



## **Schedule of Charges for General Business applicable from 15.11.10 onwards**

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## CHAPTER 1: INTRODUCTION

### 1 Purpose of the Table

The purpose of the Table is to set out the basis of BBM's professional charges.

### 2 Methods of charging

(a) may charge their account according to the circumstances of the matter.

(b) BBM and the client may agree a fee in advance. If the agreement is in writing, then Section 61A of the Solicitors (Scotland) Act 1980 will apply and the account will not be subject to obligatory taxation.

### 3 Unit charges ('U')

Any item may be charged according to the number of Units. Where the time spent is charged in Units, proportions should be calculated on the basis that 1 U = 6 minutes. The client will normally be advised of the value of the unit in a Terms of Engagement Letter. The value of the Unit may be adjusted if the factors in Paragraph 4 apply by reference to the "Factors to be considered" in Regulation 4 which require to be applied either when fixing a Unit rate, or when assessing the final fee.

### 4 Factors to be considered

Where BBM charges any item of business according to the circumstances or by reference to Units there shall be charged such sum as is fair and reasonable both to and to the client taking into consideration all the following factors where relevant:

(a) the importance of the matter to the client;

(b) the amount or value of any money or property involved;

(c) the complexity of the matter, or the difficulty or novelty of the question raised;

(d) the skill, labor, specialised knowledge and responsibility involved on the part of the Solicitor or assistant;

(e) the time expended;

(f) the length, number and importance of any documents or other papers prepared or perused; and

(g) the place where and the circumstances in which the services or any part thereof are rendered, including the degree of expedition required.

## 5 Application of the Factors

(a) In a case where "time expended" can be regarded as the dominant factor, the next step will be to assess the seven factors in the following way:

(i) The time expended on the matter by BBM may be totalled and the total should be reviewed to confirm that it is fair and reasonable. The total time, adjusted if necessary to a fair and reasonable amount, should then be multiplied by an hourly rate which should be assessed so as to take account of the cost of having the work carried out either by reference to the Unit Rate or by applying a rate calculated to reflect the justifiable cost rate which should be a reasonable margin or multiplier to compensate and reflect the remaining factors. If the work done includes preparation or perusal of documents, writs, titles etc. there may also be taken into account the length, number and importance of these.

(ii) A percentage of the amount or value of the money or property involved may be added in order to compensate for the risk or indemnity element in carrying out the work. In many cases, an appropriate percentage may be 0.5% of the amount or value with lower percentages of higher amounts.

The following percentages may apply:

First £100,000 0.5%

Next £200,000 0.4%

Next £100,000 0.3%

Next £100,000 0.25%

Next £500,000 0.2%

Next £500,000 0.15%

Next £500,000 0.1%

Over £2 million 0.1%

The percentage rate will, however, be fixed taking into account all seven factors and also the amount of any hourly rate applied to time expended.

Note: If there is a loan without a conveyance, half of the above should be allowed.

(b) One of the factors other than "time expended" may be regarded as the dominant factor. This will usually be "value" in a conveyancing transaction or an executry where the value of

the subject matter involved is high, or indeed low. The sum charged in these cases will be reasonably proportionate to the value of the property involved.

(c) The resulting figure reached in either of these ways (a) or (b) will again be subjected to a general test of whether it is fair and reasonable.

#### 6 Written fee charging agreement

BBM may enter into a written fee charging agreement with the client in terms of Section 61A of the Solicitors (Scotland) Act 1980. In such a case, the fee will be agreed in writing in advance, and it will not be subject to obligatory taxation.

#### 7 Value of the transaction

In many of transactions, the value of the transaction will be the dominant factor in charging according to circumstances. In such a case the value shall be based on (a) the gross price of a transaction; (b) the capitalised value of a period payment or (c) such other basis as shall be appropriate.

#### 8 Meetings and correspondence

Fees shall be allowed for meetings, correspondence, etc. relative to the preparation and execution of deeds in all cases where the drawing fee for such deed is charged separately.

#### 9 Revising fee

The revising fee shall be one half of the corresponding drawing fee unless otherwise provided.

#### 10 Parties having distinct interests

Where BBM properly acts for more than one party in any matter or business in which several parties have distinct interests, they may make a charge against each party in respect of their professional responsibility for each distinct interest.

#### 11 Posts and incidents

This charge should cover posts, telephone and fax calls and minor outlays. The charge may either be shown separately in a business account or incorporated in the overall fee. If a courier or other specialised delivery service is used, their fee may be charged as an outlay.

#### 12 Uncompleted matters

Where BBM have acted in any matter which has not been completed by them BBM may charge for the work which has been done. Where BBM are selling property in circumstances

where BBM would be entitled to commission on sale and a sale is not concluded, BBM are only entitled to charge for the work done unless there is an agreement to the contrary.

### 13 Travelling and waiting time

Travelling and waiting time shall be chargeable.

## **CHAPTER 2: FORM OF ACCOUNTS AND TAXATION**

### 1 Accounts - preparation and presentation

(a) BBM will give a narrative or summary sufficient to indicate the nature and the extent of the work done. If requested BBM will give such helpful information as can readily be derived from the records, such as the total recorded time spent, the number and length of meetings, the number of letters and telephone calls. No charge may be made for preparing the note of fee or for the provision of such information. However any client insisting on a fully itemised account will be responsible for the expense of preparation of such itemised account.

(b) In the event of a dispute BBM will advise the client of the availability of taxation and the procedure. If the client requests a taxation the Solicitor may have a fully itemised account prepared. That full account may be submitted for taxation even if it is for a greater amount than the note of fee.

(c) BBM may submit the file to an Auditor of Court or a Law Accountant for charging, but it is stressed that a unilateral reference of this kind does not constitute a taxation. The fee for such a reference is not chargeable to the client. If such a note of fee is disputed, BBM will advise of the right to taxation as above. An Auditor of Court who has advised a Solicitor on his account in this way, may decline to act in any subsequent taxation of that file.

### 2 Taxation

#### (a) Remit

The essence of taxation is that it proceeds upon either a remit by the Court or a joint reference by both the BBM and the client, including non-contentious cases in (c) below.

#### (b) Disputed Accounts

When the party paying, whether client or third party, requires that BBM's account be taxed, BBM cannot refuse to concur in the reference unless BBM and client have entered into a written fee charging agreement. BBM will forthwith submit the file and all relevant information including a note of fee or detailed account to the Auditor. It is for the Auditor to determine the procedure to be followed.

### (c) Non Contentious Cases

Taxation is necessary by law and in practice in certain circumstances. The accounts of a Solicitor acting for:

- an administrator of a company under the Insolvency Acts;
- a liquidator appointed by the Court;
- a creditor's voluntary liquidator;
- a trustee in bankruptcy;
- a judicial factor;
- curators of all kinds;
- guardians

must be taxed. BBM may submit their account for taxation where they act:

- as an administrator of a client's funds under a Power of Attorney;
- in a representative capacity e.g. a sole executor

### 3 Written fee charging agreements

Where in terms of Section 61A of the Solicitors (Scotland) Act 1980 BBM and the client have reached an agreement in writing as to the Solicitor's fees in respect of any work done or to be done for the client, BBM are not obliged to concur in any request by the client for taxation.

### 4 Expenses of taxation

The Auditor will usually charge a fee for the taxation. It may be 3% or 4% of the amount of the account after taxation and may attract VAT. Any award of expenses of the taxation- not only the Auditor's fee but also the time and expenses of parties attending - is wholly within the discretion of the Auditor. If the matter is settled within the seven days preceding the diet of taxation the Auditor may still charge a proportion of his fee, not exceeding 50%, at his discretion.

## **CHAPTER 3 DETAILED CHARGES EXPRESSED IN UNITS**

The follow unit charges may be used in any account or part of an account where other charges are used:-

## A DOCUMENTS AND PAPERS

### 1 Drawing (to include engrossing):

(i) Deeds; documents intended to have contractual effect; Court Writs (other than simple debt recovery); Court pleadings; Affidavits;

Motions of substance; financial statements and accounts except

Solicitors' business accounts; inventories (other than inventories of writs) and relative schedules; memorials for opinion 5 U per sheet

Note: Where a pro forma document has been used and variables simply inserted or standard clauses inserted the rate for that part of the document will be 3 U per sheet

(ii) Other papers to include Transfers; Minutes of Meetings; Statements; routine or straightforward Motions; simple debt recovery Court Writs 3 U per sheet Intimations and Certificates thereof 1.25 U each

Note: Length of sheet - 250 words. Part of a sheet is charged as one sheet.

### 2 Copying - by any means

No charge up to 50 pages copied in the whole matter.

Over 50 pages (whether 50 copies of 1 page or 1 copy of 50 pages or whatever) 0.02 per sheet

## B TIME

Time spent conducting a trial, proof or formal debate Hearing before a Court including a Tribunal, Enquiry, Licensing Board or Arbiter 12 U per hour

Note: This does not include waiting time which will be at normal time rate. For all time spent, where not otherwise provided 10 U per hour

Note: Time occupied in travelling or waiting to be included where appropriate.

## C CORRESPONDENCE

1 Letters (except as aftermentioned), faxes, e-mails (only one charge if going to several people), letters with cheques. Each page of 100 words or part thereof 1 U

2 (a) Formal letters (i.e. acknowledgements/confirmatory letters) and circulars 0.5 U

(b) letters of a similar nature (i.e the same letter going to several people) for the second and subsequent letter irrespective of length 0.5 U

- 3 Telephone calls; First 6 minutes (or part thereof) 1 U Over 6 minutes 10 U per hour  
Formal phone calls (acknowledging/confirming) 0.5 U

#### D SPECIFIC ITEMS

- 1 Registration of Writs; Recording registration of writs, including presentation of writ, receiving writ or an extract or extracts 5 U

- 2 Quick copies and Extracts; Where ordered after date of recording 2.25 U

Note: Where extracts of several deeds are ordered at the same time, charge 2.25 U for the first and 1 U each for the others.

- 3 Lending/delivering titles and other papers; Each lending 2.25 U Inventory (including copy). Each sheet 1 U

Notes:(i) to cover receipt and delivery; (ii) inventory to be charged only if more than three writs are lent or delivered;

- 4 Acting as Notary

(a) Notarial certificates and attestations and similar acts, where not specially provided for by statute or statutory instrument to include notarising Court; Affidavits - each 3 U

Note: This fee does not include the drawing or revising of the document to be notarised

(b) Notarial copies. Each sheet 1 U;

(c) Maritime protests: (i) Noting protests (a) against wind and weather; (b) in cases of collision;

(d) with reference to claims for demurrage and damages; and

(e) in special cases requiring detail of circumstances 10 U per hour (ii) Drawing instrument and necessary documents 5 U (iii) Attendance at execution of protest 3 U

## **CHAPTER 4 WRITS RELATING TO HERITABLE PROPERTY**

Unless otherwise agreed all fees shall be charged in accordance with Chapters 1 and 3.

## A CONVEYANCES

1. Missives to be charged in accordance with Chapter 3A(i).

## B TRANSACTIONS WITH ACQUIRING AUTHORITIES:

Charge Minimum Fee (a) Statutory Conveyance (Schedule A Lands Clauses Consolidation (Scotland) Act 1845) 1% 27.5 U

(b) Compulsory Purchase + General Vesting Declaration where no completion of title – but title is produced, investigations carried out or search produced 0.5% 13.25 U

(c) Receipt and Undertaking 0.25% 5.5U

(d) Where missives are concluded and conveyance completed - per Chapter 3.

(e) Notice of Payment of Compensation with no other work 5U

## C STANDARD SECURITIES, ETC.

1 Where the loan transaction involves some ancillary matter, such as an assignation of a life policy, an extra charge will be made.

2 In the case of Standard Securities by companies, BBM will be entitled to charge for all additional work involved in complying with relevant statutory requirements.

3 Where the Standard Security does not specify the amount of the loan, the value will be the amount which the lender is expecting the security to cover regardless of the value of the security subjects.

4 Ancillary matters such as calling up Standard Securities, etc., unless otherwise agreed, to be charged in accordance with Chapter 3.

## **CHAPTER 5 EXECUTRY ESTATES AND TRUSTS**

### A ADMINISTRATION OF EXECUTRY ESTATES

Unless otherwise agreed, the following may be charged in accordance with Chapter 3:

1. Making all investigations to ascertain the particulars and value of (a) the estate passing on death (including inter vivos gifts) and the debts and encumbrances affecting the same, including meetings and correspondence, advertising for claims, perusal of writs and

obtaining valuations, and (b) the estate to be included in the appropriate inheritance tax accounts.

Note: Where Stocks & Shares are held by a nominee company or under a portfolio management arrangement, the minimum rate of 0.25% should be allowed for investigation

2 Preparing and giving up inheritance tax inventories and other accounts.

3 Obtaining Confirmation of executors and any Eik to Confirmation.

4 Resealing Confirmation, Probate or Letters of Administration and obtaining or making certificates or copies.

5 Preparing Deeds of Assumption or Resignation of Trustees and Deeds of Appointment or Apportionment.

Note: To be prepared by BBM for trust and expense to be paid by trust estate.

6 Preparation of deeds (heritable and moveable) implementing provisions of will or intestacy.

Note: To be prepared by BBM for trust and expense to be paid by trust estate.

7 Calculation and discharge of prior rights, jus relictæ, jus relictî and legitim; deeds of election where formal deeds prepared.

Note: Each party to pay his own Solicitor's expense, unless otherwise arranged.

8 Receipts or discharges for pecuniary and specific legacies.

9 Discharges of provisions and residues.

Note: Discharges shall be prepared by the Solicitor for the trustees or executors and shall be paid for by the estate, but a beneficiary who is independently advised shall pay his own Solicitor's revising fee. Where residuary legatees are entitled to payment at different dates, Each shall pay for the discharge granted by him and also for the conveyance and transfer of his share of the estate unless the trust deed otherwise provides.

10 Discharges of trustees or executors not otherwise provided for, including ratifications by beneficiaries.

Note: To be prepared by the Solicitor for the trust and where desired revised on behalf of trustee obtaining discharge or beneficiaries giving ratification. The whole expense to be borne by the trust estate.

11 Dispositions, assignments or conveyances of a beneficial interest.

Note: Deeds in favour of a trust beneficiary to be drawn by Solicitor for trustees or executors.

12 Examining deeds on behalf of beneficiaries concurring in conveyances.

Note: To be paid by party asking concurrence.

13 Expediting special or general service.

14 Appointment of executor dative and preparing bond of caution.

15 All tax work in respect of income tax, capital gains tax, inheritance tax and Stamp Duty Land Tax, etc.

16 Any other individual items involving documents and papers, time, correspondence, telephone calls, copying, etc.

Notes: (i) Commissions on collection of revenue and capital transactions to be charged in accordance

with paragraphs B and C (ii) Specific items of work separately chargeable under any other chapter of this Schedule of Charges shall be charged under the provisions of the appropriate chapter.

(iii) The total charge shall be subjected to the general test of whether it is fair and reasonable taking into account the seven factors referred to in Chapter 1(4).

## B COMMISSIONS ON COLLECTION OF REVENUE IN EXECUTRY ESTATES

1 Interest and dividends on stocks and shares collected by Agents Where individual payments are up to

£1,000 5%

Next £4,000 3.5%

Balance over £5,000 2%

2 Rents, interest on heritable securities, and other miscellaneous and periodical payments. Not to exceed 10% of actual amount received.

## C COMMISSIONS ON CAPITAL TRANSACTIONS IN EXECUTRY ESTATES

1 Realising capital for any purpose other than reinvestment for the same client.

(a) Money forming part of original estate uplifted from banks or building societies: 0.5% to 1%, but BBM shall not be entitled to charge any commission on the deposit and subsequent uplifting of funds with banks or building societies during the administration: Commission will be based on a sliding scale namely: on each payment of up to £30,000 – 1%, on the balance over £30,000 – 0.5%.

(b) Policies of Assurance: not exceeding 1% (sliding scale should be used as above).

(c) Heritable property: Conveyances as per Chapter 3 – Estate Agency as per Chapter 7.

(d) Stocks, shares and other securities realisable on the Stock Exchange .

On the first £30,000 of each sum – 1.5%.

On the next £30,000 of each sum – 1%.

On the balance over £60,000 – 0.75%.

Note 1: These charges are subject to deduction of any commission received by BBM from the broker.

Note 2: Where stocks and shares are held in a nominee company or under a managed portfolio arrangement the rate of commission will be 0.25%.

(e) Other stocks, shares and securities not realisable on the Stock Exchange and Interests in private partnerships: 1% to 5%

Note. This charge does not cover the investigation of unquoted investments for which fees shall be allowed in accordance with Chapter 3.

(f) Book debts, etc.: 1% to 10%

(g) Miscellaneous property: 1% to 7.5%

(h) Bonds: 1%

(i) National Savings: 1%

2 Investing or reinvesting Capital:

first £30,000 – 0.75%

On next £30,000 – 0.5%

On the balance over £60,000 – 0.25%

Note 1: Where stocks and shares are held in a nominee company or under a managed portfolio arrangement the rate of commission should be 0.25% on any sum

Note 2: The above sliding scales are guidelines only and may be varied depending on the particular circumstances and amounts involved.

3 Where securities or other assets in executry estates are not realised but are transferred to beneficiaries direct: 0.25% to 1.5% on the total transfer value or in accordance with Chapter 1(4).

## D EXECUTRIES BECOMING CONTINUING TRUSTS

The fees shall be modified to take account of the work connected with the executry, in respect that it has become a continuing trust. The work relating to the continuing administration of the trust shall be charged in accordance with paragraph E below or Chapter 3.

## E ADMINISTRATION OF TRUSTS

### 1 Collection of income

Where BBM collects income and distributes it among beneficiaries BBM shall be entitled to charge for collection of income on: (a) Interest and dividends on stocks and shares collected by BBM.

Where individual payments are up to

£1,000 5%

Next £4,000 3.5%

Balance over £5,000 2%

(b) rents, interest on heritable securities and other miscellaneous and periodical payments: not to exceed 10% of actual amount received.

### 2 Distribution of income

Where the work involved in the distribution of the trust income is greater than normal, e.g. where there is a large number of beneficiaries: in accordance with Chapter 3.

### 3 Capital fees

(1) Realising capital of the trust estate:

(a) Money forming part of original estate uplifted from banks or building societies: 0.5% to 1%, but BBM shall not be entitled to charge any commission on the deposit and subsequent uplifting of funds with banks or building societies during the administration: Commission should be based on a sliding scale namely: on each payment of up to £30,000 – 1%, on the balance over £30,000 – 0.5%.

(b) Policies of Assurance: not exceeding 1% (sliding scale should be used as above).

(c) Heritable property: Conveyances as per Chapter 3 – Estate Agency as per Chapter 7 below.

(d) Stocks, shares and other securities realisable on the Stock Exchange.

On the first £30,000 of each sum – 1.5%

On the next £30,000 of each sum – 1%

On the balance over £60,000 – 0.75%

Note 1: These charges should be under deduction of any commission received by BBM from the broker.

Note 2: Where stocks and shares are held in a nominee company or under a managed portfolio arrangement the rate of commission will be 0.25%.

(e) Other stocks, shares and securities not realisable on the Stock Exchange and Interests in private partnerships: 1% to 5%

Note: This charge does not cover the investigation of unquoted investments for which fees shall be allowed in accordance with Chapter 3.

(f) Book debts, etc.: 1% to 10%

(g) Miscellaneous property: 1% to 7.5%

(h) Bonds: 1%

(i) National Savings: 1%

(2) Investing or reinvesting Capital:

On first £30,000 – 0.75%

On next £30,000 – 0.5%

On the balance over £60,000 – 0.25%

Note 1: Where stocks and shares are held in a nominee company or under a managed portfolio arrangement the rate of commission should be 0.25% on any sum

Note 2: The above sliding scales are guidelines only and may be varied depending on the particular circumstances and amounts involved.

F TRUSTS AND WILLS - CREATION OF WILLS AND TRUSTS AND OTHER WORK FOR TESTATORS, TRUSTERS AND TRUSTEES

All work in connection with the drafting and creation of wills, trust dispositions and settlements, inter vivos, mortis causa and marriage contract trusts, codicils, deeds of appointment and apportionment, administration and termination of trusts, changing of trustees, including discharges, indemnities, minutes of agreement relating to trusts will be charged in accordance with Chapter 3, taking into consideration, where appropriate, commissions under paragraph E above.

## **CHAPTER 6 GENERAL BUSINESS**

Including partnerships, mercantile transactions, incorporated companies, powers of attorney, contracts or agreements, tax or other similar matters for which professional charges are not otherwise prescribed. Unless otherwise agreed to be charged in accordance with Chapter 3.

## **CHAPTER 7 SALE, PURCHASE OR LEASE OF PROPERTY A BY PRIVATE TREATY**

Negotiating sales, purchases, or leases (a) Sale or purchase of debentures, stocks, shares and securities realisable on the Stock Exchange: 0.25% to 1.5% on price. (b) Other stocks, shares and securities not realisable on the Stock Exchange and interests in private partnerships: 1% to 5%. (c) All other kinds of property, heritable or moveable: (1) On sale or lease: 1% to 2.5% on price, or capitalised rent. (2) On purchase - by agreement with client.

### B EXPOSED OR SOLD BY AUCTION

Property exposed or sold by auction, or purchased or taken on lease in that manner: unless otherwise agreed, in accordance with Chapter 3.

## **CHAPTER 8 CASH INTROMISSIONS**

### A REVENUE

1 Interest and dividends on stocks and shares collected by BBM where individual payments are up to £1,000 5%

Next £4,000 3.5%

Balance over £5,000 2%

2 Rents, interest on heritable securities, and other miscellaneous and periodical payments. Not to exceed 10% of actual amount received.

## B CAPITAL

1 Realising capital (a) Money forming part of original estate uplifted from banks or building societies: 0.5% to 1%, Commission will be based on a sliding scale namely: on each payment of up to £30,000 – 1%, on the balance over £30,000 – 0.5%.

(b) Policies of Assurance: not exceeding 1% (sliding scale should be used as above).

(c) Heritable property: Conveyances as per Chapter 3. Estate Agency as per Chapter 7 above.

(d) Stocks, shares and other securities realisable on the Stock Exchange.

On the first £30,000 of each sum – 1.5%.

On the next £30,000 of each sum – 1%.

On the balance over £60,000 – 0.75%.

Note 1: These charges should be under deduction of any commission received by BBM from the broker.

Note 2: Where stocks and shares are held in a nominee company or under a managed portfolio arrangement the rate of commission should be 0.25%.

(e) Other stocks, shares and securities not realisable on the Stock Exchange and Interests in private partnerships: 1% to 5%

Note. This charge does not cover the investigation of unquoted investments for which fees shall be allowed in accordance with Chapter 3.

(f) Book debts, etc.: 1% to 10%

(g) Miscellaneous property: 1% to 7.5%

(h) Bonds: 1%

(i) National Savings: 1%

2 Investing or reinvesting Capital:

On first £30,000 – 0.75%

On next £30,000 – 0.5%

On the balance over £60,000 – 0.25%

Note 1: Where stocks and shares are held in a nominee company or under a managed portfolio arrangement the rate of commission should be 0.25% on any sum

Note 2: The above sliding scales are guidelines only and may be varied depending on the particular circumstances and amounts involved.

3 Where securities or other assets are not realised but are transferred to beneficiaries direct: 1% on the total amount transferred or in accordance with Chapter 3.

### C RECOVERY OF DEBTS

In accordance with the Detailed Charges above..

## **CHAPTER 9 SUMMARY CRIMINAL COMPLAINTS**

Recommended scale of fees Rate Charge

Scale (a) (guilty plea) 15 U

Scale (b) (full investigation followed by guilty plea) 50 U

Scale (c) (not guilty plea and trial, etc): where trial does not exceed two hours 65 U, For each additional half-hour or part thereof 5 U

Notes: (i) Scales (b) and (c) cover cases of average complexity.

(ii) In all cases, BBM have the option of charging a detailed account in accordance with Chapter 3.

## **CHAPTER 10 NEGOTIATED SETTLEMENTS**

Negotiating and completing settlement of claims for compensation or reparation on any ground whatsoever.

1 Investigation Fee ,Settlements up to and including £1,500 : 25U, Settlements over £1,500 : 55U and

2 Negotiation and Completion Fee. Settlements up to £2,500 : 25%On the excess over £2,500 up to £5,000 : 15%. On the excess over £5,000 up to £10,000 : 7.5%On . the excess over £10,000 up to £20,000 : 5.0%. On the excess over £20,000 : 2.5%

Notes: In all cases BBM have the option of charging a detailed account in accordance with Chapter 3.