STATUTORY INSTRUMENTS

1986 No. 674 (S. 64)

LEGAL AID AND ADVICE, SCOTLAND

The Legal Aid (Scotland) (Fees in Criminal Proceedings) Amendment Regulations 1986

Made - - - -	*7th April* 1986
Laid before Parliament	*10th April* 1986
Coming into Operation	*1st May* 1986

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**), 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 1986 and shall come into operation on 1st May 1986.

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

2. In each provision of the principal regulations specified in Column 1 of Schedule 1 to these regulations, for each sum specified in Column 2 of that Schedule there shall be substituted the corresponding sum specified in Column 3 of that Schedule.

3. 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.

4. 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.

5. For the Table of Fees in Schedule 3 to the principal regulations there shall be substituted the Table of Fees set out in Schedule 4 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 May 1986.

John J. MacKay,
Parliamentary Under Secretary of State,
Scottish Office.

New St Andrew's House,
Edinburgh.
7th April 1986.

(**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**) S.I. 1984/520; the relevant amending instrument is S.I. 1985/554.

Regulation 2

SCHEDULE 1

Column 1 *Provision of the principal regulations*	Column 2 *Old Sum* £	Column 3 *New Sum* £
Regulation 5(1)	50.00 12.15	52.25 12.70
Regulation 6(1)*(a)*	29.55 4.00 64.00	30.90 4.20 66.90
Regulation 6(1)*(b)*	29.55 4.00 43.00	30.90 4.20 44.95
Regulation 6(2)	72.50	75.75
Regulation 7	43.00 330.00 106.00	44.95 344.85 110.75
Regulation 8(1)	54.00 542.00	56.45 566.40
Regulation 8(2)*(a)*	155.00	162.00
Regulation 8(2)*(b)*	106.00	110.75
Regulation 8(3)*(a)*	155.00	162.00
Regulation 8(3)*(b)*	53.00	55.40
Regulation 9(1)	67.50 1060.00	70.55 1107.70
Regulation 9(2)	106.00	110.75
Regulation 9(3)*(a)*	133.00	139.00
Regulation 9(3)*(b)*	62.50	65.30
Regulation 10	155.00	162.00
Regulation 11(1)	54.00 542.00	56.45 566.40
Regulation 11(2)	106.00	110.75

SCHEDULE 2 Regulation 3

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	£3.85
	(b) Framing formal documents such as inventories, title pages and accounts of expenses - per sheet	£1.65
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	£0.75
	Additional copies - per sheet	£0.32
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	£1.65
4.	Citation of witnesses, instructions to messengers-at-arms	
	Each witness	£3.30
	Instructing messenger-at-arms including examining execution and settling fee	£3.30
5.	Time charges -	
	(a) Attendances at meetings, preparation for trial or other hearing, attendance at court, consultation with counsel, etc -	
	Per half hour	£12.10
	or such other sum as in the opinion of the auditor is justified.	
	(b) Perusal of documents -	
	Per half hour	£6.60
	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	£1.65
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	£3.30
	Formal letters	£0.75
	Telegrams or telephone calls, including letters confirming	£1.65

Regulation 4 SCHEDULE 3

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	£16.55
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	£12.10
	(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	£3.85
4.	Revising papers where revisal ordered - for each five sheets	£1.65
5.	Copying all necessary papers by any means	
	First copy - per sheet	£0.75
	Additional copies - per sheet	£0.32
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	£3.30
	For each 2 sheets thereafter	£3.30
7.	Lodging in court	
	Each necessary lodging in or uplifting documents from court or each necessary enquiry for documents due to be lodged	£1.65
8.	Correspondence, intimations, etc.	
	(a) Formal letters and intimations	£0.75
	(b) Letters other than above - per page of 125 words	£3.30
	(c) Telephone calls except those to which sub-paragraph *(d)* below applies	£1.65
	(d) Telephone calls (lengthy) to be treated as attendances or long letters.	
9.	Citations	
	Each citation of witness including execution thereof	£3.30
10.	Instructions to officers	£1.65

SCHEDULE 4 Regulation 5

TABLE OF FEES

CHAPTER 1 - JUNIOR COUNSEL

	Junior with Senior	*Junior alone*
1. *Trial per day*		
(a) In Edinburgh	£120.50	£170.00
(b) In Glasgow	£142.50	£208.50
(c) Elsewhere within 60 miles journey by road from Edinburgh	£148.00	£214.00
(d) In Aberdeen, Inverness or Dumfries	£203.00	£285.50
(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) Drafting grounds of appeal against conviction, including any note of appeal	£31.00	£44.00
(b) Hearing in appeal against conviction - per day	£120.50	£170.00
(c) Note of adjustments to stated case	£31.00	£44.00
(d) Hearing on stated case or bill of suspension relating to conviction or conviction and sentence	£55.00	£71.50
(e) Any appeal against sentence including fee for drafting note of appeal	£ 22.00	£49.50
(f) Appeal relating to granting of bail	£16.50	£16.50
3. *Consultations*		
(a) In Edinburgh Additional fee if held in prison	£38.50 £5.50	£55.00 £5.50
(b) Elsewhere within 60 miles journey by road from Edinburgh	£71.50	£93.50
(c) In Aberdeen, Inverness or Dumfries	£142.50	£170.00
(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, etc.		£33.00

5. Revisal of stated case	£33.00
6. Drafting bill of suspension	£33.00
7. Remits for sentence and pleas in mitigation	£33.00

CHAPTER 2 - SENIOR COUNSEL

1. *Trial - per day*	
(a) In Edinburgh	£219.50
(b) In Glasgow	£258.00
(c) Elsewhere within 60 miles journey by road from Edinburgh	£263.50
(d) In Aberdeen, Inverness or Dumfries	£356.50
(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	£60.50
(b) Hearing in appeal against conviction - per day	£219.50
(c) Note of adjustments to stated case	£60.50
(d) Hearing on stated case or bill of suspension relating to conviction or conviction and sentence	£109.50
(e) Any appeal against sentence including revisal of note of appeal	£71.50
(f) Appeal relating to granting of bail	£22.00
3. *Consultations*	
(a) In Edinburgh Additional fee if held in prison	£82.50 £5.50
(b) Elsewhere within 60 miles journey by road from Edinburgh	£131.50
(c) In Aberdeen, Inverness or Dumfries	£252.50
(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	£49.50

5. Revisal of stated case	£49.50
6. Revisal of bill of suspension	£49.50
7. Remits for sentence and pleas in mitigation	£49.50

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations further amend the Legal Aid (Scotland) (Fees in Criminal Proceedings) Regulations 1984 (S.I. 1984/520) so as to increase the fees allowable to solicitors and counsel for legal aid in criminal proceedings. The increased fees will apply to proceedings concluded on or after 1st May 1986.

Regulation 2 and Schedule 1 increase the maximum and minimum fees allowable to solicitors in respect of various kinds of proceedings or work.

Regulation 3 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 4½%.

Regulation 4 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 Schedue 2.

Regulation 5 and Schedule 4 increase the fees of counsel. The overall increase is about 4½%.

SI 1986/674
ISBN 0-11-066674-7

