EXECUTIVE NOTE

LEGAL AID REGULATIONS

The Criminal Legal Aid (Scotland) (Fees) Amendment Regulations 2006
SSI/2006/515

The above instrument will be made in exercise of the powers conferred on Scottish Ministers by sections 33(2)(a), (3)(a), (b) and (f) of the Legal Aid (Scotland) Act 1986. The instrument is subject to negative resolution procedure.

Policy Objective

This instrument gives effect to an agreed interim increase in the legal aid rates paid to solicitors for undertaking solemn work.

This increase will be backdated to include all work done on or after 1 December 2005.

These measures continue to reflect Ministers' wishes to ensure fair remuneration for work necessarily undertaken while ensuring value for tax payers' money.

A new block feeing system should be introduced by April 2007.

Consultation

Following discussions among the Scottish Executive, Scottish Legal Aid Board and Law Society of Scotland, Scottish Ministers announced an interim fee increase in solemn fees for solicitors.

Purpose

The Regulations give effect to the interim increase in legal aid fees payable to solicitors for providing legal advice and representation in solemn proceedings. This interim increase provides an 8% increase for advocacy work and a 12% increase for all other categories of work. The fees are increased for work carried out in relation to identity parades and judicial examinations, primarily performed under solemn procedure, and for all duty solicitor work in solemn and summary proceedings.

The increase will be backdated for all work done on or after 1 December 2005.

Financial Implication

It has been estimated that the cost of this interim increase should be £1.3m in 2006/07, £2.4m in 2007/08 and £2.6m 2008/09. It is intended that these costs should be absorbed within the Justice Department budget.

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