STATUTORY INSTRUMENTS

1988 No. 922 (S.89)

LEGAL AID AND ADVICE, SCOTLAND

The Legal Aid (Scotland) (Fees in Criminal Proceedings) Amendment Regulations 1988

Made - - - -	*24th May 1988*
Laid before Parliament	*26th May 1988*
Coming into force	*1st June 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:

1.—(1) These Regulations may be cited as the Legal Aid (Scotland) (Fees in Criminal Proceedings) Amendment Regulations 1988 and shall come into force on 1st June 1988.

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

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

3. The amendments to the principal Regulations made by regulation 2 of these Regulations shall apply only to fees in relation to proceedings concluded on or after 1st June 1988.

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

St Andrew's House, Edinburgh
24th May 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 instruments are S.I. 1985/554, 1986/674 and 1987/826.

SCHEDULE

Regulation 2

TABLE OF FEES

CHAPTER 1 – JUNIOR COUNSEL

	Junior with Senior	*Junior alone*
1. *Trial per day*		
(a) In Edinburgh	£131.50	£185.50
(b) In Glasgow	£155.50	£228.00
(c) Elsewhere within 60 miles journey by road from Edinburgh	£161.50	£233.50
(d) In Aberdeen, Inverness or Dumfries	£221.50	£312.00
(e) Elsewhere beyond 60 miles journey by road from Edinburgh: Such fee as the auditor considers appropriate with regard to the journey involved and the level of fees prescribed in this paragraph.		
2. *Appeals, etc.*		
(a) Drafting grounds of appeal against conviction, including any note of appeal	£ 34.00	£ 48.00
(b) Hearing in appeal against conviction – per day	£131.50	£185.50
(c) Note of adjustments to stated case	£ 34.00	£ 48.00
(d) Hearing on stated case or bill of suspension relating to conviction or conviction and sentence	£ 60.00	£ 78.00
(e) Any appeal against sentence including fee for drafting note of appeal	£ 24.00	£ 54.00
(f) Appeal relating to granting of bail	£ 18.00	£ 18.00
3. *Consultations*		
(a) In Edinburgh	£ 42.00	£ 60.00
Additional fee if held in prison	£ 6.50	£ 6.50
(b) Elsewhere within 60 miles journey by road from Edinburgh	£ 78.00	£102.00
(c) In Aberdeen, Inverness or Dumfries	£155.50	£185.50
(d) Elsewhere beyond 60 miles journey by road from Edinburgh: Such fee as the auditor considers appropriate with regard to the journey involved and the level of fees prescribed in this paragraph.		
4. Opinion on appeal, etc.		£ 36.00
5. Revisal of stated case		£ 36.00
6. Drafting bill of suspension		£ 36.00
7. Remits for sentence and pleas in mitigation		£ 36.00

CHAPTER 2 – SENIOR COUNSEL

1. *Trial – per day*	
(a) In Edinburgh	£240.00
(b) In Glasgow	£281.50
(c) Elsewhere within 60 miles journey by road from Edinburgh	£288.00
(d) In Aberdeen, Inverness or Dumfries	£389.50
(e) Elsewhere beyond 60 miles journey by road from Edinburgh: Such fee as the auditor considers appropriate with regard to the journey involved and the level of fees prescribed in this paragraph.	
2. *Appeals, etc.*	
(a) Revising grounds of appeal against conviction, including any note of appeal	£ 66.00
(b) Hearing in appeal against conviction – per day	£240.00
(c) Note of adjustments to stated case	£ 66.00
(d) Hearing on stated case or bill of suspension relating to conviction or conviction and sentence	£119.50
(e) Any appeal against sentence including revisal of note of appeal	£ 78.00
(f) Appeal relating to granting of bail	£ 24.00
3. *Consultations*	
(a) In Edinburgh	£ 90.00
Additional fee if held in prison	£ 6.50
(b) Elsewhere within 60 miles journey by road from Edinburgh	£143.50
(c) In Aberdeen, Inverness or Dumfries	£276.00
(d) Elsewhere beyond 60 miles journey by road from Edinburgh: Such fee as the auditor considers appropriate with regard to the journey involved and the level of fees prescribed in this paragraph.	
4. Opinion on appeal	£ 54.00
5. Revisal of stated case	£ 54.00
6. Revisal of bill of suspension	£ 54.00
7. Remits for sentence and pleas in mitigation	£ 54.00

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 counsel 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 June 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.

The overall increase is around 4½ per cent.

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