STATUTORY INSTRUMENTS

1971 No. 926 (S. 126)

LEGAL AID AND ADVICE, SCOTLAND

Act of Adjournal (Criminal Legal Aid Fees Amendment) 1971

Made - - -	*27th May* 1971
Coming into Operation	*1st July* 1971

The Lord Justice-General, Lord Justice-Clerk and Lords Commissioners of Justiciary, by virtue of the powers conferred upon them by section 16 of the Legal Aid (Scotland) Act 1967(a) and of all other powers competent to them in that behalf, do hereby enact and declare as follows:

1. The Act of Adjournal (Criminal Legal Aid Fees) 1964(b), as amended by the Act of Adjournal (Criminal Legal Aid Fees Amendment) 1965(c), shall be further amended by deleting sections 3, 4, 5, 6, 7, 8, 9 and 10 and by substituting therefor new sections as follows:—

"**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 scales:—

"(*a*) Attendance at the first session of a court for the day a sessional fee of (i) £7 for the first case and (ii) £1 for each additional case, subject to a maximum total fee of £15 for the session until its termination on completion of business for the day or on adjournment 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) £7 for the first case and (ii) £1 for each additional case, subject to a maximum total fee of £10 for each such other session;

"Provided that the fee according to the foregoing scale shall cover the appearance in court of the duty solicitor on behalf of the accused as well as any interview or interviews with the accused or others whether such interview or interviews take place during the same or another 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*) attendances 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 £17 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 this 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.

(a) 1967 c. 43. (b) S.I. 1964/1410 (1964 III, p. 3292).
(c) S.I. 1965/1788 (1965 III, p. 5461).

"**4.** There shall be allowed to the nominated solicitor acting for an accused person to whom legal aid has been granted in summary proceedings in the sheriff court a fee of not less than £10 and not exceeding £77, and a further fee not exceeding £25 in respect of every day on which an adjourned hearing takes place.

"**5.**—(1) There shall be allowed to the nominated solicitor acting for an accused person to whom legal aid has been granted in solemn proceedings in the sheriff court a fee of not less than £13 and not exceeding £127.

"(2) Where a trial has not been concluded on the day on which it started there shall be allowed to the solicitor in addition to the fee allowed under the foregoing paragraph a daily fee in respect of the second and every subsequent day (*a*) where counsel has not been instructed, not exceeding £36; (*b*) where counsel has been instructed, not exceeding £25.

"**6.**—(1) There shall be allowed to the nominated solicitor acting for an accused person to whom legal aid has been granted in solemn proceedings in the High Court a fee of not less than £16 and not exceeding £127.

"(2) Where a trial has not been concluded on the day in which it started there shall be allowed to the solicitor in addition to the fee allowed under the foregoing paragraph a daily fee in respect of the second and every subsequent day not exceeding £25.

"**7.** There shall be allowed to the interim solicitor nominated under an interim appeal certificate such fee not exceeding £16 as appears to represent fair remuneration according to the work done;

"Provided that when the interim solicitor becomes the nominated solicitor, the solicitor shall be allowed one account only in respect of the appeal.

"**8.**—(1) There shall be allowed to the nominated solicitor acting for an accused person to whom an appeal certificate has been granted in connection with an appeal from summary proceedings in any court of summary jurisdiction a fee of not less than £13 and not exceeding £127.

"(2) Where the hearing of an appeal has not been concluded on the day on which it started there shall be allowed to the nominated solicitor in addition to the fee allowed under the foregoing paragraph a daily fee in respect of the second and every subsequent day not exceeding £25.

"**9.**—(1) There shall be allowed to the nominated solicitor acting for an accused person to whom an appeal certificate has been granted in connection with an appeal from solemn proceedings in the sheriff court a fee of not less than £13 and not exceeding £127.

"(2) Where the hearing of an appeal has not been concluded on the day on which it started there shall be allowed to the nominated solicitor in addition to the fee allowed under the foregoing paragraph a daily fee in respect of the second and every subsequent day not exceeding £25.

"**10.**—(1) There shall be allowed to the nominated solicitor acting for an accused person to whom an appeal certificate has been granted in connection with an appeal in respect of proceedings in the High Court a fee of not less than £13 and not exceeding £127.

"(2) Where the hearing of an appeal has not been concluded on the day on which it started there shall be allowed to the nominated solicitor in addition to the fee allowed under the foregoing paragraph a daily fee in respect of the second and every subsequent day not exceeding £25."

2. This Act of Adjournal may be cited as the Act of Adjournal (Criminal Legal Aid Fees Amendment) 1971, and shall come into operation on 1st July, 1971.

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

(Sgd.) *J. L. Clyde,*
I.P.D.

Edinburgh,
27th May, 1971.

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 making new provision for fees to be paid to solicitors in connection with criminal legal aid.