STATUTORY INSTRUMENTS

1988 No. 1111 (S.113)

LEGAL AID AND ADVICE, SCOTLAND

The Legal Aid (Scotland) (Fees in Criminal Proceedings) Amendment (No.2) Regulations 1988

Made - - - -	*24th June 1988*
Laid before Parliament	*11th July 1988*
Coming into force	*1st August 1988*

The Secretary of State, in exercise of the powers conferred on him by sections 14A and 15 of the Legal Aid (Scotland) Act 1967(**a**), as read with section 45 of, and paragraph 3(1) of Schedule 4 to, the Legal Aid (Scotland) Act 1986(**b**), 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 Legal Aid (Scotland) (Fees in Criminal Proceedings) Amendment (No.2) Regulations 1988 and shall come into force on 1st August 1988.

(2) In these Regulations "the principal Regulations" means the Legal Aid (Scotland) (Fees in Criminal Proceedings) Regulations 1984(**c**).

Amendment of principal Regulations

2. In each of paragraphs (1) and (2) of regulation 4A of the principal Regulations delete the reference to "3 months" and insert "6 months".

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. For the Table of Fees in Schedule 1 to the principal Regulations, there shall be substituted the Table of Fees set out in Schedule 2 to these Regulations.

5. For the Table of Fees in Schedule 2 to the principal Regulations, there shall be substituted the Table of Fees set out in Schedule 3 to these Regulations.

6. The amendments to the principal Regulations made by regulations 2, 3, 4 and 5 of these Regulations shall apply only to fees in relation to proceedings concluded on or after 1st August 1988.

(**a**) 1967 c.43; section 14A was inserted by section 3 of the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c.12).
(**b**) 1986 c.47.
(**c**) S.I. 1984/520; the relevant amending instrument is S.I. 1987/1357.

St. Andrew's House, Edinburgh
24th June 1988

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

SCHEDULE 1

Regulation 3

1 *(Provision of the principal Regulations)*	2 *(Old Fee)*	3 *(New Fee)*
	£	£
Regulation 5(1)	54.35	56.25
	13.20	13.65
Regulation 6(1)(a)	32.15	33.30
	4.35	4.50
	69.60	72.05
Regulation 6(1)(b)	32.15	33.30
	4.35	4.50
	46.75	48.40
Regulation 6(2)	78.80	81.55
Regulation 7	46.75	48.40
	358.65	371.20
	115.20	119.25
Regulation 8(1)	58.70	60.75
	589.05	609.65
Regulation 8(2)(a)	168.50	174.40
Regulation 8(2)(b)	115.20	119.25
Regulation 8(3)(a)	168.50	174.40
Regulation 8(3)(b)	57.60	59.60
Regulation 9(1)	73.35	75.90
	1152.00	1192.30
Regulation 9(2)	115.20	119.25
Regulation 9(3)(a)	144.55	149.60
Regulation 9(3)(b)	67.90	70.30
Regulation 10	168.50	174.40
Regulation 11(1)	58.70	60.75
	589.05	609.65
Regulation 11(2)	115.20	119.25

SCHEDULE 2

Regulation 4

TABLE OF FEES APPLICABLE FOR CALCULATING REMUNERATION OF SOLICITORS IN PROCEEDINGS IN THE HIGH COURT

1.	(a) Framing precognitions and other papers, not drawn by counsel - per sheet	£ 4.15
	(b) Framing formal documents such as inventories, title pages and accounts of expenses – per sheet	£ 1.75
Notes:	(i) The sheet throughout this Table shall consist of 250 words or numbers.	
	(ii) The solicitor shall be entitled to charge for copies of the precognitions for the use of counsel and himself.	
	(iii) Where a skilled witness prepares his own precognition or report the solicitor shall be allowed half drawing fees for revising and adjusting it.	
	(iv) Where the business can properly be performed by a local solicitor the auditor shall allow such expenses as would have been incurred if it had been done by the nearest local solicitor, including reasonable fees for instructing and corresponding with him, unless the auditor is satisfied that it was in the interests of the client that the solicitor in charge of the case should attend personally.	
2.	Copying papers by any means–	
	1st copy – per sheet	£ 0.81
	Additional copies – per sheet	£ 0.34
Note:	When copied by photostatic or similar process each page shall be charged as one sheet.	
3.	Revising papers drawn by counsel for each five sheets or part thereof	£ 1.75
4.	Citation of witnesses, instructions to messengers-at-arms	
	Each witness	£ 3.55
	Instructing messenger-at-arms including examining execution and settling fee	£ 3.55
5.	Time charges–	
	(a) Attendances at meetings, preparation for trial or other hearing, attendance at court, consultation with counsel, etc	
	Per half hour	£13.05
	or such other sum as in the opinion of the auditor is justified.	
	(b) Perusal of documents–	
	Per half hour	£ 7.10
	or such other sum as in the opinion of the auditor is justified.	
	(c) Allowance for time of clerk – one half of the fee specified in sub-paragraph (a) or (b) above.	
	(d) Attendance at court offices for performance of formal work	£ 1.75
Note:	In the event of an accused person in a trial being represented by one counsel only, allowances may be made to the solicitor should the case warrant it for the attendance of a clerk at one-half the rate chargeable for the solicitor's attendance.	
6.	Correspondence–	
	Letters (save as provided below) including instructions to counsel - each page of 125 words	£ 3.55
	Formal letters	£ 0.85
	Telegrams or telephone calls, including letters confirming	£ 1.75

SCHEDULE 3

Regulation 5

TABLE OF FEES APPLICABLE FOR CALCULATING REMUNERATION OF SOLICITORS IN PROCEEDINGS IN THE SHERIFF OR DISTRICT COURT

1.	Attendance at court conducting trial or other hearing – per half hour	£17.80
2.	Time occupied in the performance of all other work including attendances with client and others and attendances at court in all circumstances, except as otherwise specifically provided–	
	(a) Solicitor – per half hour	£13.05
	(b) Allowance for time of clerk – one half of above.	
3.	Drawing all necessary papers (the sheet throughout this Table to consist of 250 words or numbers) – per sheet	£ 4.15
4.	Revising papers where revisal ordered – for each five sheets	£ 1.75
5.	Copying all necessary papers by any means	
	First copy – per sheet	£ 0.81
	Additional copies – per sheet	£ 0.34
Note:	When copied by photostatic or similar process each page shall be charged as one sheet.	
6.	Perusing any document (other than a letter) not exceeding	
	2 sheets in length	£ 3.55
	For each 2 sheets thereafter	£ 3.55
7.	Lodging in court	
	Each necessary lodging in or uplifting documents from court or each necessary enquiry for documents due to be lodged	£ 1.75
8.	Correspondence, intimations, etc.	
	(a) Formal letters and intimations	£ 0.85
	(b) Letters other than above – per page of 125 words	£ 3.55
	(c) Telephone calls except those to which sub-paragraph (d) below applies	£ 1.75
	(d) Telephone calls (lengthy) to be treated as attendances or long letters.	
9.	Citations	
	Each citation of witness including execution thereof	£ 3.55
10.	Instructions to officers	£ 1.75

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid (Scotland) (Fees in Criminal Proceedings) Regulations 1984 so as to increase the fees allowable to solicitors for legal aid in criminal proceedings given under the Legal Aid (Scotland) Act 1967. The increased fees will apply to proceedings concluded on or after 1st August 1988.

The Legal Aid (Scotland) Act 1967 continues in effect, despite its general repeal by the Legal Aid (Scotland) Act 1986, in respect of legal aid applications which were granted before commencement of the 1986 Act on 1st April 1987 (see paragraph 3(1) of Schedule 4 to the 1986 Act). It is thus only in respect of proceedings following upon such applications that these Regulations increase the fees.

Regulation 2 amends the 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 by increasing the time limit to 6 months.

Regulation 3 and Schedule 1 increase the maximum and minimum fees allowable to solicitors in respect of various kinds of proceedings or work.

Regulation 4 and Schedule 2 increase the detailed fees applicable (subject normally to the prescribed maximum and minimum) for calculating the remuneration of solicitors in proceedings in the High Court of Justiciary. The overall increase is about 3½%.

Regulation 5 and Schedule 3 increase the detailed fees applicable (subject normally to the prescribed maximum and minimum) for calculating the remuneration of solicitors in proceedings in the sheriff or district court. The fees have been increased by amounts similar to those in Schedule 2.

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