

1979 No. 95 (S. 8)

LEGAL AID AND ADVICE, SCOTLAND

Act of Adjournal (Criminal Legal Aid Fees Amendment) 1979

Made - - - - 30th January 1979

Coming into Operation 20th February 1979

The Lord Justice General, Lord Justice Clerk and Lords Commissioners of Justiciary, by virtue of the powers conferred upon them by section 16 of the Legal Aid (Scotland) Act 1967(a) and sections 282 and 457 of the Criminal Procedure (Scotland) Act 1975(b), and of all other powers enabling them in that behalf, do hereby enact and declare:—

Citation and commencement

1. This Act of Adjournal may be cited as the Act of Adjournal (Criminal Legal Aid Fees Amendment) 1979 and shall come into operation on 20th February 1979.

Fees relating to representation of co-accused

2. For paragraph 11 of the Act of Adjournal (Criminal Legal Aid Fees) 1964(c), as amended(d), there is substituted the following paragraph—

“11. Where a nominated solicitor or interim solicitor represents two or more persons charged in the same indictment or complaint, or appealing against conviction or sentence in respect of the same indictment or complaint,—

- (a) he shall submit one account in respect of all those persons;
- (b) the maximum fees specified in paragraphs 3 to 10 shall—
 - (i) in a case where he represents two such persons, be increased by 40%;
 - (ii) in a case where he represents more than two such persons, be increased in respect of each such additional person by 20%.”

3. In paragraph 13 of the said Act of Adjournal, in sub-paragraphs (2) and (3) after the words “in preparation for the trial” where they first occur, there are inserted the words “In determining whether to grant a certificate that a case has been one of exceptional complexity or difficulty the Court may have regard to the number of persons represented by the solicitor”.

And the Lords appoint this Act of Adjournal to be recorded in the Books of Adjournal.

G. C. Emslie,
I.P.D.

Edinburgh.
30th January 1979.

(a) 1967 c. 43.

(b) 1975 c. 21.

(c) S.I. 1964/1410.

(d) S.I. 1965/1788, 1968/1933, 1971/926, 1973/673, 1973/1145, 1976/339, 1976/1062.

EXPLANATORY NOTE

(This Note is not part of the Act of Adjournal.)

This Act of Adjournal amends paragraph 11 of the Act of Adjournal (Criminal Legal Aid Fees) 1964 by providing for an increase in the maximum fees payable to a solicitor where he represents more than one accused. It also amends paragraph 13 by providing that in granting a certificate under that paragraph the Court may have regard to the number of persons the solicitor has represented.

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