SCOTTISH STATUTORY INSTRUMENTS

2004 No. 262

LEGAL AID AND ADVICE

The Advice and Assistance (Scotland) Amendment (No. 2) 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)(b) 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 Advice and Assistance (Scotland) Amendment (No. 2) Regulations 2004 and shall come into force on 28th June 2004.

Application

2. These Regulations shall apply only in relation to any case where a grant of advice and assistance is made on or after 28th June 2004.

Amendment of the Advice and Assistance (Scotland) Regulations 1996

3.—(1) The Advice and Assistance (Scotland) Regulations 1996(**2**) are amended in accordance with the following paragraph.

(2) For Schedule 3 substitute the provisions set out in the Schedule to these Regulations.

(**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.1996/2447, as amended by S.I. 1997/726, 1998/724, and S.S.I. 2000/181 and 399, 2002/495, 2003/163 and 421, and 2004/49.

St Andrew's House, Edinburgh
3rd June 2004

HUGH HENRY
Authorised to sign by the Scottish Ministers

SCHEDULE Regulation 3

"SCHEDULE 3 Regulation 17

TABLE OF FEES ALLOWABLE TO SOLICITORS

PART I

TABLE OF FEES ALLOWABLE TO SOLICITORS FOR ASSISTANCE BY WAY OF REPRESENTATION

1. Subject to paragraph 3 of this Part, the fees allowable to a solicitor for providing assistance by way of representation shall be for criminal matters and civil matters as follows–

	Criminal	*Civil*
(a) the fee for attendance at, and all work prior to–		
(i) any diet at which a plea to the competency or relevancy of the complaint or proceedings, or a plea in bar of trial, is tendered;		
(ii) any diet at which a question within the meaning of rule 31.1 of the Act of Adjournal (Criminal Procedure Rules) 1996(**3**) is raised;		
(iii) any diet at which there is tendered a plea of guilty;		

(**3**) S.I. 1996/513.

	Criminal	*Civil*
(iv) any diet at which the court is considering the accused's plea of guilty to the charges and where there has been no change of plea; and		
(v) any diet at which the court is considering the accused's changed plea of guilty to the charges, and where no application for criminal legal aid has been made;	£70.00	–
(b) fees, as undernoted, for work other than or subsequent to that described in (a) above–		
1. The fee for–		
(i) any time up to the first half hour spent by a solicitor appearing in court or conducting another hearing;	£27.40	£28.75
(ii) each quarter hour (or part thereof) subsequent to the first half hour spent in court or conducting another hearing.	£13.70	£14.40
2. The fee for–		
(i) each quarter hour (or part thereof) spent by a solicitor in carrying out work other than that prescribed in paragraphs 1 and 3 to 5 hereof, provided that any time is additional to the total time	£10.55	£11.05

	Criminal	*Civil*
charged for under paragraph 1 above;		
(ii) for each quarter hour (or part thereof) spent by a solicitor's clerk in carrying out work other than that prescribed in paragraphs 3 to 5 hereof.	£5.25	£5.50
3. The fee for–		
(i) each citation of a witness including execution thereof;		
(ii) framing and drawing precognitions and other necessary papers, subject to paragraph 4(iii) below – per sheet (or part thereof);		
(iii) instructing messengers-at-arms and sheriff officers, including examining execution and settling fee;		
(iv) lengthy telephone calls (of over 4 and up to 10 minutes duration); and		
(v) letters, including instructions to counsel, subject to paragraph 4(ii) below – per page (or part thereof).	£6.00	£6.30
4. The fee for–		
(i) attendance at court offices for performance of formal work including each necessary lodging in or uplifting		