Business Account incurred by Rollo, Steven & Sond, Solicitors, 116 Sesgare, Dunder to The Law Society of Scotland In causa PB Instruction fee Invertory of Productions PILALE LET AVE. Solicition Particle Collows as yet 1,700 Frecognition Particle Collows as yet 1,700 Frecognition Particle Collows as yet 1,700 Recognition Particle Collows as yet 1,700 ADD Frocess fee 105 ADD Focus and Incindents & 125 V.A.T. & 85 ADD Cutley Lues of Sarrant NOTE: Effective date of Legal Add Certificate Date of Warrant Solicition Particle Collows by Qualified person. THECO NO CAMM		1000	1		77.3		1.2	
PB Instruction fee In eauea In eauea PB Instruction fee Inventory of Productions Pitche LET ME Settlement by Joint Kinute HAVE SIGHT OF JOINT AUNIOUTE Precognition Pairiois C.C. Royle 2 sps 1 700 1 copy Pacognition Pairiois C.C. Royle 2 sps 1 700 1 copy ADD Process fee 10% ADD Process fee 10% ADD Posts and Incindents c 12% V.A.T. 2 Si 1 ADD Gutlay Lues of Warrant Sc///PA Date of Final interlocuter 26/179 No defences logical Aid Certificate Date of Final interlocuter 26/179 No defences logical Aid Incindents ADD Warrant Sc///PA Date of Final interlocuter 26/179 No defences logical Aid Certificate Date of Final interlocuter 26/179 No defences logical Aid Certificate Date of Final interlocuter 26/179 No defences logical Aid Parametry MACCO 1//79 ACCO 1//79 ACCO 1//79 ACCO 1//79 MACCO 1//79	را							ļ.
PB Instruction fee In eauea In eauea PB Instruction fee Inventory of Productions Pitche LET ME Settlement by Joint Kinute HAVE SIGHT OF JOINT AUNIOUTE Precognition Pairiois C.C. Royle 2 sps 1 700 1 copy Pacognition Pairiois C.C. Royle 2 sps 1 700 1 copy ADD Process fee 10% ADD Process fee 10% ADD Posts and Incindents c 12% V.A.T. 2 Si 1 ADD Gutlay Lues of Warrant Sc///PA Date of Final interlocuter 26/179 No defences logical Aid Certificate Date of Final interlocuter 26/179 No defences logical Aid Incindents ADD Warrant Sc///PA Date of Final interlocuter 26/179 No defences logical Aid Certificate Date of Final interlocuter 26/179 No defences logical Aid Certificate Date of Final interlocuter 26/179 No defences logical Aid Parametry MACCO 1//79 ACCO 1//79 ACCO 1//79 ACCO 1//79 MACCO 1//79			63.2° %				1.046	€ 5
PB Instruction fee In eauea In eauea PB Instruction fee Inventory of Productions Pitche LET ME Settlement by Joint Kinute HAVE SIGHT OF JOINT AUNIOUTE Precognition Pairiois C.C. Royle 2 sps 1 700 1 copy Pacognition Pairiois C.C. Royle 2 sps 1 700 1 copy ADD Process fee 10% ADD Process fee 10% ADD Posts and Incindents c 12% V.A.T. 2 Si 1 ADD Gutlay Lues of Warrant Sc///PA Date of Final interlocuter 26/179 No defences logical Aid Certificate Date of Final interlocuter 26/179 No defences logical Aid Incindents ADD Warrant Sc///PA Date of Final interlocuter 26/179 No defences logical Aid Certificate Date of Final interlocuter 26/179 No defences logical Aid Certificate Date of Final interlocuter 26/179 No defences logical Aid Parametry MACCO 1//79 ACCO 1//79 ACCO 1//79 ACCO 1//79 MACCO 1//79			}	Business Account incurred by	10.14 3.3 61.8			** *
Instruction fee Inventory of Productions FILAGE LET ATE Settlement by Joint Minute HAVE Sight of Settlement by Joint Minute HAVE Sight of Joint Minute HAVE					-5.3.4		3 (154)	Š
Instruction fee Inventory of Productions							: : : (A)	ál
Instruction fee Inventory of Productions PLEALE LET AME 900 Settlement by Joint Winner HAVE SIGHT OF 95 00 Precognition Pairicia C.C.Boyle 2 sps 1700 1 copy 100 Pecognition Segaret Rose Wilkinson Boyle 2 sps 17 00 1 copy 100 ADD Process fee 10% 16 80 ADD Posts and Incindents @ 12% 22 17 16 80	1		300	The Law Society of Scotland				\$4 2-1
Instruction fee Inventory of Productions PLEAE LET ANE 900 Settlement by Joint Nimute HAVE SIGHT OF 35 00 Precognition Pairicia C.C.Boyle 2 sps 1,700 1 copy 1 00 Pecognition Targaret Rose Wilkinson Boyle 2 sps 1,700 1 copy 1 00 ADD Process fee 10% 16.80 ADD Posts and Incindents @ 12% 225 7 V.A.T. 2 8% 225 17 NOTE: Effective date of Legal Aid Certificate 10/10/78 Date of Marrant Schiller 2/17 Pate of Jervice 2/1				in causa				A.
Instruction fee Inventory of Productions PLEAE LET ANE 900 Settlement by Joint Nimute HAVE SIGHT OF 35 00 Precognition Pairicia C.C.Boyle 2 sps 1,700 1 copy 1 00 Pecognition Targaret Rose Wilkinson Boyle 2 sps 1,700 1 copy 1 00 ADD Process fee 10% 16.80 ADD Posts and Incindents @ 12% 225 7 V.A.T. 2 8% 225 17 NOTE: Effective date of Legal Aid Certificate 10/10/78 Date of Marrant Schiller 2/17 Pate of Jervice 2/1] . [i Noi
Instruction fee Inventory of Productions PLEAE LET ANE 900 Settlement by Joint Nimute HAVE SIGHT OF 35 00 Precognition Pairicia C.C.Boyle 2 sps 1,700 1 copy 1 00 Pecognition Targaret Rose Wilkinson Boyle 2 sps 1,700 1 copy 1 00 ADD Process fee 10% 16.80 ADD Posts and Incindents @ 12% 225 7 V.A.T. 2 8% 225 17 NOTE: Effective date of Legal Aid Certificate 10/10/78 Date of Marrant Schiller 2/17 Pate of Jervice 2/1			}					ii. Na
Instruction fee Inventory of Productions PLARE LET ANE 900 Settlement by Joint Minute HAVE SIGHT OF 35 00 Precognition Pairicia C.C. Boyle 2 sps 1,700 1 copy 1,00 Pecognition Targaret Rose Wilkinson Boyle 2 sps 1,700 1 copy 1,00 ADD Process fee 10% 1,680 ADD Posts and Incindents 0 12% 12,17 V.A.T. 2 8% 1,55 MONE: Effective date of Legal Aid Certificate 10/10/78 Date of Marrant Schiller 2/10 Pate of Jervice 2/10		1.00		PB	705.45F			
Inventory of Productions Fight LET ATE Settlement by Joint Kinute HAVE SIGHT OF JOINT MINUTE Precognition Patricis C.C.Boyle 2 sps 1700 100 Facognition Fargaret Rose Mikinson Boyle 2 sps 17 00 100 I copy 100 168 00 168 00 168 00 168 00 168 00 168 00 168 00 168 00 ADD Process fee 10% 165 00 165 00 165 00 165 00 ADD Posts and Incindents 12% 200 97 165 52 223 42 NOTE: Effective date of Legal Aid Certificate 10/10/18 165 00 165 00 165 00 Bate of Warrant 16/11/18 165 00 165 00 165 00 165 00 165 00 NOTE: Date of Warrant 16/11/18 165 00 16								
Inventory of Productions flefic LET ATE Settlement by Joint Kinute HAVE SIGHT OF JOINT MINUTE Precognition Fatricis C.C.Boyle 2 sps 1 copy Facognition Fatricis C.C.Boyle 2 sps 1 copy Fatricis C.C.Boyle				al de la companya de La companya de la co				
Inventory of Productions flefic LET ATE Settlement by Joint Kinute HAVE SIGHT OF JOINT MINUTE Precognition Fatricis C.C.Boyle 2 sps 1 copy Facognition Fatricis C.C.Boyle 2 sps 1 copy Fatricis C.C.Boyle	* 111	3 (10)			- 170		# 144 A. A.	
Settlement by Joint Minute JOINT MINUTE Precognition Patricis C.C. Boyle 2 sps 1 copy Fecognition Margaret Rose Wilkinson Boyle 2 sps 1 copy ADD Process fee 10% ADD Posts and Incindents 6 12% V.A.T. W 6% ADD Cutley Lues of Warrant NOTE: Effective date of Legal Aid Certificate Date of Warrant Sc////% Bate of Service 1/2/78 Date of Service 1/2/78 Date of Service 1/2/78 Date of Service 1/2/79 No defences lodged All work done by qualified person. TARKED 12/79 A S. MINUTERN COMMING.				Instruction fee			80 (00
Settlement by Joint Minute JOINT MINUTE Precognition Patricis C.C.Boyle 2 sps 1.700 1 copy Pecognition Margaret Rose Wilkinson Boyle 2 sps 1.700 1 copy ADD Process fee 10% ADD Posts and Incindents 6 12% V.A.T. # 8% ADD Cutlay Lues of Marrant NOTE: Effective date of Legal Aid Certificate Date of Warrant Sc/// > Date of Service // 2/78 Late of Service // 2/78 L			} }	Inventory of Productions PILAGE 147 AME			9	0 0
Precognition Fairicia C.C.Boyle 2 sps 1.700 1 copy 100 Pecognition Fargaret Rose Wilkinson Boyle 2 sps 1.700 1 copy 100 ADD Process fee 10% 16.80 ADD Posts and Incindents @ 12% 22 17 V.A.T. 9 8% 16.55 ADD Cutlay Dues of Warrant 900 ROTE: Effective date of Legal Aid Certificate 10/10/78 Date of Warrant 3c/1/28 Date of Farvice 1/2/78 Date of final interlocuter 26/1/79 No defences lodged All work done by qualified person. VALCE 1/2/79 A 5. MAKKED NO CLAIM			{ {					4.
Precognition Fairicia C.C. Boyle 2 sps 1.700 1 copy Pecognition Fargaret Rose Wilkinson Boyle 2 sps 1.700 1 copy ADD Process fee 10% ADD Posts and Incindents @ 12% V.A.T. W 8% ADD Cutlay Dues of Warrant ROTE: Effective date of Legal Aid Certificate Date of Warrant 3c///28 Date of Farvice 1/2/78 Date of Farvice 1/2/78 Date of Farvice 1/2/78 No defences lodged All work done by qualified person. VALCE 12//79 A 15 MINUTED DUARNEL MARKED NO CLAIM			{ }	Settlement by Joint Minute JOINT MINUTE		等兵	اردر ان چین	UU E
1 copy 1 00 1 copy 1 1 00 1 copy 2 sps 17 00 1 copy 1 00 1				Precognition Patricia C.C. Bovle 2 sps			170	00
ADD Process fee 10% ADD Process fee 10% ADD Posts and Incindents © 12% V.A.T. 0 8% ADD Cutlay Dues of Warrant NOTE: Effective date of Legal Aid Certificate Date of Warrant 3c/n/25 Date of Service //2/28 Date of Final interlocuter 26/1/79 No defences lodged All work done by qualified person. THICED 12/1/79 LA ASS MINICAL RUGINAL MILENSON NO CLANH				The second of the first of the first of the second of the			1	00
ADD Process fee 10% ADD Process fee 10% ADD Posts and Incindents © 12% V.A.T. 0 8% ADD Cutlay Dues of Warrant NOTE: Effective date of Legal Aid Certificate Date of Warrant 3c/n/25 Date of Service //2/28 Date of Final interlocuter 26/1/79 No defences lodged All work done by qualified person. THICED 12/1/79 LA ASS MINICAL RUGINAL MILENSON NO CLANH	* **			Page witing target Page Wilkingon Boyle 2 and		200	17	CO
ADD Process fee 10% ADD Posts and Incindents @ 12% V.A.T. 9 8% ADD Cutlay Dues of Warrant NOTE: Effective date of Legal Aid Certificate Date of Warrant Sc/11/78 Date of Final interlocuter 26/1/79 No defences loaged All work done by qualified person. THICKED 12/1/79 LAMIS MINUTERS OF THE PROPERTY	* *				1.43	1800 L		
ADD Posts and Incindents © 12% V.A.T. 0 8% • ADD Cutlay Dues of Warrant NOTE: Effective date of Legal Aid Certificate: 10/10/78 Date of Warrant 3c/11/25 Date of Service 1/2/18 Date of final interlocuter 26/1/79 No defences lodged All-work done by qualified person. VARCED 12/1/79 A S. MINICATON DUALING.				[1] - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -				
ADD Posts and Incindents © 12% V.A.T. 98% ADD Cutlay Dues of Warrant NOTE: Effective date of Legal Aid Certificate: 10/10/78 Date of Warrant 30/11/78 Date of Service 1/2/78 Date of final interlocuter 26/1/79 No defences lodged All work done by qualified person. THICED 12/1/79 LA A.S. HINGTON PURITHER MACKED NO CLAIM				ADD Process fee 10%		2	Control of the second of the s	O-ridinate .
V.A.T. 98%. ADD Cutlay Lues of Warrant NOTE: Effective date of Legal Aid Certificate Date of Warrant 3c/1/7% Date of Service 1/2/7% Date of final interlocuter 26/1/79 No defences lodged All work done by qualified person. THICE 12/1/79 A AS MINISTER RETAINED MACKED NO CLAIM				ADD Tooms and Incindents & 10%	•		the state of the state of	ACTION STORY
ADD Cutlay Dues of Marrant NOTE: Effective date of Legal Aid Certificate Date of Warrant Sc/1/72 Date of Service 1/12/78 Date of Final interlocuter 26/1/79 No defences lodged All work done by qualified person. THICK IS HIM TON RETURNED MACKED "NO CLAIM"				ADD POSTS AND INCLINEER OF A 120	-	1000	20.00	a distribution
ADD Cutlay Dues of Marrant NOTE: Effective date of Legal Aid Certificate Date of Warrant Sc/1/75 Date of Service 1/2/78 Date of Final interlocuter 26/1/79 No defences lodged All work done by qualified person. THICK IS HIM CONTROL MACKED "NO CLAIM"		-		V.A.T. 3 8%		4		- 5
NOTE: Effective date of Legal Aid Certificate Date of Warrant 3c/1/78 Date of Service 1/2/78 Date of final interlocuter 26/1/79 No defences lodged All work done by qualified person. TAKCED 12/1/79 AREKED "NO CLAIM"	6. 14.	}			and the second		11 £223 4	42
NOTE: Effective date of Legal Aid Certificate Date of Warrant 3c/1/78 Date of Service 1/2/78 Date of final interlocuter 26/1/79 No defences lodged All work done by qualified person. THICE 12/1/79 AREKED "NO CLAIM"				ADD Cutlay Dues of Warrant			9[0	20
NOTE: Effective date of Legal Aid Certificate Date of Warrant 3c/11/78 Date of Service 1/12/78 Date of final interlocuter 26/1/79 No defences lodged All work done by qualified person. TARCED 12/1/79 A.A.S. MINICET TON EXAMPLE A.A.S. MINICET TON EXAMPLE.			-		. D.			
NOTE: Effective date of Legal Aid Certificate Date of Warrant 3c/1/25 Date of Service 1/12/75 Date of final interlocuter 26/1/79 No defences lodged All work done by qualified person. THICKED 12/1/79 MASS HINTER AUGUSTA							<u> </u>	监
Date of Warrant 36/1/3 Date of Service 1/12/78 Date of final interlocuter 26/1/79 No defences lodged All work done by qualified person. THE CED 12/1/79 A.A.S. AMERICAN DETURNED MACKED "NO CLAIM"					2.3	442	* 1	
Date of Warrant 36/1/3 Date of Service 1/12/78 Date of final interlocuter 26/1/79 No defences lodged All work done by qualified person. THE CED 12/1/79 A.A.S. AMERICAN DETURNED MACKED "NO CLAIM"		The state of the s		NOTE: Effective date of Legal Aid Certificate	10/10/78		34	
No defences lodged All work done by qualified person. A 15 AMERICA DETAINED MARKED "NO CLAIM"				Date of Warrant 30/11/78	100	7.00	esax X	
No defences lodged All work done by qualified person. A 15 AMERICA DETAINED MARKED "NO CLAIM"				Date of Service 1//2/78 Date of final interlocutor 26/1/79		1	4.4	
PARCED 12/1/79 A. A.S. AINETER RETURNED MACKED "NO CLAIM"				No defences lodged		2	100 E	
A. A.S. AINTERT TOD RETURNED MARKED "NO CLAIM"				All work done by qualified person.				. 201
A. A.S. AJJETET TOD RETURNED MARKED "NO CLAIM"			.	1 1748CED - 12/1/79		2001		
MARKUD "NO CLAIM"		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		A AS ANY TON MININGS		altre an		
				La Maria Mala Mala Maria				
				MARKEU NO CENIM				
			\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \					1
								. (3.5) - (3.5)
			} `					
								二海
	多 多			The state of the s		472.50		174.4 174.44
	54							
					<u> </u>			

DUNDEE: 20 July 1979. The Auditor of Court, having heard the Agent for the pursuer and the representative of the Law Society of Scotland on the foregoing Account, taxes the account of expenses at the sum of TWO HUNDRED AND THIRTY-TWO POUNDS 42 (£232.42).

Auditor of Court.

NOTE: This taxation concerned a Solicitor-client account for the pursuer, an assisted person, in an action for affiliation and aliment. In the actic the defender had lodged a notice of appearance, and at the tabling diet no order for defences was made, and the case continued a fortnight on the procedure roll. At that diet, the case was settled by joint minute.

The account was submitted under Chapter II of the Table of Fees for Sclicit i.e. block fees, and the Law Society argued that (1) the account should hav been submitted with detailed charges under Chapter III, Chapter II being inappropriate in respect the action was not 'defended' since no defences were lodged, and (2) if Chapter II fees are appropriate, the instruction fee should be reduced as all the work under this heading was not carried ou

をなったいとうのできる

As regards the first objection, I would point to Gen. Reg. 9 of the Table which gives the Solicitor the option of charging inclusive fees under Chapter I and II or on the basis of detailed fees under Chapter III. If an action is not to be regarded as defended unless defences are lodged, the option is non-existent, as the relevant part of Chapter I only covers decrees in absence granted by endorsation of a minute. The Tables of Fees contains no definition of 'Defended Actions' and I must therefore assume the normal interpretation. Dobie at p.39 states "An action is 'defended' when appearance is made by or for the defender". Apart from that, I doubt if anyone in Sheriff Court practice would regard an action in which a notice of appearance has been lodged as undefended.

The argument that an action is not defended until defences are lodged flies in the face of the 1907 Sheriff Court Rules. For example, Rule 18 - in a defended action the pursuer shall lodge a process, and Rules 34 - 36 regarding/

regarding tabling. It is also noted that the heading immediately prior to Rule 34 is 'Defended Causes'. I feel sure that many instances could be found which would be contrary to the Law Society's interpretation. On the other hand, I can find no support for their view as regards the Sheriff Court Table and accordingly I repel this objection.

As regards the second objection that the instruction fee should be reduced, I note that in terms of paragraph 1 of Chapter II, this covers 'all work........................ to the lodging of defences'. The Law Society argued that this also including perusing the defences which was not done in this case. In my view, the instruction fee ceases at the lodging of the defences in court, at which time the pursuer may not have received his copy. Perusal, of the defences must fall under Paragraph 2 - Adjustment Fee. Having taken this view, I can now consider whether the pursuer's agent would have been involved in any additional work covered by the instruction fee if defences had been lodged in this action. I can think of none, and accordingly there are no grounds for reducing the instruction fee and I repel this objection.

Looking to the total amount of fees allowed, I have a certain sympathy for the Law Society acting in this case as guardians of the public purse but I am bound by the Table of Fees in force. In reaching my decision on the objections, I have been sustained by the thought that if in this action defences had been lodged and the case settled by joint minute at the first ensuing diet, no extra work would have been undertaken by the Solicitor, and he presumably would have been entitled to charge these fees without demur. Accordingly the basic fault, if there is one, would not be cured by inserting an interpretation of the words 'Undefended' and 'Defended' in the Tables of Fees. If the solicitor is still to be given an option of 'block' or detailed fees, then Chapter 1 would require to be amended to include this type of case. There would appear to be no justification in that event for the instruction fee for an undefended action to be less than that for a defended action as it involves the same amount of work.