EXECUTIVE NOTE

THE CIVIL LEGAL AID (SCOTLAND) (FEES) AMENDMENT REGULATIONS 2009

SSI 2009/203

These Regulations are made in exercise of the powers conferred on Scottish Ministers by sections 33(2)(a) and (3) and 36(1) and (2)(a) of the Legal Aid (Scotland) Act 1986 and all other powers enabling them to do so.

Policy Objective

The policy objective is to improve remuneration for solicitors undertaking civil legal aid work in order to help ensure ongoing provision of the service. That is to be achieved by four changes: increasing the value of the unit on which the block fees are based from £19 to £21, reflecting the effect of inflation since the introduction of the block fee system in 2003; introducing arrangements enabling solicitors to be paid exceptionally on a detailed rather than a block basis for cases which, because of the volume or complexity of the work required, would not be adequately remunerated under the block arrangements; broadening the flexibility of the criteria under which a solicitor may apply to the Scottish Legal Aid Board for an additional fee or uplift; and modernising the table of fees for summary cause actions, to better reflect current court rules, and increasing their value.

Consultation

These proposals were considered by the Scottish Legal Aid Board, the Law Society of Scotland and the Family Law Association. All three bodies were broadly supportive of the provisions.

Financial Implications

It is anticipated that these amendments will cost approximately £1.6 million in a full year.

Scottish Government
27 May 2009