STATUTORY INSTRUMENTS

1965 No. 1788 (S.93)

LEGAL AID AND ADVICE, SCOTLAND

The Act of Adjournal (Criminal Legal Aid Fees Amendment) 1965

Made - - - - *7th October* 1965
Coming into Operation *8th October* 1965

ACT OF ADJOURNAL
Relative to Criminal Legal Aid Fees.

At Edinburgh, the seventh day of October 1965

Present—

The Right Honourable
The Lord Justice-General
The Right Honourable
The Lord Justice-Clerk
The Honourable Lord Guthrie
The Honourable Lord Migdale
The Honourable Lord Cameron.

The Lord Justice-General, Lord Justice-Clerk and Lords Commissioners of Justiciary, by virtue of the powers conferred upon them by section 13 of the Legal Aid (Scotland) Act 1949(a), as amended by the Legal Aid Act 1960(b), and the Criminal Justice (Scotland) Act 1963(c), and of all other powers competent to them in that behalf, do hereby enact and declare as follows :—

1. This Act of Adjournal may be cited as the Act of Adjournal (Criminal Legal Aid Fees Amendment) 1965, and shall come into operation on 8th October 1965.

2. The Act of Adjournal (Criminal Legal Aid Fees) 1964(d) shall be amended as follows.

(1) There shall be substituted for section 3 thereof the following section :—

"3(1) There shall be allowed to the duty solicitor representing accused persons in the sheriff court on rota in terms of article 6 of the Scheme, fees on the following scale :—

(a) 12, 13 & 14 Geo. 6. c. 63.
(b) 8 & 9 Eliz. 2. c. 28.
(c) 1963 c. 39.
(d) S.I. 1964/1410 (1964 III, p. 3292).

(*a*) Attendance at the first session of a court for the day a sessional fee of (i) £5 for the first case and (ii) £1 for each additional case, subject to a maximum total fee of £10 for the session until its termination on completion of business for the day or on adjournment for lunch by the court, whichever be the earlier.

(*b*) Attendance at any other session of that Court on the same day a sessional fee of (i) £5 for the first case and (ii) £1 for each additional case, subject to a maximum total fee of £7 for each such other session.

(2) Where, following a plea of guilty, one or more adjournments are ordered by the court, and the duty solicitor requires to appear again, then an additional fee shall be payable to the duty solicitor in respect of :

(*a*) additional interviews with the accused or others;

(*b*) attendance at court other than during the course of the duty solicitor's period of duty.

The amount of such additional fee shall be such sum not exceeding £10.10s. as shall form reasonable remuneration having regard to the additional work and time involved; together with any reasonable consequential outlays.

(3) The provisions of section 13 of the said Act of Adjournal shall not apply to this section and those of section 15 shall not apply to paragraph (1) of this section and shall apply to paragraph (2) of this section only within the maximum amount therein specified".

(2) In section 15 thereof

(*a*) The words "under and in terms of this Act of Adjournal" shall be added after the word "remuneration" at the end of subsection (1) and also at the end of subsection (2);

(*b*) The following additional subsection shall be added

"(3) Such reference need not be joint but may be made at the instance either of the solicitor concerned or of the Law Society and the Auditor concerned shall give reasonable notice to both of the diet of taxation".

And the Lords appoint this Act of Adjournal to be recorded in the Books of Adjournal, and to be published in the *Edinburgh Gazette.*

J. L. Clyde,
I.P.D.

EXPLANATORY NOTE

(*This Note is not part of the Act of Adjournal.*)

This Act of Adjournal amends the Act of Adjournal (Criminal Legal Aid Fees) 1964 by modifying the provisions relating to the fees of the duty solicitor representing accused persons in the sheriff court on rota, and also by modifying the provisions for reference of a question or dispute to the Auditor of the Court of Session or to the Auditor of the Sheriff Court.