

in causa

PURSUER;

GP v AP

against

DEFENDER

The matter in dispute arises out of the use of Block Fees and inclusive fees in the one account of expenses.

The defender was found liable for the pursuer's expenses as is indicated in Lord Mayfield's Interlocutor of 8th October 1981. The Account of Expenses lodged by the Pursuer (No. 19 of Process) contains Block Fees e.g. "Instructio fee" and inclusive fees taken from the Act of Sederunt dated 9th November and 6th December 1979 e.g. "Fee for all work up to the swearing of Affidavits" and "Fee for all work from swearing of Affidavits to obtaining Extract".

Under date May 27 1981 there is entered "Fee for settlement by Joint Minute" £45. This is a Block Fee taken from the Table of Fees under Rule 347. If the whole account had been made up of the inclusive fees allowed under the said Act of Sederunt in the opinion of the Auditor the charge of £45 would not have been allowed as these fees are inclusive of all work done.

It seems to the Auditor to be unfair on the client to take advantage of a means to obtain greater fees by a use of a mixture of fees as in this account. He has accordingly taxed off the Settlement fee of £45. It is a matter for comment that no block fee is provided for Affidavits in Part III of the Table. Now Blocks and detailed fees may not both be used in the same account which makes it difficult for Solicitors to make up a mixed fee account and be paid for additional work not covered by the inclusive fees where the block and inclusive fees are mixed.

However in this account the Agents have taken fees which are inclusive of all work done from taking instructions to decree. Therefore in the opinion of the Auditor they have been paid for the work done in connection with the ~~settlement~~ from taking instructions to decree.

action

IN RESPECT WHEREOF



[Handwritten signature]

EDINBURGH, 8th February 1982

8th October 1981

Lord Mayfield

The Lord Ordinary decerns against the Defender for payment to the Pursuer of expenses as the same shall be taxed by the Auditor of Court.

"Ian MacDonald"

ACCOUNT OF EXPENSES

incurred by Pursuer

to

LAIRD & WILSON TERRIS & CO. S.S.C.

in causa

[Redacted]

Pursuer

against

[Redacted]

Defender

1980
Sept.

16	Instruction Fee		60.	00
	Fee for precognition of Pursuer 5 sheets		42.	50
	Extending & 2 copies 5 sheets		4.	50
19	Fee for precognition of [Redacted] [Redacted] 4 sheets		34.	00
	Extending & 2 copies 4 sheets each		6.	60
	Fee for Legal Aid Application & Memo		8.	50
	Emergency Certificate received		-	-
	Paid Mr. R.K. Miller fee for Summons	15.	00	
22	Paid for Extract Certificate of Marriage	3.	50	
25	Paid Mr. R.K. Miller fee for note	5.	00	

AUDITOR
of

		B/F	23.	50	156.
		Paid dues lodging Summons	30.	00	
Oct.	17	Fee for Motion for Interim Custody & Aliment			13.
		Paid Mr. J.W. Stewart fee for opposed Motion	10.	00	
1981					
May	27	Fee for settlement by Joint Minute			45.
		Paid Mr. R.K. Miller fee for Joint Minute	13.	00	
Aug	19	Fee for work up to swearing of Affidavits			70.
		Fee for work for ancillary conclusions			23.
Oct	8	Fee for work from swearing Affidavits to obtaining Extract.			20.
		Paid Mr. R.K. Miller fee for Minute	11.	00	
	8.25	30% with Increase on fees			97.
	2.78	Session Fee except items marked "X"			29.
	4.61	Posts & Incidents	54.	15	
	60 64		£141.	65	154

Notaries Fees

17	25	144
158	70	£592

Accounts Fee for audit.

Session Fee thereon.

The Auditor of Court of Session is respectfully requested to tax the foregoing account of expenses.

25.11 *Outlays*

Auditor's Fee
Solicitor for Pursuer

Legal Aid Central Committee

Taxed off 60

£589



Edinburgh 18th January 1982. The foregoing account is taxed at the rate of 10% and amounting to the sum of pounds 50 (£589.50)

H. J. ...