

INTRODUCTION

Stuart & Stuart is a firm of solicitors registered with the Law Society of Scotland. The firm has offices in central Edinburgh, Penicuik and Bonnyrigg. As our regulator, the Law Society of Scotland has issued guidance on what is called “Transparent Pricing”.

Therefore, we wish to make information readily available to clients and potential clients about fees, outlays and costs that may be incurred when instructing us. We should confirm that the guidance is in place for all firms in Scotland that offer legal services to consumers/ clients.

We shall now outline examples of pricing for the full range of services that we offer. Please do note that these are provided only as illustrations and not as definitive costs. A legal case/transactional piece of work is like a fingerprint – no job is the same as any other job, and the uniqueness of the work has to be matched by the charges for it. Some types of work will carry a fixed fee which can be quoted at the outset. Others need to be calculated by a scale or unit cost varying with the amount of time, expertise or other efforts appropriate for the completion of the case or transaction.

Over and above fees, outlays are charges and costs paid by us on behalf of a client to facilitate a transaction/matter. These outlays tend to be payable to organisations such as:-

- The Sheriff Court;
- Registers of Scotland;
- Searching Companies;
- Surveyors; and
- Local Authorities.

Therefore, these charges will be incurred by the client as part of the retainer.

We will now go on to outline various examples and we hope they are helpful in describing the shape or configuration of the charges for your work. To be frank you can be sure that very few of them will match except by chance in a few limited cases. Please be assured that this mis-match is addressed by virtue of a further Law Society requirement – the issuing of terms of business. Any work that we undertake for you has to be preceded by a written estimate or quotation of fees, VAT and outlays. If this is not possible we shall outline, within terms of business, how fees will be assessed with your case (an example being the administration of the estate of a deceased person.)

Our clients, or potential clients, reading this price transparency guide should contact one of our solicitors for the aforementioned detailed estimate/ quotation of fees as well as discussing the work to be done. We look forward to hearing from you !

Estate Agency

In Scotland many firms of solicitors, including Stuart & Stuart, also provide property estate agency services.

Fees and outlays

For the sale of an urban property at a final sale price of £150,000.00 the commission/ fee may be £945.00 plus VAT of £150.00.

Outlays may be a marketing fee of £400.00 plus VAT of £80.00 and Home Report charge payable to surveyors of £450.00 plus VAT of £90.00.

Stages of the process

The Firm's work for a client who instructs us to market property may include :-

- our staff consulting with the client,
- advising on value and marketing strategy/process,
- valuing the property,
- preparing a sale schedule,
- registering it on online property portals,
- arranging a Home Report,
- dealing with enquiries,
- arranging/conducting viewings,
- negotiating with prospective buyers and processing offers received.

Sale of a Residential Property

Our fees cover all of the work required to complete the sale of your current property, including dealing with any offers and subsequent missives, ordering searches, repaying any secured loans and registering any deeds at Registers of Scotland and paying any funds to you.

Fees and outlays

- Legal fee £900.00 (assuming a sale at between £200,000 - £300,000.00)
- VAT payable £180.00
- Property Search fees £145.00
- Registers of Scotland – fee for registering Discharge £60.00
- Advance notice registration fee for Disposition £10.00
- Electronic money transfer fee £20.00
- Coal report (if applicable) £55.00

Estimated total: £1,370.00

Outlays are costs related to your matter that are payable to third parties, such as Registers of Scotland and Search Companies. We handle the payment of the outlays on your behalf to ensure a smoother process.

Stages of the process

The precise stages involved in the sale of a residential property vary according to the circumstances. However, below we have suggested some key stages that you may wish to include:

- Take your instructions and give you initial advice
- Carry out required Anti Money Laundering checks
- Arrange home report
- Market the property
- Receive offers on property and take your instructions

- Obtain redemption statements from current lender (the amount required to repay your mortgage)
- Order Title Deeds
- Receive and advise on missives (contract)
- Carry out property searches as required
- Obtain further planning documentation if required
- Revise draft documents received from purchasers' solicitors
- Conclude missives (and notify you that this has happened)
- Issue completion statement
- Complete sale
- Repay any mortgages and pay any outlays due
- Prepare the discharge of the standard security and submit this to the Registers of Scotland
- Paying any surplus funds due to you

Purchase of Residential Property

The Firm deals with transactions for clients buying a home, whether it be a flat, house, new-build property or land to build upon.

Fees and outlays

- Legal fee £700.00 (assuming a purchase at between £150,000 - £199,000)
- VAT payable £140.00
- Estimated total: £840.00

Compare and contrast fees for the purchase of a new build property which may attract a legal fee of £1,000.00 (assuming a purchase at between £200,000.00 - £300,000.00). VAT thereon of £200.00 and an estimated total of £1,200.00.

As was the case with a sale, outlays are costs related to your matter that are payable to third parties, such as Registers of Scotland and Search Companies. We handle the payment of the outlays on your behalf to ensure a smoother process.

Stages of the process

The work may involve:-

- communications and advice by the solicitor with the client,
- correspondence with estate agents and the seller's solicitor,
- drawing up a range of documents including a formal legal offer and further missives,
- examination of title, inspection of searches and reports, drawing of a new title (disposition) and mortgage security where necessary,
- arranging completion/settlement of the transaction, obtaining and managing the funds from both client and mortgage lender,
- completion of Anti Money Laundering procedures,
- submission of LBTT (Scottish Stamp Duty) return and making payment of tax where due to Revenue Scotland,
- registration of new title (and mortgage security where funding comes from a lender), reporting to client and lender after registration.

- outlays are (for a transaction with price of say £160,000.00 part-funded by a mortgage) £360.00 to Registers of Scotland for registration of the title, £60.00 for registration of the mortgage, £10.00 for Advance Notice for mortgage if required, £300.00 for LBTT (though less if first purchase and more – payment of Additional Dwelling Supplement/ADS - if buying a second property). LBTT and title registration dues change on sliding scales according to the price of the property so the foregoing illustration is not applicable to properties of different prices.

Remortgage of residential property (Conveyancing)

The Firm deals with transactions for clients who are remortgaging a home. The work may involve communication and advice by the solicitor with the client, examination of title, drawing up a range of documents, including a new mortgage security and a discharge of the old mortgage, ordering and inspection of searches and reports, obtaining and managing funds from the new mortgage lender, redeeming outstanding mortgage to the old lender, registration of discharge arranging completion/settlement of the transaction, registration of new mortgage security, reporting to client and lender after registration.

- The fixed fee for this work may be £600.00 plus VAT of £120.00, and assuming there is only one charge over the property.
- If there is more than one charge over the property, the fixed fee for this work may be £750.00 plus VAT of £150.00.
- Outlays are £60.00 for registration of the mortgage discharge, £60.00 for registration of the new mortgage security and £35.00 for title and personal searches.

Discharge of security (Conveyancing)

Once you have paid off the balance of your mortgage, there is an exercise to update title deeds known as “Discharge of Standard Security”. Security is the correct Scottish legal word for mortgage. The mortgage lender has a charge over the client’s title while the loan remains under repayment, and this can be removed once full redemption has been made and the bank or lender no longer has a claim over the property.

- For a basic discharge of security the fee may be £220.00 plus VAT of £44.00.
- The outlay is a charge of £60 payable to the Registers of Scotland.

Simple Wills

Single Will (for the estate of one person)	£300.00 (exclusive of VAT)
Mirror Will (identical wills drafted for two persons)	£475.00 (exclusive of VAT)

If you are married, in a civil partnership or cohabiting, a Mirror Will may only be appropriate where neither you nor your partner has children from a separate relationship. Where this is the case, we will be happy to meet with you and discuss the options based on your circumstances.

Complex Wills

There are many reasons a Simple Will will not suit your requirements. Take, for example, those cases with specific and more detailed consideration and advice on legacies or limiting the inheritance of, or disinheriting, beneficiaries. Our advice can also take into account the consideration of businesses and the inclusion of Trusts.

Single Will £400.00 (exclusive of VAT)

Mirror Will £750.00 (exclusive of VAT)

Our prices above (for both simple and complex Wills) include:

- taking your instructions,
- providing advice as appropriate to your requirements
- providing advice on legal rights
- considering how you hold title to your home
- preparing a draft will for you to review,
- making changes following review,
- complete execution of the will,
- storage of original will in our secure storage facility and
- providing you with two copies of your will.

Our fixed price will not include:

- work associated with lifetime trusts such as drafting trust deeds,
- advice and work associated with bankrupt or otherwise vulnerable beneficiaries,
- advice on inheritance tax (but excluding therefrom basic confirmation of Inheritance Tax thresholds)
- preparing the transfer of heritable property (buildings and land) into a trust.
- the preparation of a Power of Attorney

Note: This fixed price will only cover the services mentioned. Your case may require additional work that is not included. We will discuss this with you at our first meeting. If additional costs arise due to matters related to your own personal circumstances, we will discuss this with you at the earliest opportunity and we will advise you of any increase in price that may arise.

Power of Attorney

There are various kinds of Power of Attorney (POA). The most-used is a document that supports a person (who may or may not be incapacitated mentally and/or physically) to undertake his/her normal business and/or personal care – known as a Continuing and Welfare Power of Attorney. It allows a trusted friend or family member or multiplicity of people to do what is needed, armed with full legal rights conferred by “the Adult”, as the granter of the POA is known under the Adults with Incapacity (Scotland) Act 2000. The document is lengthy and complex and must be tailored to the specific needs and circumstances of the Adult.

Our price includes :-

- A meeting and consultation as between you and one of our solicitors,
- The drafting of the POA document,

- Execution (i.e. signing and witnessing) of the finalised POA document – it must also be certified by the solicitor, and then registered with the Public Guardian Scotland (OPG) to take effect.

For a basic single POA, the fee may be £300.00 (exclusive of VAT). There may be an additional fee if a home or hospital visit is required. The outlay is currently £81.00, charged by and paid to the OPG to register the POA, although this is reviewed periodically by the Scottish Courts & Tribunal Service.

Will and Power of Attorney bundles

We are pleased to offer our clients Will and Power of Attorney bundles – ie where you instruct us to prepare a Will and Power of Attorney at the same time. This reduces the cost to you.

The fee for a single basic Will and single Power of Attorney, prepared at the same time, may be £550.00 plus VAT and outlays.

The fee for a couple instructing us to prepare basic Wills and Powers of Attorney, at the same time, may be £800.00 plus VAT and outlays.

Executory Services (the administration of a deceased person's estate)

Executory administration is the term used by solicitors for the work required in winding up the estate of someone who has died. It is an area where it is difficult, and often impossible, to give accurate levels/estimates of fees in advance. The Terms of Engagement often include a time-and-line/hourly/unit rate charge.

It also makes a difference to the amount of work required whether or not there is available a valid Will signed by the deceased – more work and other costs are likely if there is no Will. The work may involve meetings and consultations between the family/executor and the solicitor, collating and valuing the assets and liabilities of the estate, corresponding with financial and other institutions (e.g. banks, building societies, share registrars, employers/pension administrators, DWP, HMRC, council tax departments, factors, mortgage lenders and more), preparing court documents and forms for Confirmation (Scottish equivalent of Probate), dealing with the Sheriff Court processing the forms, ingathering the financial estate (i.e. collecting in all the money), accounting to the executor and liaising with and distributing the bequests and shares of estate among beneficiaries.

There may also be a home/heritable property to sell or settle. That work is **not** included in this example as it is a conveyancing process (see Sale of Property above), nor is calculating and dealing with Inheritance Tax, which affects only a fairly limited number of estates and generates considerable work.

The fee for winding up an estate (and assuming there are no tax or other complexities) may be £3,000.00 plus VAT of £600.00.

Outlays may include Court Confirmation dues of £266.00 (for an estate worth over £50,000.00 but less than £250,000.00) plus £8 for each individual asset certificate if needed. Confirmation dues are

reviewed periodically by the Scottish Courts & Tribunal Service. Further outlays will be incurred if assets need to be independently valued.

If an individual dies without leaving a Will there may be additional outlays and these vary from case to case and can be confirmed with your point of contact should you instruct us. It may be necessary to raise an insurance policy known as a Bond of Caution and the price for that will be dictated by the gross value of the estate.

Divorce – simplified divorce procedure / dissolution of civil partnership.

A simplified divorce procedure may be appropriate only where there are no outstanding financial matters to resolve between the parties and there are no children of the marriage or civil partnership under 16 years of age.

Initial meeting

We will first meet with you to consider and discuss if the simplified procedure is appropriate for your case. This may require us to gather information so we can be sure that the simplified procedure is appropriate.

For this first meeting our fixed fee will be £120.00 inclusive of VAT at 20%, for up to 45 minutes of a fee earner's time.

Our fixed price includes:

- Meeting with you, taking instructions and providing advice on the simplified divorce procedure
- Collecting information from you about your position, your finances and family circumstances
- Assessing if the simplified procedure is appropriate in your case and advising you on next steps

Where the simplified divorce procedure / dissolution of civil partnership is appropriate

If the simplified procedure is appropriate, then our fixed fee for completing a simplified divorce or dissolution of a civil partnership will be:

- £200.00 exclusive of VAT at 20%. This excludes outlays (fees which may need to be paid to third parties).

The outlays will include:

- Court fees: These increase annually. The current fee is £128.00.

Our fixed price includes:

- completing the application to the court and arranging for you to sign it
- notarising the application to court
- lodging application and any supporting documents with the court

Note: This fixed price will only cover the services mentioned. Your case may require additional work that is not included. We will discuss this with you at our initial meeting. If additional costs arise due to unforeseen circumstances, we will discuss this with you at the earliest opportunity and we will

advise you of any increase in price that may arise. Also, please see our commentary immediately below.

Above we have set out our pricing structure for based on the cost for a typical case where the simplified divorce procedure/ dissolution of a civil partnership is appropriate.

Where it is not possible to conduct your case in this manner, the price to you will vary depending on the complexity of the case. We will provide you with our estimated price following an initial meeting to discuss your particular matter.

The time spent on your case also impacts significantly on the price. More complex cases will require more time.

Factors which could impact on the complexity of the case include:

- Number of witnesses
- Allegations of a particular nature
- Any delay in the case proceeding to a hearing
- Failure to agree issues

Below we have set out a typical price by way of illustration

Moderately complex case: e.g. an undefended divorce action at £1,000.00 (excluding VAT)

Outlays on a case such as this could extend to £230.00 by way of Court fees plus £15.85 for each duplicate certificate as required.

Separation (settlement out of court)

When a marriage or domestic partnership breaks down there may be a range of legal matters to consider and settle. These may include property sale/transfer, sharing of financial assets and pensions, residence of and contact with children, financial maintenance - even who gets the custody of a domestic pet. This kind of work more than most others cannot be costed exactly in advance as each case is different as each family is from another. Much will depend upon your spouse's, or partner's reaction, as to what we argue for on your behalf, and frequently, this will be difficult or even impossible to predict. These matters, if the negotiation between ex-partners via solicitors is successful is captured in a legally binding Minute of Agreement (contract) signed by both parties and registered. The Terms of Engagement letter often requires to include a time and line/hourly/unit rate charge.

If a Minute of Agreement can be negotiated without too much difficulty, then a possible outcome is a fee, based on time of £800.00 plus VAT of £160.00. There may be other conveyancing expenses to pay, however, if the Minute of Agreement provides for the subsequent title transfer of any property that you own together.

If a case cannot be negotiated successfully, there may be no option but for you (or for your estranged partner) to make an application to Court in order that there be a judicial decision issued to determine what is a fair and reasonable outcome between you. The costs involved will rise considerably, because the amount of time we have to spend on your file will inevitably increase.

Generally, it is extremely difficult for us to give any indication of the total cost to you at the outset of any course of work of this particular nature. This is because of the unpredictability of progress, and

the unknown element of the other side's position. Cases can sometimes be brought to a conclusion after very brief negotiations, after a full Court hearing occupying several days, or at any point in between. In almost all cases like this, the extent of our fees will depend on the amount of time spent on your case by way of research, preparation, discussions, negotiations or Court appearances.

The other aspect of cost to you is the necessary outlays to be incurred for work of this nature. For example, we may require to pay expenses to the Court, or to obtain reports from Doctors or other Specialists, Advocates fees, or fees for registering Agreements. Please note that we will normally ask you to put us in funds before any large outlays are to be incurred.

In general, please be aware of the standard Court rule that "*expenses follow success*". So, if you are perceived to have won your case, your former spouse/ partner may be required to make a contribution towards your costs, and you may be refunded. Although much depends on the amount of the pre-litigation work carried out, you can generally expect to recover approximately 70% of your total costs by way of expenses. Please note, however, that divorces, separations and other family cases usually form an exception to that general rule. In these cases, it is more likely than not that each side will be responsible for their own expenses. Alternatively, you may have to make a payment towards your opponent's legal costs if you are perceived to have lost your case.

Of course, our family solicitors will discuss these aspects with you, and keep you properly advised at all times, as to how any Court action is progressing and what the likely outcomes will be.

General advice and business

As a general practice, our Firm takes on a range of clients and cases/transactions. Sometimes the work is preliminary advice, or assistance with a minor or brief legal issue requiring correspondence with other parties or solicitors, and/or creating of legal documentation. There really is no limit to the range of needs of clients when it comes to legal services and processes.

We often offer a preliminary consultation without charge for a discussion or meeting, though we reserve the right to charge for all services and advice – for example, see the estimate for an initial consultation when taking instructions on a simplified divorce/ dissolution of a civil partnership. Some examples of miscellaneous charges:

For notarising/certifying documents a fee may be £40 (inclusive of VAT) for up to three documents. Charges will escalate if more than three documents require to be certified.

For advising on and corresponding with a neighbour who is encroaching on a boundary the fee may be based on an hourly rate of £250.00 plus VAT of £50.00 per hour, but set as an initial maximum of £500.00 plus VAT of £100.00. Please note that outlays may well be relevant.

For advising on planning for retirement, property and wealth management, succession/inheritance planning, care costs and related matters, the fee may be based on an hourly rate of £225.00 per hour plus VAT of £45.00, but set as an initial maximum of £675.00 plus VAT of £135.00.

Hourly rate based on fee earner

Hourly rate examples

Depending on the nature and complexity of your legal matter, the legal work undertaken by us may be completed by one or several members of our legal team. Below we have set out the hourly charging rates for each of our fee earners.

The hourly charge stated excludes VAT which is charged at 20%

<u>Fee earner</u>	<u>Hourly charging rate (excluding VAT)</u>
John Mackenzie, Law Society of Scotland Accredited Specialist	£300.00
Partner	£250.00
Senior Associate solicitor	£225.00
Associate Solicitor/ Consultant	£200.00
Senior Solicitor	£190.00
Solicitor	£180.00
Tax/ Accountancy	£170.00
Trainee Solicitor	£165.00
Paralegal	£165.00

The number of hours spent on your case will be determined by the complexity and the unique circumstances of your case. If possible and appropriate, we will discuss the likely cost of your case with you at our initial meeting. If additional costs arise due to unforeseen circumstances, we will discuss this with you at the earliest opportunity and we will advise you of any increase in cost that may arise.

The hourly rate does not include any outlays that may be required. These are variable depending on the nature of the case. We will discuss what these may be at our initial meeting.

Please note that for a high number of cases the following outlays will always apply :-

- Electronic identity check (per person) at £20.00 plus VAT.
- Compliance check at £60.00 plus VAT (per transaction, and please note that this can be subject to review if you are funding a transaction from multiple sources or if funds are coming from overseas)
- File storage at £15.00 plus VAT (please note that this a single charge and is not recurring)