STATUTORY INSTRUMENTS

1987 No. 1358 (S.99)

LEGAL AID AND ADVICE, SCOTLAND

The Criminal Legal Aid (Scotland) (Fees) Amendment (No.2) Regulations 1987

Made - - - -	*29th July 1987*
Laid before Parliament	*10th August 1987*
Coming into force	*1st September 1987*

The Secretary of State, in exercise of the powers conferred upon him by section 33 of the Legal Aid (Scotland) Act 1986(**a**), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Criminal Legal Aid (Scotland) (Fees) Amendment (No.2) Regulations 1987 and shall come into force on 1st September 1987.

(2) In these Regulations "the principal Regulations" means the Criminal Legal Aid (Scotland) (Fees) Regulations 1987(**b**).

Amendment of principal Regulations

2. After regulation 4 of the principal Regulations there shall be inserted the following regulation:–

"**Submission of accounts**

4A.—(1) Subject to paragraph (2) accounts prepared in respect of fees and outlays allowable to solicitors shall be submitted to the Board not later than 3 months after the date of conclusion of the proceedings in respect of which that legal aid was granted.

(2) The Board may accept accounts submitted in respect of fees and outlays later than the 3 months referred to in paragraph (1) if they consider that there is a special reason for late submission.".

3. In the provisions of the principal Regulations listed in column 1 of Schedule 1 to these Regulations, for the amounts of the fees specified in those provisions and set out opposite in column 2 of Schedule 1, there shall be substituted the amounts specified opposite in column 3 of that Schedule.

4.—(1) For paragraph (3) of regulation 11 of the principal Regulations there shall be substituted the following paragraph:–

"(3) For the purposes of paragraph (2) of this regulation reasonable remuneration shall be calculated as follows–

(a) there shall be fees of £19.80, £7.65, £4.35 and £1.75 for the work described in paragraphs 1, 2, 3 and 4 respectively of Schedule I or such proportion of those fees as is prescribed in the description of the work;

(**a**) 1986 c.47.
(**b**) S.I. 1987/365, to which there are amendments not relevant to these Regulations.

(b) where an exceptional amount of copying proves necessary a fee of 10 pence shall be paid for each page copied of whatever size.".

(2) For Schedules 1 and 2 to the principal Regulations (Tables of Fees of Solicitors in proceedings in the High Court and in the sheriff and district courts) there shall be substituted the Schedule set out in Schedule 2 to these Regulations.

5. There shall be added after regulation 14(1)(c) the following:–

"Provided that without prejudice to any other claims for outlays there shall not be allowed to a solicitor outlays representing posts and incidents."

6. The amendments to the principal Regulations made by regulations 2, 3, 4 and 5 of these Regulations shall apply only to fees and outlays in respect of proceedings concluded on or after 1st September 1987.

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

New St. Andrew's House, Edinburgh
29th July 1987

SCHEDULE 1

Regulation 3

1 (*Provision of the principal Regulations*)	2 (*Old fee*)	3 (*New fee*)
	£	£
5(1)	52.25	60.60
	12.70	14.75
6(1)(a)	30.90	32.15
	4.20	4.35
	66.90	69.60
6(1)(b)	30.90	32.15
	4.20	4.35
	44.95	46.75
6(2)	75.75	78.80
7	44.95	52.15
	344.85	400.00
	110.75	128.50
8(1)	56.45	65.50
	566.40	657.00
8(2)(a)	162.00	187.90
8(2)(b)	110.75	128.50
9(1)	70.55	81.85
	1107.70	1284.95
9(2)	110.75	128.50
10(1)	56.45	65.50
	566.40	657.00
10(2)	110.75	128.50

SCHEDULE 2

Regulation 4(2)

"SCHEDULE 1

Regulation 11(3)

DESCRIPTION OF WORK AND FEES FOR CALCULATING REMUNERATION OF SOLICITORS IN THE HIGH, SHERIFF AND DISTRICT COURTS

£19.80 fee

1.—(a) For the first half hour spent by a solicitor conducting a trial in court or conducting an other hearing.

(b) For each quarter hour subsequent to the first half hour spent in so conducting a trial or other hearing the fee shall be £9.90.

£7.65 fee

2.—(a) For each quarter hour spent by a solicitor in performing work other than that prescribed in paragraphs 1, 3 and 4.

(b) The work referred to in sub paragraph (a) other than prescribed in paragraph 1, 3 and 4 shall include attending with clients and others, taking precognitions, perusing documents, preparing for trial and attending court in all circumstances.

(c) For each quarter hour spent by a solicitor's clerk in performing the work prescribed in sub-paragraphs (a) and (b) the fee shall be one half of the solicitor's fee.

£4.35 fee

3.—(a) Each citation of a witness including execution thereof;

(b) framing and drawing precognitions and other necessary papers, subject to paragraph 4(c) - per sheet;

(c) instructing messengers-at-arms and sheriff officers including examining execution and settling fee;

(d) lengthy telephone calls; and

(e) letters, including instructions to counsel - each page of 125 words, subject to paragraph 4(b) and (e).

£1.75 fee

4.—(a) Attendance at court offices for performance of formal work including each necessary lodging in or uplifting from court or each necessary enquiry for documents due to be lodged;

(b) formal letters and intimations;

(c) framing formal documents, including inventories and title pages - per sheet;

(d) revising papers drawn by counsel or where revisal ordered by court - per 5 sheets or part thereof; and

(e) telephone calls other than lengthy calls and letters confirming lengthy and other telephone calls.

Interpretation

5. In this Schedule–

"court" means the High Court, the sheriff court or the district court as the case may be; and

a "sheet" shall consist of 250 words or numbers."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Legal Aid (Scotland) (Fees) Regulations 1987 ("the principal Regulations") in 4 respects.

They introduce a requirement on a solicitor to submit accounts to the Scottish Legal Aid Board within 3 months from the date of conclusion of the proceedings in respect of which legal aid was granted. An exception is made which allows the Board to waive this time bar where it considers that a special reason exists for the late submission of accounts (regulation 2).

These Regulations prescribe a simplified table of fees for calculating the remuneration of solicitors in the High Court, the sheriff court and the district court. The simplification consists of making provision for 4 basic fees. The overall increase in fees is 4% (regulation 4 and Schedule 2). The fees in regulations 5 and 7 to 10 of the principal Regulations, which previously attracted an additional 12% for posts and incidents, are increased by approximately 16% (regulation 3 and Schedule 1) and the payment for posts and incidents is specifically excluded (regulation 5).

The amendments are to take effect for proceedings concluded after these Regulations come into force (regulation 6).

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