

## **PRICE TRANSPARENCY - McSherry Halliday LLP**

### **Overview**

McSherry Halliday LLP is a firm registered with the Law Society of Scotland. The Law Society of Scotland issued guidance to solicitors on Price Transparency. This means that information is easily accessible for clients and prospective clients concerning fees, outlays and overall costs that may be incurred when instructing solicitors. This guidance has been put in place for all firms in Scotland that offer legal services to consumers and private clients.

The following information includes pricing examples for a range of services that we offer at McSherry Halliday LLP. The prices illustrated are guidelines only and are not definitive costs as each situation and the type of work involved is subjective. In addition, due to the nature of our work and the services required, cases tend to each be unique, thus meaning our charges will match each case depending on that which is involved.

Some work we carry out will be based on a fixed fee. Others are calculated based on scale or unit cost varying by time and other essential efforts to complete a particular case or transaction. Above standard fees, outlays are charges and expenses paid out by the firm on behalf of the client to other parties, including different companies, offices and organisations. For example, the Sheriff Court, local authorities and the Registers of Scotland, to name a few. These outlays are charges incurred by the client so that the necessary work can be carried out. The firm then passes on these charges to the client at the same rate they receive them; this means there are no margins or profits from outlays.

Please note we may charge a consultation fee at our discretion, for initial advice rendered to clients based on an hourly rate of £250.00 plus VAT, if they choose not to proceed with our services. We also charge a digital and storage fee of £25.00 plus VAT to cover the cost for storing any legal documents on your behalf and digitally storing your case file.

The following prices and descriptions offer a helpful guide. However, we must make clients aware that the charge for their case may not be an exact match to the ones listed below. For further assistance or to discuss individual circumstances, please contact one of our team, where we can offer an estimation/quotation of fees.

## **Our Services**

### **Conveyancing**

#### **Purchase of Residential Property**

McSherry Halliday LLP deals with transactions for clients buying a home, whether it be a flat, house, new-build property, buy-to-let property or a piece of land. Our team manage the case by negotiating the contract to a settlement and they will complete the title deed transfer by ensuring the client meets all legal obligations and that their client's rights are protected throughout the process. Some of the work involved may include correspondence with the estate agent and the seller's solicitor, communications and legal advice by the solicitor to the client. We will carry out Anti Money Laundering (AML) checks, verify client identification, check the source of funds (if required) under the Anti Money Laundering regulations in respect of any deposit funds or if it is a cash purchase, the whole price. We will gather evidential documents from the client to vouch the source of funds. The solicitor will often act on behalf of the client's lender too. The solicitor must act in the interests of both the client and mortgage lender and they will also liaise with the lender with regard to transferring money during a purchase, submission of LBTT (Scottish Stamp Duty), dealing with the land registration, proofreading contracts, and arranging the final details of the settlement.

#### **Fixed Fee**

##### **Purchase legal fees**

Purchase up to £150,000	£700.00 (plus VAT)
Between £150,000 and £250,000	£850.00 (plus VAT)
Between £250,000 and £300,000	£950.00 (plus VAT)
Between £300,000 and £350,000	£1050.00 (plus VAT)
Between £350,000 and £400,000	£1250.00 (plus VAT)
Between £400,000 and £450,000	£1500.00 (plus VAT)
Between £450,000 and £500,000	£1800.00 (plus VAT)
Over £500,000	Price quoted on application
If using Help to Buy Scheme	Add £250.00 (plus VAT)
If using Help to Buy ISA	Add £100.00 (plus VAT)

##### **Outlays**

Digital scanning and storage fee	25.00 (plus VAT)
Bank transfer fee	30.00 (plus VAT)

Posts	35.00 (plus VAT)
Advance Notice (if required)	20.00
Disposition	depends on purchase price – see Fig. 1 table below
Land and Buildings Transaction Tax	if applicable - use online calculator - link below
Additional Dwelling Supplement	if applicable - use online calculator - link below
<a href="https://revenue.scot/calculate-tax/calculate-property-transactions">https://revenue.scot/calculate-tax/calculate-property-transactions</a>	

**Fig 1. Registration Dues of Disposition**

Value	Fee
0 – 50,000	£80.00
50,001 – 100,000	£140.00
100,001 to 150,000	£260.00
150,001 to 200,000	£400.00
200,001 to 300,000	£530.00
300,001 to 500,000	£660.00
500,001 to 700,000	£800.00
700,001 to 1,000,000	£930.00
1,000,001 to 2,000,000	£1,100.00

### **Sale of Residential Property**

McSherry Halliday deals with transactions for clients selling a home, whether it be a flat, house, or a piece of land. Our team help with the settlement and title deed transfer by ensuring the client meets all legal obligations and that the client's rights are protected throughout the process. Some of the work involved may include; correspondence with the estate agent and the buyer's solicitor, communications and legal advice by the solicitor with the client, negotiation of the terms of sale, completion of the contract known as concluded missives, corresponding with the lender where there is an outstanding loan and arranging repayment of the loan, then managing and distributing funds upon settlement.

### **Sale Legal Fees**

Sale up to £150,000	£700.00 (plus VAT)
Between £150,000 and £250,000	£850.00 (plus VAT)
Between £250,000 and £300,000	£950.00 (plus VAT)
Between £300,000 and £350,000	£1050.00 (plus VAT)
Between £350,000 and £400,000	£1250.00 (plus VAT)

Between £400,000 and £450,000	£1500.00 (plus VAT)
Between £450,000 and £500,000	£1800.00 (plus VAT)
Over £500,000	Price quoted on application

With regard to outlays, the property which you are selling will either be registered in the Land Register of Scotland (generally if it was purchased or transferred after 1997, when Land Registration was brought in) or alternatively, if the property was purchased prior to 1997, it is likely the title will be recorded in the historic General Register of Sasines. The outlays associated with a registered property title vary slightly from an unregistered title and the comparison is listed below.

### **Outlays - Registered Title**

Digital scanning and storage fee	£25.00 (plus VAT)
Bank transfer fee	£30.00 (plus VAT)
Posts	£35.00 (plus VAT)
Discharge (if applicable)	£80.00 (if done digitally £60.00)
Coal Report	£55.40
Property Enquiry Certificate	£81.96
Advance Note (Disposition)	£20.00
Legal Report and Continuation	£60.48

### **Outlays – Unregistered Title**

Digital scanning and storage fee	£25.00 (plus VAT)
Bank transfer fee	£30.00 (plus VAT)
Posts	£35.00 (plus VAT)
Discharge (if applicable)	£80.00 (if done digitally £60.00)
Coal Report	£55.40
Property Enquiry Certificate	£81.96
Advance Note (Disposition)	£20.00
Legal Report and Continuation	£63.00
Plans Report	£114.00

## **Remortgage of Residential Property (Conveyancing)**

McSherry Halliday deals with transactions for clients who are remortgaging a home. Some of the work involved may include; examination of title, carrying out money laundering checks, verifying client identification, checking the source of funds (if required) under the Anti Money Laundering (AML) regulations, gathering evidential documents from a client, obtaining a redemption statement from the client's existing mortgage lender, and registering the new mortgage with the Land Register of Scotland.

### **Remortgage Only – where there is an existing security to be discharged**

Fee	£450.00 (plus VAT)
Digital Scanning and storage	£25.00 (plus VAT)
Posts	£35.00 (plus VAT)
Discharge	£80.00 (if done digitally £60.00)
New Security	£80.00
Advance Notice	£20.00
Legal Report and Continuation (depends on type of title	£60.48 or £63.00 see above)
Property Enquiry	£81.96 (if new lender)
Coal Report	£55.40 (if new lender)

### **Remortgage and Transfer of Title – where there is an existing security to be discharged**

Fee	£750.00 (plus VAT)
Digital Scanning and storage	£25.00 (plus VAT)
Posts	£35.00 (plus VAT)
Discharge	£80.00 (if done digitally £60.00)
New Security	£80.00
Disposition dues (based on ½ of property value – see fig. 1 above)	
Legal Report and Continuation (depends on type of title	£60.48 or £63.00 see above)
Property Enquiry	£81.96 (if new lender)
Coal Report	£55.40 (if new lender)

Advance Notices (x2) £40.00

**Transfer of Title Only – where no security work involved or another firm is acting for the lender**

Fee £400.00 (plus VAT)

Digital Scanning and storage £25.00 (plus VAT)

Posts £35.00 (plus VAT)

Advance Notice £20.00

Disposition dues (based on ½ of property value – see fig. 1 above)

Legal Report and Continuation (may apply) (depends on type of title £60.48 or £63.00 see above)

**Revisal of Transfer of Title - with security**

Fee £400.00 (plus VAT)

Digital Scanning and storage £25.00 (plus VAT)

Posts £35.00 (plus VAT)

**Revisal of Transfer of Title - no security**

Fee £300.00 (plus VAT)

Digital Scanning and storage £25.00 (plus VAT)

Posts £35.00 (plus VAT)

**New Security – no existing security**

Fee £250.00 (plus VAT)

Digital Scanning and storage £25.00 (plus VAT)

Posts £35.00 (plus VAT)

Legal Report and Continuation (depends on type of title £60.48 or £63.00 see above)

Property Enquiry £81.96

Coal Report	£55.40
Advance Notice	£20.00

### **Equity Release (Legal Work) – where there is an existing security to be discharged**

Fee	£450.00 (plus VAT)
Digital Scanning and storage	£25.00 (plus VAT)
Posts	£35.00 (plus VAT)
Discharge (if applicable)	£80.00 (if done digitally £60.00)
New Security (if applicable)	£80.00
Advance Notice	£20.00
Legal Report and Continuation (depends on type of title	£60.48 or £63.00 see above)
Property Enquiry	£81.96 (if new lender)
Coal Report	£55.40 (if new lender)

### **Discharge of Security/Mortgage**

If a client has paid off their mortgage in full, the lender may encourage them to approach a solicitor to have the secured loan discharged from the title. The cost for this is detailed below.

Fee	£125.00 (plus VAT)
Digital Scanning and storage	£25.00 (plus VAT)
Registration dues	£80.00 (if done digitally £60.00)

### **Evacuation of Survivorship Destination**

If the title to a property is held in joint names, it may include what is known as a “special destination” or a “survivorship destination”. If the title deeds for a clients’ home contain a survivorship destination (normally written in the title deeds as “to A and B and to the survivor of them”) then the property will pass automatically to the survivor on death and this will take priority over the terms of a Will. In some circumstances, it may be appropriate to evacuate the survivorship destination within the title and the cost for this is as undernoted.

Fee	£400.00 (plus VAT)
Digital Scanning and storage	£25.00 (plus VAT)

Legal Report (depends on type of title £60.48 or £63.00 see above)

Registration dues of Evacuation (£80.00 if a registered title or if first registration based on property value – see Fig. 1 table above)

Plans Report (only if title unregistered) £114.00

\*Please note that if it transpires during the course of any conveyancing transaction mentioned above, that the title is of a complex nature or any issues arise in relation to the title which result in additional work being required, then additional legal fees will apply. These additional fees will be charged at an hourly rate of £250.00 plus VAT by an Independent Law Accountant. We shall make clients aware of additional cost implications as soon as any issues are identified. In addition, please note there may be additional outlays payable by the client, if it transpires during the course of a transaction that these are required. \*

Joint purchasers may choose to enter into an agreement to acknowledge the deposit funds each party has paid towards the deposit of the property. We can prepare a basic agreement to regulate the position in the event of a subsequent sale or separation. If the position is more complicated, the work carried out will be charge at an hourly rate of £250.00 plus VAT.

#### **Minute of Agreement – basic agreement put in place to protect deposit funds**

Fee £300.00 (plus VAT)

Digital Scanning and storage £25.00 (plus VAT)

Registration dues for 1 extract £20.00

#### **Commercial Law**

We appreciate the importance of well co-ordinated, efficient legal assistance when it comes to a client's business interests and we can anticipate and respond to issues within tight deadlines. Our feeing structure for acting in respect of a business transaction can vary depending on the service. Fees may be charged at a rate of £250.00 plus VAT per hour or a fixed fee. In the event a fixed fee applies, we shall provide a quotation to clients at the outset of the transaction.

#### **Matrimonial, Civil Partnerships, Cohabitation and Family Law Advice**

If we are instructed to provide advice in respect of a Matrimonial, Civil Partnership, Cohabitation or Family Law matter, the advice rendered will be based on an hourly rate of £250 plus VAT per hour. Each case is unique and as such the work involved in dealing with the matter can vary considerably. Therefore, any work undertaken on the file, including, but not restricted to meetings, telephone attendances, email exchanges, correspondence with other



solicitor firms, drafting legal documents including Separation Agreements or court documents and perusals etc. will be fee'd at the hourly rate of £250 plus VAT by an Independent Law Accountant. We would recommend that you consider making regular monthly standing order payments to account of the fees and any contributions made by you will be deducted off the overall fee at the end of the transaction.

There are some transactions within this category, which we will complete on a fee estimate basis. This would be for a simplified divorce (where there are no financial aspects to be addressed and no children under the age of 16 years old). Where there are no financial aspects outstanding, but there are children of the relationship aged under 16 years old, this can proceed via the ordinary divorce procedure. The fee estimates below only apply where the action is undefended. Please note that any additional work which requires to be carried out beyond the standard procedure will be fee'd at our firm's hourly rate of £250 plus VAT per hour as outlined above. In this event, we shall notify you of any changes as soon as possible. You will also be liable for any increases to outlays or additional outlays, which we have to pay on your behalf.

## **Divorce**

### **Simplified Divorce**

Fee £350.00 (plus VAT)

Digital scanning and storage £25.00 (plus VAT)

Posts £35.00 (plus VAT)

### **Outlays**

Court dues £134.00

Service by Sheriff Officers (Price quoted on application, if service by recorded delivery unsuccessful)

### **Ordinary Divorce**

Fee £1,200.00 (plus VAT)

Digital scanning and storage £25.00 (plus VAT)

Posts £35.00 (plus VAT)

### **Outlays**

Initial Writ Court dues £165.00

Affidavit Court dues £72.00

Service by Sheriff Officers (Price quoted on application, if service by recorded delivery unsuccessful)

## **Will, Executry, Power of Attorney and Guardianship Order Fees**

### **Wills**

A Will is an important document and ensures that upon death, the client's estate is distributed according to their wishes. The costs outlined below reflect a basic, uncomplicated will for a single person and a mirrored version of this for a couple. There may be other complicating factors such as inheritance tax considerations, protecting assets from means tested benefits or unusual family dynamics. The advice surrounding this and preparation of a more complicated Will shall incur a further cost. We shall let clients know if there is likely to be an additional fee. A Codicil is used when a person wishes to make a change to their Will, rather than create a new Will. It is possible to do this in limited circumstances. Please note that in the event a hospital visit is necessary, there will be an additional fee charged of £100 plus VAT to cover the additional time and expense. There is no additional cost for a standard home visit.

Single Will fee	From £150.00 (plus VAT)
Digital Scanning and storage	£25.00 (plus VAT)
Couple Will fee (mirror Wills)	From £250.00 (plus VAT)
Digital Scanning and storage	£25.00 (plus VAT)

### **Codicil**

Single Codicil fee	£90.00 (plus VAT)
Digital Scanning and storage	£25.00 (plus VAT)
Couple Codicil fee (mirror Codicils)	£180.00 (plus VAT)
Digital Scanning and storage	£25.00 (plus VAT)

## **Minute of Agreement – to protect the inheritance of children by earlier relationship**

In circumstances where parties have remarried or formed a new relationship and they choose to leave part or all of their estate to their surviving spouse/partner, after the first of them die, they may wish to enter into an agreement with the other spouse/partner to protect the inheritance of children from a former relationship. We can prepare a Minute of Agreement regulating the terms. The cost of a basic agreement is detailed below:

Fee from	£250.00 (plus VAT)
Digital Scanning and storage	£25.00 (plus VAT)
Registration dues for 1 extract	£22.00

It is McSherry Halliday's practice to submit our file to external Law Accountants for assessing our fees relative to this type of work. This means that the file is independently assessed to establish a fair charge for the work undertaken based on our firm's hourly rate of £250.00 plus VAT per hour. A charge is made by the party assessing our files and is normally paid from the estate. The file is independently assessed and charged at the conclusion of the administration but if the estate is complex, an interim fee may be taken. Fees are payable from the estate including all the costs of administration. It is difficult to estimate what the administration fees may be for a particular estate. A small estate of low or moderate value can often be as complicated, or more complicated, than an estate of a larger value.

**Gross value of estate (£) Estimated cost of administration (to which VAT at the prevailing rate will be added)**

**Please note the above table is not binding but is simply an approximate indication of fees likely to apply. The actual fee may be higher or lower depending on the circumstances of the estate e.g. if there is more than one Executor or if the estate is of particular complexity.**

### Outlays

If Confirmation is required Sheriff Court outlays will also apply. Details can be found under **Commissary** of the following link: [Sheriff Court Fees \(scotcourts.gov.uk\)](https://www.scotcourts.gov.uk/sheriff-court-fees)

Fee to Court to Petition an Executor	£19
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Bond of Caution from insurance company	Price on application
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## **Powers of Attorney**

Having a Power of Attorney lets you plan what you want another person to do for you in the future, usually in respect of welfare and financial matters, should you become incapable of making decisions about your own affairs. A Power of Attorney is a written document which includes a certificate confirming capacity of the granter. As solicitors, we can take instructions, prepare and certify Powers of Attorney for clients. Once completed we issue the Power of Attorney to the Office of the Public Guardian who register the document and issue a registered version which can be used by the Attorney. The total costs are outlined below. Please note that in the event a hospital visit is necessary, there will be an additional fee charged of £100 plus VAT to cover the additional time and expense. There is no additional cost for a standard home visit.

### **Power of Attorney Only – Single person**

Single fee	£300.00 (plus VAT)
Posts and incidental	£35.00 (plus VAT)
Digital Scanning and storage	£25.00 (plus VAT)
Recording dues	£85.00

### **Powers of Attorney Only – Couple**

Couple fee	£450.00 (plus VAT)
Digital Scanning and storage	£25.00 (plus VAT)
Posts and incidental	£35.00 (plus VAT)
Recording dues	£170.00

We offer a discount for clients who choose to complete the preparation of Wills and Powers of Attorney with our firm at the same time.

### **Power of Attorney and Will Combined Fee - Single person (based on a basic Will only)**

Single fee	£400.00 (plus VAT)
Posts and incidental	£35.00 (plus VAT)
Digital Scanning/storage	£25.00 (plus VAT)
Recording dues	£85.00

### **Powers of Attorney and Wills Combined Fee – Couple (based on basic Mirror Wills only)**

Couple fee	£625.00 (plus VAT)
Digital Scanning/storage	£25.00 (plus VAT)
Posts and incidental	£35.00 (plus VAT)
Recording dues	£170.00

### **Revocation of Power of Attorney**

If a new Power of Attorney is being prepared at the same time: -

Fee (single)	£100.00 (plus VAT and the above fees for preparation of Power of Attorney)
Fee (couple)	£200.00 (plus VAT and the above fee for preparation of Power of Attorney)

If no new Power of Attorney is being prepared at the time of revocation: -

Fee (single)	£100.00 (plus VAT)
Digital scanning and storage	£25.00 (plus VAT)

Posts	£35.00 (plus VAT)
Fee (couple )	£200.00 (plus VAT)
Digital scanning and storage	£25.00 (plus VAT)
Posts	£35.00 (plus VAT)

## Guardianship Orders

Where an adult no longer has the capacity to authorise another to act under a Power of Attorney, a person with an interest in the welfare or financial affairs of the adult can nominate themselves and make an application to the Court to be given the power to act on their behalf. This may be a family member but can also be a friend or professional. Either an Intervention Order or Guardianship Order may be sought.

We offer legal aid via the Scottish Legal Aid Board in these types of cases. There is a two-step process for legal aid. The first part of the process is legal Advice and Assistance. This is means tested and we will ask the client for evidence of the income and capital of the adult to ascertain if they meet the criteria to qualify for legal aid. In the event they meet the criteria, the Scottish Legal Aid Board will meet the costs of the first part of the process. Otherwise, if the adult does not meet the criteria for Advice and Assistance legal aid, then the work during the first part of the process is undertaken at the firm's hourly rate. Therefore, any work undertaken on the file, including, but not restricted to meetings, telephone attendances, email exchanges, correspondence with other solicitor firms, drafting statements etc. will be fee'd at the hourly rate of £250 plus VAT by an Independent Law Accountant. The private costs are usually between £1000.00 and £1,500.00.

The second part of the process involves obtaining Civil Legal Aid, to enable an application to be submitted to the Court. Where welfare powers are solely being applied for, or if they are being applied for along with financial powers, as Civil Legal Aid is not means tested in these circumstances, an adult will automatically qualify for Civil Legal Aid to cover the legal costs and outlays (including any medical reports). The costs will be met by the Scottish Legal Aid Board.

If **only financial powers** are being sought (i.e. no welfare powers), Civil Legal Aid is means tested and we will ask the client for evidence of the income and capital of the adult to ascertain if they meet the criteria to qualify for Civil Legal Aid. If they do, the Scottish Legal Aid Board will meet the cost of the fees and outlays. If they do not qualify, any work undertaken on the file, including, but not restricted to meetings, telephone attendances, email exchanges, correspondence with other solicitor firms, drafting court documents, any court appearances etc. will be fee'd at the hourly rate of £250 plus VAT by an Independent Law Accountant. The Applicant will also be responsible for payment of any outlays including the two medical reports required to support the application. The cost of each medical report can range from £100.00 - £300.00.

## **Settlement Agreements**

Settlement Agreements, formerly known as Compromise Agreements are documents which set out agreed terms and conditions between an employer and employee. This is when they agree to settle any potential employment tribunal claim or other employment issue outwith court by way of agreement. This form of resolution can avoid prolonging a dispute, reducing the time, cost and stress involved in a tribunal claim. We can offer advice on the terms of a client's Settlement Agreement, however if you wish detailed specialist advice on all and any claims which may be available to you in respect of your employment, we can refer clients on to a specialist employment solicitor within our referral network to explore their options. Often, an employer will contribute towards an employee's legal fees for advice relating to a Settlement Agreement and clients should make enquiries regarding this, if they have not been offered a contribution towards fees. Our standard fee is as undernoted. Additional charges will apply at the hourly rate of £250 plus VAT, if negotiations are to be had with the employer.

Legal fee	From £350.00 (plus VAT)
Digital scanning and storage fee	£25.00 (plus VAT)

## **Notarisation**

Notarisation is the process, in which a solicitor, who is a notary, will certify a document in a certain way, depending what is required. They may, for example, certify a person's signature on the document to prove that the person signing is the person named in the document. Therefore in order to carry out this process, we ask clients to provide photographic and up-to-date address identification for enable their identity to be verified. The cost of the service will depend on what is involved. A basic notarisation for one document will normally cost £50.00 plus VAT.

## **Apostille**

An Apostille is used to legalise a client's UK documents for use overseas. An Apostille Certificate is normally requested by foreign authorities and organisations, to enable a document to be used for official purposes outside of the UK. This can be carried out by solicitors who are authorised to provide this service. In order to carry out this process, we ask clients to provide photographic and up-to-date address identification to enable their identity to be verified. The cost of the service will depend on what is involved. A basic transaction will normally cost from £150.00 (depending on the number of documents requiring to be legalised).