
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 180

**The Criminal Legal Aid (Scotland)
(Fees) Amendment Regulations 2007**

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

6. In Schedule 2—

- (a) in paragraph 2, after “any item of work”, insert “or category of proceedings”;
- (b) in paragraph 3, for “In the taxation”, substitute “In the assessment and taxation”;
- (c) in paragraph 15—
 - (i) omit sub paragraph (c)(iv);
 - (ii) in sub paragraph (d), for “10,001-12,500” substitute “7,500-10,000”;
 - (iii) in sub paragraph (e), for “12,500” substitute “10,000”; and
 - (iv) in sub paragraph (f)(i), for “10,000” substitute “7,500”;
- (d) in paragraph 16, for “paragraph 1(c)”, substitute “paragraph 1B(c)”;
- (e) in paragraph 17—
 - (i) in sub-paragraph (f), omit “and”; and
 - (ii) at the end, insert—
 - “(h) where the trial of an accused person proceeds in respect of the offence of attempting to pervert the course of justice, the fee payable in terms of paragraph 3 of Chapter 1 or 2 of Part I and paragraph 2 of Chapter 1 or 2 of Part III shall be that for the offence to which the charge of attempting to pervert the course of justice relates. Where the offence to which the charge relates is not prescribed in Schedule 2, the fee payable shall be in terms of paragraph 3(b) of Chapter 1 or 2 of Part I and paragraph 2(b) of Chapter 1 or 2 of Part III; and
 - (i) where an accused person pleads guilty at a hearing fixed for trial before the jury is empanelled, or where the case is brought to an end by the Crown’s acceptance of a plea of not guilty, or where, following the court deserting the trial simpliciter or pro loco et tempore, the indictment falls or, for any other reason, is not brought to trial and where no order is made by the court to postpone or appoint a further trial diet, the fee payable shall be two-thirds of the fee payable in terms of paragraph 3 of Chapter 1 or 2 of Part I and paragraph 2 of Chapter 1 or 2 of Part III.”;
- (f) after paragraph 17, insert—

“**17A.** Where counsel claims a fee in respect of the first diet under paragraph 3(u) of Chapter 1 or 2 of Part III of the Table of Fees, the fee shall only be payable where a plea of guilty is tendered at that hearing or where the case is brought to an end by the Crown’s acceptance of a plea of not guilty, withdrawal of the libel, desertion of the diet or by other means.”;
- (g) in paragraph 19, for “paragraph 1”, where it twice occurs, substitute “paragraph 1B”;

- (h) in paragraph 20–
 - (i) in sub-paragraph (a), for “90” and “180”, substitute “60” and “120” respectively; and
 - (ii) in sub-paragraph (b), omit “which shall be a chargeable outlay”;
- (i) after paragraph 20, insert–
 - “**20A.** Travel costs are chargeable as an outlay only in circumstances where a supplementary fee for travel is chargeable under paragraph 20.”; and
- (j) in paragraph 22–
 - (i) before the definition of “documentation” insert–
 - ““consultation” means a formal meeting with counsel on the instructions of the solicitor concerning a significant issue which advances the cause taking place usually, but not always, in the presence of the accused or an expert witness, including formal meetings with Crown Counsel taking place following the first preliminary hearing;”; and
 - (ii) in the definition of documentation after “productions”, insert “, including defence productions.”.