses  
OUTLAYS

88 80

139 88

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1097 65

£

44 00

Add Audit Fee  
Faulkner 3 May 1988. Total at the sum of £1,141.65