SCOTTISH STATUTORY INSTRUMENTS

2004 No. 264

LEGAL AID AND ADVICE

The Criminal Legal Aid (Scotland) (Fees) Amendment Regulations 2004

Made - - - -	*3rd June 2004*
Laid before the Scottish Parliament - - - -	*7th June 2004*
Coming into force - -	*28th June 2004*

The Scottish Ministers, in exercise of the powers conferred by section 33(2)(a) and (3) of the Legal Aid (Scotland) Act 1986(**1**), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Criminal Legal Aid (Scotland) (Fees) Amendment Regulations 2004 and shall come into force on 28th June 2004.

Application

2. These Regulations shall apply only to fees for work done or outlays incurred on or after 28th June 2004.

Amendment of the Criminal Legal Aid (Scotland) (Fees) Regulations 1989

3. The Criminal Legal Aid (Scotland) (Fees) Regulations 1989(**2**) are amended in accordance with the following Regulations.

4. For regulation 6(3) and (4) substitute–

> "(3) There shall be allowed to the duty solicitor making, for an accused person in the sheriff court or district court, a preliminary plea to the competency or relevancy of the petition or complaint, or conducting any plea in bar of trial or any mental health proof, or any proof in mitigation or any proof of a victim statement, an additional fee to be calculated on the basis of the fees set out in Schedule 1, the amount of such additional fee to be such

(**1**) 1986 c. 47. Section 33 was amended for purposes not relevant to these Regulations. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) S.I. 1989/1491 as amended by S.I. 1990/474 and 1035, 1991/566, 1992/374, 1994/1019, 1997/719, 1999/491 and 1042, and S.S.I. 2002/246 and 440, and 2003/249.

sum not exceeding £108.85 as shall form reasonable remuneration having regard to the additional work and time involved.

(4) Where the duty solicitor represents an accused person before a court which has been designated as a youth court, or as a domestic abuse court, by the sheriff principal, the maximum fees prescribed in paragraph (3) shall not apply.".

5. For regulation 7(1) substitute–

"(1) Subject to the provisions of regulations 4, 5, 6 and 9, and paragraph (2) of this Regulation, a solicitor shall be allowed such amount of fees as shall be determined to be reasonable remuneration for work actually and reasonably done, and travel and waiting time actually and reasonably undertaken or incurred, due regard being had to economy. The fees allowed shall be calculated in accordance with Schedule 1.".

6. For regulation 9 substitute–

"**9.**—(1) Subject to paragraph (2) accounts prepared in respect of fees and outlays allowable to solicitors and fees allowable to counsel shall be submitted to the Board not later than 4 months after the date of conclusion of the proceedings in respect of which that legal aid was granted.

(2) The Board may accept accounts submitted in respect of fees and outlays allowable to solicitors and fees allowable to counsel later than the 4 months referred to in paragraph (1) if it considers that there is a special reason for late submission.".

7. For Schedule 1 substitute the Schedule to these Regulations.

HUGH HENRY

St Andrew's House, Edinburgh
3rd June 2004

A member of the Scottish Executive

SCHEDULE Regulation 7

"SCHEDULE Regulation 7

DESCRIPTION OF WORK AND FEES FOR CALCULATING REMUNERATION OF SOLICITORS IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL AND IN THE HIGH, SHERIFF AND DISTRICT COURTS

TABLE OF FEES

	Summary Procedure	*Solemn Procedure*
1. The fee for–		
(a) any time up to the first half hour spent by a solicitor conducting a trial in court or conducting another hearing;	£27.40	£31.50
(b) each quarter hour (or part thereof) subsequent to the first half hour spent in so conducting a trial or other hearing.	£13.70	£15.75
2. The fee for each quarter hour (or part thereof) spent by a solicitor in waiting time or meeting with the client, provided that any time is additional to the total time charged for under paragraph 1 above.	£10.55	£11.05
3. The fee for–		
(a) each quarter hour (or part thereof) spent by a solicitor in carrying out work other than that prescribed in paragraphs 1, 2 and 4 to 6 hereof, provided that any time is additional to the total time charged for under paragraphs 1 and 2 above;	£10.55	£10.55
(b) each quarter hour (or part thereof)	£5.25	£5.25