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Our Ref: FMcC/FW
Your Ref:
Date: 20th April 2017

[redacted]
Scottish Legal Aid Board
DX 555250
Edinburgh

RECEIVED
21 APR 2017

JM & RS & EB

Dear Mr Haggarty

Guardianship Order – [redacted]
Guardianship Order -
Guardianship Order -

Further to the recent diet of taxations I now enclose 1) Copies of the Accounts of Expenses as taxed by me and 2) My Supplementary Report.

I have now returned the papers to the Court with the taxed Accounts and my Report.

Yours sincerely

F.M.McConnell
Joint Sheriff Court Auditor

SHERIFFDOM OF LOTHIAN AND BORDERS AT EDINBURGH

REPORT

by

F.M McCONNELL

JOINT AUDITOR

9 MELVILLE CRESCENT
EDINBURGH

in relation to Accounts of Expenses
in the following cases:-

[redacted]

EDINBURGH

DATE 20TH APRIL 2017

Agents in relation to the above mentioned cases lodged in Court their Accounts of Expenses which were remitted to me for taxation. In each case the applicants were in receipt of Legal Aid and a hearing was fixed to enable the Scottish Legal Aid Board (SLAB) to state their objections to the expenses claimed. Put shortly the only issue raised was in relation to the charge out rates which in each case are based on an hourly charge of £200.00.

At the hearing SLAB were represented by [redacted] and the agents by [redacted] Law Accountants who prepared these Accounts.

For SLAB [redacted] helpfully set out his objections in a Note to which I would refer for its whole terms.

In response to these objections the Law Accountant argued that in selecting a charge out rate of £200 per hour could not be criticised in the context of these Applications. This rate properly reflected the high level of skill and responsibility in safeguarders in dispensing the Court's interlocutors. The Court expected a full and factual Report on which they could rely on in determining the Application. She further argued that the safeguarder is in a quite different position to a Reporter or Curator and should be equated with say an expert witness.

SLAB's position is that there is a long line of authority for the current fees allowable to a safeguarder which has resulted in a widely recognised and transparent fee at "a customary rate" and so far as the rate is concerned there is no real distinction between Reporters/Curators and Safeguarders. The submission is expanded upon in Page 3 of the Note of Objections.

In the course of submissions reference was made to an earlier decision of mine where I allowed £200.00 per hour on a safeguarder's account. In that case the paying party was a local authority and has no relevance to these taxations. What here is to be determined is whether the charge out rate of £200 per hour is justified and reasonable in the context of the Legal Aid scheme. In this regard I would refer to Para 4 page 6 of the Note of Objections which sets out the relevant Legal Aid provisions.

On behalf of SLAB it was further submitted that the function of a Reporter is not to be equated with the provision of legal services. The Reporter is appointed by the Court to carry out specific statutory functions. These functions may be carried out by safeguarders who are not solicitors. All safeguarders be they solicitors or non legally qualified persons are under the same duties to the Court. In support of this submission SLAB referred to a long line of authority in their Note of Objections.

It was further submitted that in absence of express agreement (as is the case with these three cases) the safeguarder is to the paid "at the customary rate if a notorious custom can be proved, or a reasonable rate fixed by the Court if necessary.

Turning now to the relevant Legal Aid provisions (se para 4 page 6) it was argued that only outlays, properly incurred can be paid out of the fund and that a solicitor "shall only be allowed such amount of fees and outlays as shall be determined by the Board to be reasonable remuneration for the work actually, necessarily and reasonably done and outlays actually, necessarily and reasonably incurred". In my view the outlay was of course properly incurred and necessary but were the fees charged reasonable? The difficulty here is that there is no prescribed fees or a recognised Table of Fees for paying a safeguarder.

What I am told (see para 6.2 page 9) is that safeguarders charge their accounts on either the fees charged on basis of the Old General Table of Fees. That Table was of course withdrawn by the Law Society of Scotland some years ago. While it was in force the Law Society would, normally on an annual basis, review the unit cost (i.e. 1 unit equalled 1/10th 6 minutes of time). At the last review before the Table was withdrawn the unit was set at £13.00 giving an hourly rate of £130.00. That hourly rate was subject to a negative weighting reduction of 13%.

Alternatively accounts may be charged on the basis of Chapter III to the Table of Fees for Solicitors in the Sheriff Court and that the Board currently pays at the rate of £156.00 per hour with a charge of £19.50 per sheet for framing a Report.

In my view the basis of charging in terms of the old General Table of Fees is historic and should not apply now. While it is true that the Table of Fees for Solicitors in the Sheriff Court regulates party and party Accounts, and these cases clearly are not in that category, it seems to me that it provides a useful starting point in determining what is a "reasonable" level of recommendations for safeguarders. I think it is settled that the Auditor has wide discretion in fixing the charge out rate. While I have some sympathy with the position of the safeguarders in these cases I have come to the conclusion that there is merit in the objections taken by SLAB.

In the case of Hamilton v Hamilton in 1998 to which reference was made in the Note of Objections I said this:-

"However the difficulty faced is that the reporter in this case is not an agent. She is not acting for the client. Her primary duty is to the Court and her fee will either be agreed between the parties or determined either by the Auditor or by the Sheriff. A further difficulty for an auditor is to apply "the customary rate if notorious custom could be proved" because, so far as I am aware there is no such notorious custom; certainly nothing was advanced to me by the parties at the taxation. Therefore the rate has to be fixed by the Court. I also respectfully agree with your Lordship's observations that because a reporter happens to be a Solicitor it does not mean that she should submit an account as a Solicitor when not acting in that capacity. For practical purposes however, very few Advocates or Solicitors would accept the appointment as a reporter unless they were reasonably remunerated for their trouble. Therefore, it seemed to me, as a general proposition the fee chargeable would have to equiparate with what the Solicitor or Advocate could reasonably expect to earn for work of similar importance taking into account the skill, specialised knowledge, responsibility, time expended, the importance and function of the report prepared and the place or places, where, of necessity, the services had to be performed. In my approach I did not consider any of the Table of Fees should be strictly applied but plainly I had regard to them in determining whether the reporter's charges were fair and reasonable in the context of her appointment".

These observations related to a Reporter's charges but in practical terms I see no real distinction between a Reporter and a Safeguarder so far as remuneration is concerned. I therefore concluded that on a balanced view equity would be served were I to apply charge out rates similar to what is allowed in the Table of Fees for Solicitors in the Sheriff Court.

At the end of the day those who agree to do work which is funded by SLAB, a public authority charged with ensuring that spending does not go out of control have to accept that they will not be paid at commercial levels of remuneration.

JOINT AUDITOR

AW194/16

SHERIFF COURT
LODGED
20 DEC 2016
EDINBURGH

SHERIFFDOM OF LOTHIAN & BORDERS AT EDINBURGH

AW194.16

Edinburgh 1st September, 2016

The Sheriff appoints [redacted] One St Colme Street, Edinburgh EH3 6AA to safeguard the interest of [redacted] and convey his views insofar as ascertainable to the court; Finds the expenses and outlays of the safeguarder to be borne by the applicant and recoverable as an outlay in the cause on his Legal Aid Certificate.

ACCOUNT OF EXPENSES

Incurred by

[redacted]

2016 Aug	26	Emailing the AWI Clerk at Court in reply, noting appointment as safeguarder and arranging for a copy of the Interlocutor to be forwarded to us.			10	00
		Emailing the applicants solicitors with regard to our appointment as Safeguarder and requesting copy of the pleadings to date.			10	00
		Emailing the applicants solicitors with regard to the safeguarder proposed expenses.			N/C	
	31	Perusing and considering warrant received from the AWI Clerk at Court.			20	00
25p	Sep	1 Short telephone call to the Pentland Ward making arrangements to meet with the adult			10	00
23.00		Safeguarder engaged perusing and considering copy of the summary application, statutory reports and further productions from 20.30 until 21.10 Eng. 40 mins.			140	00
14.67	2	Safeguarder engaged travelling to and from the Pentland Ward at the Royal Edinburgh Hospital from 13.00 until 13.30 and 14.00 until 16.30 (apportioned with files for [redacted] and file for [redacted] 6700307116 and 6688340816 (1/3)			66	67
		6 miles at 40p per mile (1/3) (1) VAT thereon.		0 80 0 16		
25.00		Attendance at the Ward, meeting with the adult which was difficult due to the adults hearing impairment, discussing the guardianship application which was being made, discussing the implications thereof and also discussing matters with staff nurse [redacted]. From 14.05 until 14.10			220	00
25p	6	Short telephone call to the applicant [redacted] confirming appointment as safeguarder and explaining details of the information required arranging for her to revert.			10	00
25p	7	Short telephone call from the applicant [redacted] with regard to the safeguarders remit and noting she would revert.			10	00
25p		Short telephone call later with [redacted] making arrangements to meet.			N/C	
45.00	9	Attendance meeting with [redacted] discussing the application, explaining the safeguarder has met with the adult and obtaining further background information eng. 1 hr. 10 mins.			240	00
		C/Fwd..£..		0 96	736	67

				B/Fwd..£..			736	67
2016								
Sep	20			Short telephone call to the MHO with regard to the safeguarders enquiries and arranging for her to revert			10	00
25p								
25p				Short telephone call with [redacted] confirming remit as safeguarder explaining the safeguarders view regarding capacity and obtaining further background information from him			10	00
		22		Telephone call with the MHO discussing the application for guardianship confirming appointmen as safeguarder, providing details with regard to the investigations undertaken and noting the MHOs view From 12.28 until 12.50.			40	00
1.00								
617.50		26		Framing safeguarders report (wc 4588) 19 shts. (under deduction of negative weighting at 20%)			988	00
10.25				Certifying report			20	00
25p				Emailing the AWI Clerk at court attaching copy of the safeguarders report			10	00
27.00		29		Attendance , preparing to appear at court as safeguarder 30 mins.			100	00
				Advocacy attendance appearing at court as safeguarder from 11.00 to 11.06.			24	00
				Attendanced meeting with the solicitor for the applicants following court, confirming the safeguarders opinion from 11.06 until 11.10			20	00
61.50				Framing Safeguarders Account of Expenses.			120	00
10.50				Submitting Account of Expenses to the applicants solicitors for payment. 3 shts.			30	00
832.17				Less negative weighting being 15% of total fees under deduction of fee for framing of the report			~~-127~~	~~50~~
						0	96	~~1,981~~ 1276 ~~07~~ 50
				Add VAT on Fees and Posts @ 20.00 %				~~255~~ 30 ~~21~~
				Sub-total				~~2,377~~ 1531 ~~28~~ 80
				Add Outlays				0 96
				TOTAL				~~2,378~~ ~~24~~
							Add Auditfee	1532 76 115 00
							hodging allow	43 00
							VAT thereon	31 60
								1722 36

EDINBURGH

The Auditor taxes the foregoing Account at

ONE THOUSAND SEVEN HUNDRED AND TWENTY TWO POUNDS AND THIRTY SIX PENCE (£1722.36)

JOINT AUDITOR
9 MELVILLE CRESCENT

LIST OF OUTLAYS

Account Id: LRR1432 Account Title: [redacted]

Tag No	Narrative	
1	6 miles at 40p per mile (1/3)	0.80
	VAT thereon	0.16

SHERIFFDOM OF LOTHIAN AND BORDERS
AW131/16
ACCOUNT OF EXPENSES

Incurred by

[redacted]

In the

SUMMARY APPLICATION UNDER THE ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000

By

[redacted]

Edinburgh · 23 June 2016 · AW121/16

The Sheriff, *inter alia* appoints [redacted] to safeguard the interests of [redacted] and to convey her views insofar as ascertainable to the court; finds the expenses and outlays of the safeguarder to be borne by the applicant and recoverable as an outlay in the cause on her legal aid certificate

	2016 24 June	Perusing interlocutor appointing safeguarder		20.00
		Perusing letter form applicant's agents and noting contact details		10.00
£23.00		Perusing summary application and accompanying medical reports 34 shts Eng 40 mins		140.00
250		Attend at tel the applicant. Noting brief details and arranging to meet on 27 June		10.00
		C/FWD		180.00

	2016			
		B/FWD		180.00
£88.00	27 June	Travel to the applicant's home. Meet the applicant and obtain details relevant to the application. Noting the care she has given the adult over many years. Noting difficulty in obtaining appropriate care for the adult. Noting other relevant details. Travel with the applicant to the Adult's home (nearby). Meet the Adult. Meet [redacted] who will stay with the Adult during the safeguarder's visit. Obtaining as far as possible the Adult's views. Noting limited capacity. Eng in all 2 hrs		400.00
£44.00		Return travel from home 3 hrs (charge 1 hr)		200.00
		108 mls@ 40ppm	43.20	
£1.00		Parking	4.00	
	30 June	Travel to Edinburgh Sheriff Court for hearing on interim orders. To include waiting Eng 10 mins		40.00
		Parking charge	5.00	
		Return travel from home 3 hrs (charge 1 hr) 108 mls (charge 60 mls @ 40ppm)	24.00	
25p	30 June	Attend at tel [redacted] Obtaining details re the applicant's care of the adult relevant to report		10.00
22.00	15 July	Travel to meet MHO [redacted] Discuss MHO report and queries thereof relevant to the application Eng 30 mins (don't charge travel)		100.00
25p		Attend at tel [redacted] leaving message		10.00
25p		Email to [redacted] explaining role of safeguarder and request he respond		10.00
1.00	15 July	Attend at tel interview [redacted] social worker. Obtaining details of his involvement and his views Eng 13 mins		40.00
1.00	19 July	Perusing and considering lengthy email from applicant's agents re access to funds and letter from OPG		20.00
885.50		Drafting report 11 shts		1100.00
		C/FWD	76.20	2110.00

	2016				
		B/FWD	76.20	2110.00	
25p	19 July	Lodging report		10.00	
22.00	21 July	Attend at ESC. Sheriff Corke. To include waiting and advocacy 30 mins		100.00	
22.00		Travel from home 3 hrs (charge 1 hr) 108 mls @ 40ppm charge 60 mls	24.00	100.00	
31.50	28 Sept	Framing account 3 shts		90.00	
1142.25		Sub-total		~~2410.00~~	1267.75
		Add outlays	100.20	100.20	100.20
		TOTAL		2510.20	1367.65
			Add Audit fee		125.00
			nodding dues		43.00
			VAT Thereon		33.60
					1569.55

EDINBURGH

The Auditor taxed the foregoing Account at:-
ONE THOUSAND FIVE HUNDRED AND SIXTY NINE POUNDS AND FIFTY FIVE PENCE [£1569.55]

JOINT AUDITOR
9 MELVILLE CRESCENT
EDINBURGH

EDINBVRGH
THE CITY OF EDINBURGH COUNCIL

DATE	EXPIRY TIME
27/06/16	12:18

TIME OF PURCHASE 10:46

MACHINE ID 0174

FEE PAID (IN POUNDS STERLING) 4.00

USE STICKER ON BACK TO FIX TO WINDSCREEN
NOT TRANSFERABLE

15 733781

EDINBVRGH
THE CITY OF EDINBURGH COUNCIL

DATE	EXPIRY TIME
30/06/16	13:19

TIME OF PURCHASE 11:24

MACHINE ID 0356

FEE PAID (IN POUNDS STERLING) 5.00

USE STICKER ON BACK TO FIX TO WINDSCREEN
NOT TRANSFERABLE

16 1734239

SHERIFFDOM OF LOTHIAN & BORDERS AT EDINBURGH

CASE NO – AW40/16

Edinburgh: 21st April, 2016 Sheriff Reith QC

Act : Hughes on behalf of the Applicant

Mr. Spurway, neighbour of the adult.

The Sheriff, having heard the applicant's solicitor and Mr. Spurway, continues consideration of the application to 19th May, 2016 at 2pm; appoints Helen McGinty, Solicitor, One St Colme Street, Edinburgh EH3 6AA to safeguard the interests of [redacted] the Adult and to convey her views, in so far as ascertainable, to the Court: finds the expenses and outlays of the safeguarder to be borne by the applicant and recoverable as an outlay in the cause of his Legal Aid Certificate

ACCOUNT OF EXPENSES

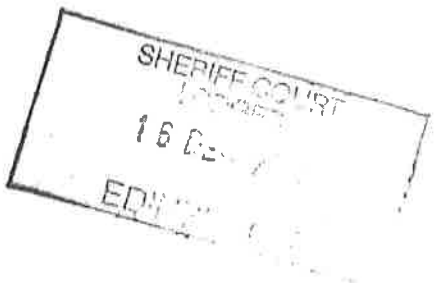
Incurred by

HELEN FRANCES McGINTY, SOLICITOR, AS SAFEGUARDER.

TO

[redacted]

In respect of an application to the Sheriff in terms of Section 57 of the Adults with Incapacity (Scotland) Act 2000.



Helen McGinty & Co

Solicitors

One St Colme Street,

Edinburgh EH3 6AA

2016 Apr	11	Short telephone attendance with the Sheriff Clerk accepting appointment as Safeguarder			N/C	
50p	21	Telephone attendance with Hughes Walker (Adults Agents) noting the appointment of safeguarder and discussing briefly Eng. from 2.49 until 2.54 - 5 mins			20	00
	23	Perusing Court Interlocutor received			20	00
25p	27	Brief email to the adults agents, discussing contact information and requesting details to be made available.			10	00
May 1.00	4	Telephone attendance with [redacted] (concerned for adult) advising of our appointment as safeguarder and noting preliminary details Eng. from 2.42 until 2.49 - 7 mins.			40	00
50p		Short telephone attendance with the concerned friend, Mr. Spurway, noting arrangements had been made and noting his position. Eng. 4.27 until 4.28 - 1 min.			10	00
23.005		Perusing copy summary application and associated papers. Eng. from 9.00 until 9.40 - 40 mins			140	00
67.00	6	Helen McGinty engaged travelling to the Western General Hospital meeting with [redacted] obtaining preliminary details, thereafter meeting with the adult, noting limitations on capacity and discussing the application as best possible discussing with staff nurse [redacted] and obtaining full information, returning to chambers. Eng. 2.35 until 4.15 - 1 hr 40 mins			340	00
		Travel expenses 4 miles at 40p per mile (1) VAT thereon.	1 0	60 32		
	12	Short telephone attendance with the Social Worker noting her enquiry			N/C	
50p		Email to the adults agents, in reply, noting comments with regard to the Social Worker enquiring for information on the plans to return the adult to home and discussing medical notes			20	00
25p	13	Short telephone attendance with the Social Worker intimating our position. Eng. 11.30 until 11.31 1 mins			10	00
1.00		Telephone attendance with the adults Social Worker discussing the case, noting the Department had not in fact received a copy of the application advising on the current position and arranging to revert. Eng. from 3.15 until 3.24 - 9 mins.			40	00
		C/Fwd..£..	1	92	650	00

			B/Fwd..£..	1	92	650	00
2016							
May	13	Short telephone attendance with [redacted] (former partner of [redacted]) noting her visits with the adult and discussing a possible referral to Elliot Bunney Eng. 4.17 until 4.19 - 2 mins	10.75			20	00
		Email to the adults agents, advising of our discussions with the Social Worker, noting their position with regard to the application and advising on the necessary steps to be taken 2pp	1.00			40	00
		Email to [redacted] (son of the adult) advising of our appointment and Safeguarder, discussing the adults current whereabouts and going over the possiblity of information being provided and discussing availability	50p			20	00
	16	Email to [redacted] (son of the adult) advising of our appointment as Safeguarder as independent Third Party, advising on the steps taken, going over the need to meet with him considering the information to be provided and advising of intentions 2pp	1.00			40	00
		Telephone attendance with [redacted] Mental Health Officer, discussing the case and obtaining information for the report, engaged 11.22 until 11.32. - 10 mins.	1.00			40	00
		Telephone attendance with [redacted] (the applicant) discussing the case and time scales and obtaining information in respect of the Report Eng. from 11.34 until 11.49 - 15 mins.	1.50			60	00
		Telephone attendance with [redacted] noting that he was currently located in South Africa discussing the case and obtaining details for inclusion within the report. Eng. from 12.16 until 12.21 - 5 mins.	50p			20	00
	17	Email to the Court Service, advising of our appointment as Safeguarder discussing the delays and explaining investigations are well advanced but not quite concluded, enquiring for a continuation and requesting the Sheriff be addressing the point.	5.50			25	00
	19	Attendance prior to the hearing consulting with the applicants agents and noting their position Eng. from 1.50 until 2.00pm. - 10 mins.	1.00			40	00
		Attendance awaiting the calling of the case, engaged from 2.00 until 2.12 - 12 mins. (apportioned to 1 unit)				20	00 ✓
		Advocacy attendance conducting the hearing when the case was continued for conclusion of the Safeguarders Investigations. Eng. from 2.12 until 2.14 - 2 mins.				24	00 ✓
	20	Perusing and considering the terms of the Court Interlocutor.				20	00 ✓
			C/Fwd..£..	1	92	1,019	00

2016			B/Fwd..£..	1	92	1,019	00
May	30	25p	Short telephone attendance with [redacted] (nominated guardian) intimating our position engaged from 1.27 until 1.28 - 1 mins.			10	00
		1.00	Telephone attendance with [redacted] (Manager of Lindoch House) discussing the case and obtaining details for inclusion within the report engaged 1.28 until 1.37 - 9 mins.			40	00
		25p	Short telephone attendance with [redacted] intimating our position - engaged from 1.38 until 1.39 - 1 mins.			10	00
		1.00	Telephone call with [redacted] discussing the case and obtaining details for information within the report, engaged from 1.55 until 2.05 - 10 mins			40	00
		1187.00	Framing Report as Safeguarder, 14 shts.			1,400	00
Jun		25p 1	Lodging Report			10	00
		5.12	Intimating Report to Applicants Agents			10	00
		50p	Telephone attendance with [redacted] discussing her involvement, obtaining details and noting contact with the adult - Eng. from 11.16 until 11.21 - 5 mins.			20	00
	16	1.00	Attendance prior to the hearing, discussing with the applicants agents, engaged from 1.50 until 2.00pm - 10 mins			40	00
			Attendance awaiting the calling of the case, engaged from 2.00 until 2.19 - 19 mins (apportioned to 18 mins)			60	00
			Advocacy attendance conducting the hearing when the application was granted and the case was found. Eng. from 2.19 until 2.24 - 5 mins			24	00
		25p	17 Short telephone attendance with [redacted] intimating the position. Eng. from 12.35 until 12.36 - 1 mins.			10	00
	22		Perusing the terms of the Court Interlocutor engaged. 9.24 until 9.30 - 6 mins.			20	00
			Short telephone attendance attempting to contact [redacted] when there was no response and no voicemail service. Eng. 9.23 until 9.24 1 mins.			N/C	
Jul	11	52.50	Framing Business Account. - 5 shts.			150	00
		5.12	Submitting Account for Payment.			10	00
		1370.49					
			C/Fwd..£..	1	92	~~2,873~~	00
						1502.51	

	~~2,373~~	~~00~~
	1502	51
Add Posts and Incidents @ 5.00 %	~~145~~ 75	~~65~~ 13
Sub-total	~~3,016~~ 1577	~~65~~ 64
Add VAT on Fees and Posts @ 20.00 %	~~603~~ 315	~~33~~ 52
Sub-total	~~2,619~~ 1893	~~98~~ 16
Add Outlays	1	92
TOTAL	~~3,621~~ 1895	~~90~~ 08
Add Audit fee	185	00
Lodging dues	43	00
VAT thereon	45	60
	2168	68

EDINBURGH

The Auditor taxes the foregoing Account at:—
TWO THOUSAND ONE HUNDRED AND SIXTY EIGHT POUNDS AND SIXTY EIGHT PENCE (£2168.68)

[signature]

9 Melville Crescent
Edinburgh

LIST OF OUTLAYS

Account Id: LRR937 Account Title: [redacted]

Tag No	Narrative	
1	Travel expenses 4 miles at 40p per mile	1.60
	VAT thereon	0.32

[redacted]

I attach Mr McConnell's Report following the taxation on the fees claimed by a safeguarder in an AWI case. The argument put forward was that there was no table of fees and (apparently by reference to a taxation involving a local authority) that £200 an hour was a reasonable fee. It was also part of the argument that the role of a safeguarder in this type of case was more responsible than the role of a reporter or a curator (and indeed the poles of the solicitors conducting the case) and that £200 an hour was a suitable reflection of the legal expertise, skill and responsibility of a Safeguarder in performing this function.

I am sorry that due to a bit of an administrative oversight that the Report, dated 20 April 2017, was not identified on its receipt and we have taken steps to avoid this in future. Fortunately the Report is generally favourable, indeed helpful in certain respects. I shall prepare a draft paper for the Executive Team for discussion as to the consequences of this decision.

I don't understand the reference to 13% at page 3. At first I thought that it should read £13, being 10% of the hourly rate, but the negative weighting is 20%? No doubt someone can put me right on this.

The main points are:

- The General Table is dismissed as "historic and should not apply now"

- The Auditor refers to his observations in his final Report in the *Hamilton* case (following a successful Note of Objections when the matter was referred back to him). The statement that because a reporter happens to be a solicitor does not mean that he/she should lodge an account in that capacity – reflecting the outcome in the earlier *Henderson* case – is restated. The general proposition that the fee chargeable should equiperate with what the solicitor/advocate might expect to earn for work of similar importance is more of a "double-edged sword" but nothing new.

- Reporter's charges should be fair and reasonable

Apart from his dismissal of the General Table (with its Cost of Time implications and the encouragement to over-lengthy reports at £62 per sheet), the other positive outcome is the conclusion in the last paragraph. Although this does not move us forward (indeed we are back to where we were 25 years ago before the *Henderson* case), it does remove to an extent the argument that there being no Table of Fees a reporter/curator/safeguarder can choose to charge any such fee as appears to them to be reasonable. This was exactly the argument advanced at the Diet of Taxation based on a local authority case where the same auditor held that £220 an hour was "not unreasonable for the employment and skills of a Safeguarder". This in turn had apparently had some regard to London rates!

On the other hand it sets in stone the idea that the judicial table is the table of choice with no equiperation as to what the solicitors actually conducting the proceedings are to be paid. However we are where we are until others determine that prescribed fees is the answer.

[redacted]