



Introduction

Mitchells Robertson Limited, Solicitors and Estate Agents ("the firm"), is a limited company registered with our regulator, the Law Society of Scotland ("Society"). The Society has issued Guidance on what is called Transparent Pricing. This is information to be made available to clients and potential clients about fees, outlays and costs that may be incurred when instructing solicitors. The Guidance is in place for all firms in Scotland that offer legal services to clients.

Here on our website we provide some examples of pricing for the services we offer to consumers/private clients. These are, as required, only illustrations, not definitive costs. This is because a legal case or transaction is a like a fingerprint – no job is the same as any other job, and the uniqueness of the work is thus matched by the charges for it.

Some kinds of work carry a fixed fee, others are calculated by a scale or unit cost varying with the amount of time or other effort that is appropriate for the completion of the case or transaction. Over and above fees, outlays are charges and costs paid out by the Firm on behalf of the client to other companies, offices, organisations – e.g. the Sheriff Court, Revenue Scotland, the Registers of Scotland, searching companies, local authorities and others. These charges are incurred by the client as a necessary part of the work being done. The outlays are passed on to the client at whatever cost is charged by the organisation being paid.

So while we have outlined these examples, and we hope they are helpful in describing the shape or configuration of the charges for your work, you can be almost sure that none of them exactly matches it except by chance in a few limited cases.

IMPORTANT NOTE

It is important to note that Clients or potential clients reading this Guide should contact us for a specific and detailed estimate of fees and outlays for a specific matter and to discuss the work to be done and any other preliminary matters.

Areas of work

Will

A will is an important document to get right - in content, expression and signing. It is a mistake to think either that a will is not necessary or that it is necessarily straightforward. In Scotland the law of inheritance can be complex and very often not what the ordinary client expects in terms of the rights of family members to a share - or not - of the estate. So this Firm's work will almost certainly involve discussing and advising on options and risks to achieve even the most basic will.

For a basic job of consultation, advice, preparation of the single will, completion execution and storage, the fee may be £200 plus VAT £40 or for couples' "mirror Wills" (e.g. husband to wife whom failing children and wife to husband whom failing children) £350 plus VAT of £70.

There are usually no outlays associated with this process.

The fees quoted above do not include work associated with lifetime trusts (including drafting trust deeds), transferring heritable property in to a trust and complex Inheritance Tax planning advice.

Complex Wills involving more detailed consideration and advice will carry additional fee charges that will be discussed at your initial meeting.

Power of Attorney (dealing with incapacity)

There are various kinds of Power of Attorney (POA). The most-used is a document that supports a person who is incapacitated mentally and/or physically and cannot carry out his/her normal business and/or personal care – known as the 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. The document is lengthy and complex and must be tailored to the specific needs and circumstances of the Adult. A basic POA may require meeting and consultation with the solicitor, the drafting of the POA document, its completion and execution (i.e. signing and witnessing) – 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 £225 plus VAT of £45. There may be an additional fee if a home or hospital visit is required.. If there are "mirror POAs" by couples appointing each other in same terms the cost will be £400 plus VAT of £80 . The outlay is currently £81 per POA charged by and paid to the OPG.

Guardianship (Incapacity)

Where creation of a Power of Attorney is not possible or is inappropriate, the alternative is for a suitable person - who may be a family member or another trusted person - to apply to the Sheriff Court to be appointed Guardian to an adult with incapacity (“the Adult”). This is a complex and very detailed court process involving much documentation and formal reporting by various parties, officials and personnel to satisfy the court that the court order is necessary and appropriate. It also involves personal appearance at court by the solicitor to conduct at least one formal hearing in front of the sheriff before the order is permitted and awarded. The exact amount of work cannot be specified in advance as it is dependent on factors unique to each case. The Engagement letter will include an hourly rate charge. In general we do not offer Legal Aid but in some guardianship cases it is available and we will help to apply for and secure it where available.

We will usually issue our invoice after the guardianship application has concluded. **Please note that all fees and outlays are recoverable from the Adult’s estate once the guardian has been appointed.** Where legal aid is not available, a possible fee (based on an hourly/time and line formula) may be £4,500 plus vat £900. Outlays may include Sheriff Court initial dues £132, psychiatric fee £240, medical report £224, sufficient knowledge report £900, sheriff officers for service of application etc. £140.

Purchase of Residential Property (Conveyancing)

The Firm deals with transactions for clients buying a home, whether it be a flat, house, new-build property or land to build upon. The work may involve: communications and advice by the solicitor with the client, correspondence with estate agents and the seller's solicitor, guidance on what to offer and negotiations, drawing up a range of documents including a formal legal offer and further formal letters (known as the Missives or contract to buy), examination of title, reporting on the terms of the Title to you and your lender, 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.

A fixed fee for a typical house purchase transaction at a price of say £250,000 might be £900 plus VAT and outlays.

Typical outlays in a purchase transaction would be:-

1. Land and Buildings Transaction Tax (LBTT) - see link

<https://www.revenue.scot/land-buildings-transaction-tax/tax-calculator/lbtt-property-transactions-calculator>

2. Land Register fees to register your title see link <https://kb.ros.gov.uk/fees/registration-fees>
3. If you are borrowing money, Land Register fees to register the standard security in favour of your lender being £20 for an advance notice and £70 for the standard security.

Sometimes unexpected issues or unusual aspects crop up which impact on the fees and/or outlays payable. These issues and the impact on fees will be discussed and agreed with you at the earliest opportunity.

Sale of Residential Property (Conveyancing)

The Firm deals with transactions for clients selling a home, whether it be a flat, house, or land to build upon. The work may involve communication and advice by the solicitor with the client, correspondence with estate agents and the purchaser's solicitor, drawing up a range of documents including a formal legal acceptance of the buyer's offer and further missives, provision of title, ordering of searches and reports, revising of a new title (disposition) and discharging mortgage security where necessary, arranging completion/settlement of the transaction, managing the funds from buyer's lawyer and redeeming (paying off) outstanding mortgage to the lender, registration of discharge where necessary, reporting to and settling with the client.

The fixed fee for a typical sale transaction at a price of say £250,000 might be £900 plus VAT and outlays.

Typical outlays in a sale transaction would be:-

1. estate agency fees
2. Local authority, coal authority and Land Register searches costing around £180 to £250 including VAT

3. Land Register fees of £20 for the Advance Notice of the Disposition to be signed by you
3. If you borrowed money secured over the property, Land Register fees of £70 to register the discharge of the standard security in favour of your lender.

Sometimes unexpected issues or unusual aspects crop up which impact on the fees and/or outlays payable. These issues and the impact on fees will be discussed and agreed with you at the earliest opportunity.

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 (paying off) 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 £350 plus VAT of £70.

Outlays are £70 for registration of the mortgage discharge, £70 for registration of the new mortgage security, £20 for an Advance Notice for the security, £150 plus VAT of £30 for title, property and mining searches.

Discharge of security (Conveyancing)

For those lucky enough to have paid off their mortgage, there is an exercise to update title deeds by a deed known as discharge of security. Security is the correct Scottish legal word for mortgage. The mortgage lender has a security over the client's title while the loan is outstanding. The Discharge removes it once the loan is fully paid off (redeemed) and the lender no longer has a claim over the property.

For a basic discharge of security the fee may be £200 plus VAT of £40.

The outlay is a charge of £70 payable to the Registers of Scotland.

Estate Agency

In Scotland many firms of solicitors including this firm provide property estate agency services. The Firm's work for a client who instructs us to market property may include our staff consulting with the client, pre-sale valuation, marketing strategy/process, preparing a sale schedule, registering it on online property portals, arranging a Home Report, erecting Sale Board if required, dealing with enquiries, arranging/conducting viewings, giving feedback to clients and updates, negotiating with prospective buyers and processing offers received. Commission may be based on a percentage of the sale price of the property or a fixed fee agreed beforehand.

Our Marketing Fees Up to £70,000 - £500 + VAT
Over £70,000 - 0.85% + VAT (of the sale price achieved)

Add: Outlays

1) ESPC Registration and Advertising Fees £250 including VAT and includes

- Advertising on ESPC web-site and rightmove
- Lamination
- A floor plan but if not required £18.00 (£15.00 plus vat) can be deducted from above.

2) Accompanied viewing is also available at a cost of £20.00 plus vat (£4.00) per viewing.

3) Home Report charge payable to surveyors

Value up to £100,000 is £325 including VAT and

Value of £100,000 to £300,000 is £410 including VAT.

Value of £300,000 to £500,000 is £460 including VAT

Value Over £500,000 is Negotiable

4) Videos £125 plus VAT

During Covid restrictions virtual viewing require to be conducted where possible and only seriously interested parties should then view so we can source this for you.

General advice and business

As general practice solicitors, this 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 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 preliminary consultation without charge for a discussion or meeting, though we reserve the right to charge for all services and advice.

Executry (deceased person)

Executry is the name used by lawyers for the work required in winding up the estate of someone who has died. That involves preparing an inventory of the estate, applying for Confirmation (being an authority to deal with the estate which is the Scottish equivalent of Probate) from the local Sheriff Court, ingathering or collecting and distributing the estate. It is an area where it is difficult, and often impossible, to give accurate levels of fee in advance.

It also makes a difference to the amount of work 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 also 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), drawing court documents and forms for Confirmation, dealing with the Sheriff Court, accounting to the executor and paying debts and distributing the bequests and shares of estate among beneficiaries.

There may also be a home/heritable property to sell or transfer. 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 a limited number of estates and generates considerable work.

Costs for administering a deceased's estate will ultimately depend on the complexity of the matter. Depending on the complexity of the estate, the legal work undertaken by us may be completed by one or more members of our legal team. The more complex the matter the more time will be

spent. The Letter of Engagement and our Terms of Business will therefore often require to include an hourly rate charge.

if there is an estate with a house, two or three bank accounts and two or three other investments or assets the fee might be £3,500 plus vat £700.

Outlays may include Court Confirmation dues of £261 (or £562 if the value of the estate is over £250,000) plus £8 per individual asset certificate if needed. If there is no valid Will in place then the outlays may also include Court dues of £19 for the appointment of an executor and the costs of a Bond of Caution. The Cost of a Bond of Caution will vary depending on the value of the estate.

The details of your particular matter will be discussed at your initial meeting.

Separation and Divorce (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 dog.

This kind of work more than most others cannot be costed exactly in advance as each case depends on the parties' circumstances. We will usually advise negotiating and recording terms of settlement in a legally binding Minute of Agreement (contract) which is signed by both parties and registered. The Terms of Engagement letter will usually include an hourly rate charge.

Where we advise and assist with the preparation, negotiation and conclusion of a settlement agreement, a possible outcome, based on our hourly rate, is a fee of £1,250 plus vat £250.

Outlays may include a share of the registration dues of the Minute of Agreement of £22 if paying for both extracts (copies) or £11 if for one only. Where a pension share is required, a pension share fee of £750 may be payable to the Pension Administrators/Trustees.

After a settlement agreement is concluded, if you instruct us to raise an action of divorce, a possible fee for a divorce action under the Simplified Procedure is £400 plus vat of £80 and court fees of £141. Fees of around £100 for service by Sheriff Officers may also apply.

If your circumstances do not qualify for divorce by Simplified Procedure, costs will be more and a possible fee, where the action is undefended, is £950 plus vat of £190, court fees of £210 and Sheriff Officers fees of around £100.

REMEMBER

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