STATUTORY INSTRUMENTS

1982 No. 622 (S. 94)

LEGAL AID AND ADVICE, SCOTLAND

The Legal Advice and Assistance (Scotland) Amendment Regulations 1982

Made - - - -	27*th April* 1982
Laid before Parliament	14*th May* 1982
Coming into Operation	4*th June* 1982

In exercise of the powers conferred upon me by section 15 of the Legal Aid (Scotland) Act 1967(**a**) and by sections 5(6) and 11(1) of the Legal Advice and Assistance Act 1972(**b**), and of all other powers enabling me in that behalf, I hereby make the following regulations:-

1.—(1) These regulations may be cited as the Legal Advice and Assistance (Scotland) Amendment Regulations 1982 and shall come into operation on 4th June 1982.

(2) In these regulations the expression "the principal regulations" means the Legal Advice and Assistance (Scotland) Regulations 1973(**c**).

2. In regulation 5 of the principal regulations, after paragraph (8) there shall be inserted the following paragraph:—

"(8A) The auditor, in taxing any account referred to him under paragraph (8) of this regulation, shall allow the solicitor so much of the deficiency in the charges or fees claimed by him as represents

(a) outlays necessarily and reasonably incurred in connection with the matter upon which advice and assistance was given; and

(b) remuneration for work necessarily and reasonably done in connection with that matter at a rate not exceeding £6 per quarter hour (time being calculated for this purpose to the nearest quarter hour);

Provided that, if the matter appears to him to be of exceptional complexity or difficulty, he may allow remuneration for such work at such rate as he considers to be fair and reasonable."

3. In regulation 7 of the principal regulations—

(a) in paragraph (2) for the words from "and shall pay" to the end, there shall be substituted:—

(**a**) 1967 c. 43; section 15 was extended by section 6 of the Legal Advice and Assistance Act 1972 (c. 50).
(**b**) 1972 c. 50.
(**c**) S.I. 1973/390, to which there are amendments not relevant to these regulations.

"and shall allow the solicitor so much of the deficiency in the charges or fees claimed by him as represents

(a) outlays necessarily and reasonably incurred in connection with the matter upon which advice and assistance was given; and

(b) remuneration for work necessarily and reasonably done in connection with that matter at a rate not exceeding £6 per quarter hour (time being calculated for this purpose to the nearest quarter hour);

Provided that, if the matter appears to them to be of exceptional complexity or difficulty, they may allow remuneration at such rate as they consider to be fair and reasonable."; and

(b) in paragraph (3) the words "and shall be charged according to the Table of Fees for Conveyancing and General Business approved by the Council of the Society" are hereby revoked.

New St Andrew's House,
Edinburgh.
27th April 1982.

George Younger,
One of Her Majesty's
Principal Secretaries of State.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These regulations amend the provisions in the Legal Advice and Assistance (Scotland) Regulations 1973 relating to the assessment or taxation of accounts submitted by a solicitor of charges or fees in respect of advice or assistance given under the Legal Advice and Assistance Act 1972.

These regulations provide that, in taxing any such account, the Central Committee of the Law Society of Scotland or, on appeal, the Auditor of the Sheriff Court, shall allow the solicitor so much of the deficiency in the charges or fees claimed by him as represents outlays necessarily and reasonably incurred, and remuneration for work necessarily and reasonably done at a rate not exceeding £6 per quarter hour (to the nearest quarter hour). If, however, the matter appears to them to be of exceptional complexity or difficulty, they may allow remuneration at such rate as they consider to be fair and reasonable. At present, the existing regulations provide for the Central Committee allowing either the amount of the deficiency claimed or such sum as they consider to constitute fair and reasonable remuneration and make no provision as to the basis of taxation by the Auditor.

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