

F.M. McCONNELL S.S.C.
Joint Sheriff Court Auditor

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[REDACTED]
Scottish Legal Aid Board
DX 555250
Edinburgh

Our Ref: FMCC/FW
Your Ref:
Date: 18th April 2017
2017

JM & RS & EB

Dear Mr Haggarty

Guardianship Order - [REDACTED]
Guardianship Order - [REDACTED]
Guardianship Order - [REDACTED]



Further to the recent dict 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

A handwritten signature in dark ink, appearing to be "F.M. McConnell".

F.M. McConnell
Joint Sheriff Court Auditor

SHERIFFDOM OF LoTHIAN AND BORDERS AT EDINBURGH

REPORT

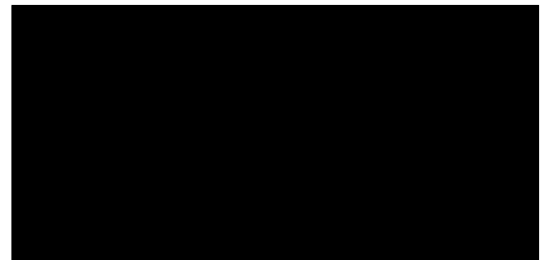
by

F.M McCONNELL

JOINT AUDITOR

9 MELVILLE CRESCENT
EDINBURGH

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



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]
[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.

A handwritten signature in ink, likely of the auditor F.M. McConnell.

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 be 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 (see 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.

A handwritten signature in black ink, consisting of a series of connected loops and a long horizontal stroke at the end.

JOINT AUDITOR

AW194/16

SHERIFF COURT
LODGED
20 DEC 2016
EDINBURGH

SHERIFFDOM OF LOTHIAN & BORDERS AT EDINBURGH

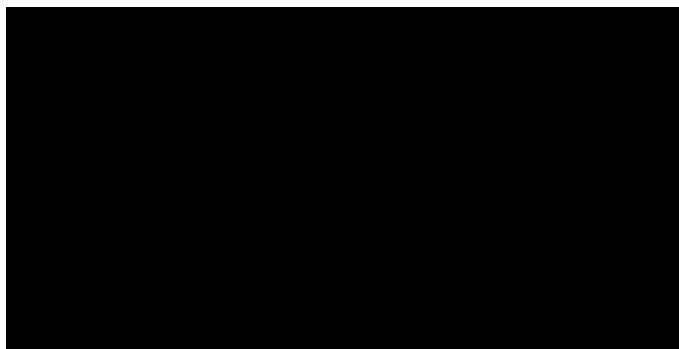
AW194.16

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



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
23.00
14.67
25.00
25P
25P
25P
45.00
Sep

1

Short telephone call to the Pentland Ward making arrangements to meet with the adult

10 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

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

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

5

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

7

Short telephone call from the applicant [REDACTED] with regard to the safeguarders remit and noting she would revert.

10 00

Short telephone call later with [REDACTED] making arrangements to meet.

N/C

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...E..

0 96

736 67

2016

3

B/Fwd..f..

0

96

736

67

Sep

20

Short telephone call to the MHO with regard to the safeguarders enquiries and arranging for her to revert

10 00

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 appointment as safeguarder, providing details with regard to the investigations undertaken and noting the MHOs view From 12.28 until 12.50.

40 00

26

Framing safeguarders report (wc 4588) 19 shts. (under deduction of negative weighting at 20%)

988 00

Certifying report

20 00

Emailing the AWI Clerk at court attaching copy of the safeguarders report

10 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

Attended meeting with the solicitor for the applicants following court, confirming the safeguarders opinion from 11.06 until 11.10

20 00

Framing Safeguarders Account of Expenses.

120 00

Submitting Account of Expenses to the applicants solicitors for payment. 3 shts.

30 00

Less negative weighting being 15% of total fees under deduction of fee for framing of the report

129 50

0

96

1,981

07

1276

50

255

30

126

21

Add VAT on Fees and Posts @ 20.00 %

Sub-total

2,377

28

1531

80

Add Outlays

0

96

TOTAL

2,378

24

Add Auditor

1532

76

holding dno

115

00

AI thereon

43

00

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 MALVILLE CRESCENT

EDINBURGH

LIST OF OUTLAYS

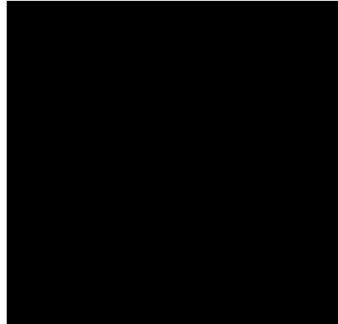
Account Id: LRR1432

Account Title: XXXXXXXXXX

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

SHERIFFDOM OF LoTHIAN AND BORDERS
AW131/16
ACCOUNT OF EXPENSES

Incurred by



In the

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

By



Edinburgh

23 June 2016

AW121/16

The Sheriff, *inter alia* appoints [REDACTED]
[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
	Perusing summary application and accompanying medical reports 34 shts Eng 40 mins		140.00
	Attend at tel the applicant. Noting brief details and arranging to meet on 27 June		10.00
	C/FWD		180.00

£ 23.00

259

2016				
		B/FWD		180.00
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	
	Return travel from home 3 hrs (charge 1 hr)		200.00	
	108 mls @ 40ppm	43.20		
	Parking	4.00		
30 June	Travel to Edinburgh Sheriff Court for hearing on interim orders. To include waiting		40.00	
	Eng 10 mins			
	Parking charge	5.00		
	Return travel from home 3 hrs (charge 1 hr)			
	108 mls (charge 60 mls @ 40ppm)	24.00		
30 June	Attend at tel [REDACTED] Obtaining details re the applicant's care of the adult relevant to report		10.00	
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	
	Attend at tel [REDACTED] leaving message		10.00	
	Email to [REDACTED] explaining role of safeguarder and request he respond		10.00	
15 July	Attend at tel interview [REDACTED] social worker. Obtaining details of his involvement and his views Eng 13 mins		40.00	
19 July	Perusing and considering lengthy email from applicant's agents re access to funds and letter from OPG		20.00	
	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
		lodging dues			43.00
		VAT thereon			33.60
					1569.55

EDINBURGH

The Auditor taxes the foregoing Account at:-
 ONE THOUSAND FIVE HUNDRED AND SIXTY
 NINE POUNDS AND FIFTY FIVE PENCE
 (£1569.55)



JOINT AUDITOR
 9 MELVILLE CRESCENT
 EDINBURGH

•EDINBURGH•

THE CITY OF EDINBURGH COUNCIL

DATE

EXPIRY TIME

27/06/16

12:18

TIME OF PURCHASE

MACHINE ID

10:46

4.00 0174

FEE PAID (IN POUNDS STERLING)

USE STICKER ON BACK
TO FIX TO WINDSCREEN 15 733781
NOT TRANSFERABLE

•EDINBURGH•

THE CITY OF EDINBURGH COUNCIL

DATE

EXPIRY TIME

30/06/16

13:19

TIME OF PURCHASE

MACHINE ID

11:24

5.00 0356

FEE PAID (IN POUNDS STERLING)

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

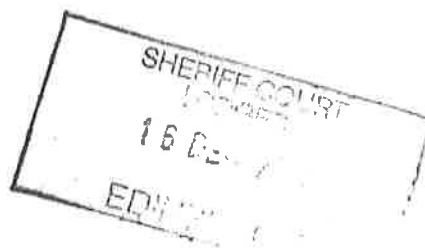
Incurred by

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

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

1.00

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 60
0 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...f..

1	92	650	00
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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

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

40 00

Email to [REDACTED] (son of the adult) advising of our appointment and Safeguarder, discussing the adults current whereabouts and going over the possibility of information being provided and discussing availability

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

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.

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.

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.

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.

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.

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

2016

May 30

Short telephone attendance with [REDACTED]
(nominated guardian) intimating our position
engaged from 1.27 until 1.28 - 1 mins.

10 00

25P

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

1.00

Short telephone attendance with [REDACTED]
[REDACTED] intimating our position - engaged from
1.38 until 1.39 - 1 mins.

10 00

25P

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

1.00

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

Attendance prior to the hearing, discussing with
the applicants agents, engaged from 1.50 until
2.00pm - 10 mins

40 00

1.00

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

Framing Business Account. - 5 shts.

150 00

52.50

5.12

Submitting Account for Payment.

10 00

1370.49

Sub-total

Sub-total

Add VAT on Sub-total

Sub-total

Add Outlays

TOTAL

100

1502 51

1575 13

3,016 65

1577 64

315 52

2,619 98

1893 16

1 92

3,621 90

1895 08

185 00

43 00


45 60

2168 68

Add Audit fee
lodging dues
VAT thereon

EDINBURGH

The Auditor takes the foregoing amount at: -
TWO THOUSAND ONE HUNDRED AND SIXTY EIGHT
POUNDS AND SIXTY EIGHT PENCE (£2168 68)

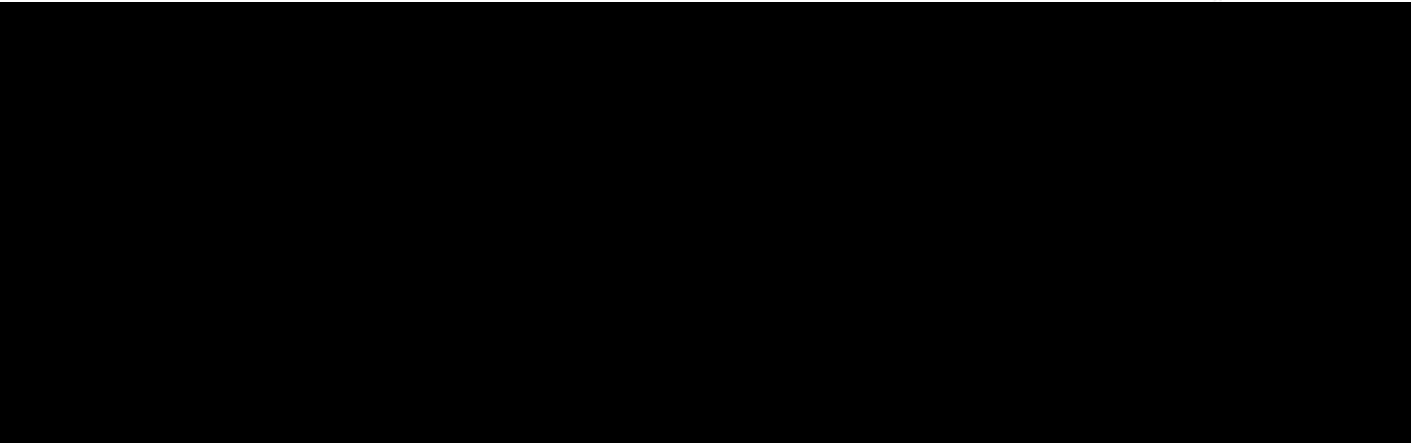

9 Melville Crescent
EDINBURGH

LIST OF OUTLAYS

Account Id: LRR937

Account Title: [REDACTED]

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



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 equiporation 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.

