

1990 No.1037 (S.128)

LEGAL AID AND ADVICE, SCOTLAND

**The Advice and Assistance (Scotland) Amendment
(No. 2) Regulations 1990**

<i>Made</i>	<i>9th May 1990</i>
<i>Laid before Parliament</i>	<i>11th May 1990</i>
<i>Coming into force</i>	<i>1st June 1990</i>

The Secretary of State, in exercise of the powers conferred on him by section 33(2) and (3) of the Legal Aid (Scotland) Act 1986(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Advice and Assistance (Scotland) Amendment (No. 2) Regulations 1990 and shall come into force on 1st June 1990.

(2) In these Regulations, “the principal Regulations” means the Advice and Assistance (Scotland) Regulations 1987(b).

Amendment of principal Regulations

2. For Schedule 3 to the principal Regulations (table of fees allowable to solicitors) there shall be substituted the Schedule to these Regulations.

3. The amendments to the principal Regulations made by regulation 2 of these Regulations shall apply only to work done on or after 1st June 1990.

St. Andrew's House, Edinburgh
9th May 1990

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

(a) 1986 c.47.

(b) S.I. 1987/382; the relevant amending instruments are S.I. 1987/883, 1988/1131 and 1989/1492.

NEW SCHEDULE 3 TO BE SUBSTITUTED IN PRINCIPAL REGULATIONS

"SCHEDULE 3

Regulation 16

TABLE OF FEES ALLOWABLE TO SOLICITORS

PART I

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

The fees allowable to a solicitor for providing assistance by way of representation shall be—

- (a) £60 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 113 of the Act of Adjournal (Consolidation) 1988(a) is raised;
 - (iii) any diet at which there is tendered a plea of guilty;
 - (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, provided that the accused has intimated in writing his intention to change his plea to one of guilty to the prosecutor within 14 days of the diet at which the plea of not guilty was tendered, and where no application for criminal legal aid has been made;
- (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 shall be £24.05;
 - (ii) each quarter hour (or part thereof) subsequent to the first half hour spent in court or conducting another hearing shall be £12.00.
 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 charged for under paragraph 1 above, shall be £9.25.
 - (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 shall be £4.60.
 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 - per page (or part thereof), subject to paragraph 4(ii) below, shall be £5.25.
 4. The fee for—
 - (i) attendance at court offices for performance of formal work including each necessary lodging in or uplifting from court or each necessary enquiry for documents due to be lodged;
 - (ii) short letters of a formal nature, intimations and letters confirming telephone calls;
 - (iii) framing formal papers, including inventories and title pages - per sheet (or part thereof);
 - (iv) revising papers drawn by counsel or where revisal ordered by court - per 5 sheets (or part thereof); and
 - (v) short telephone calls (of up to 4 minutes duration), shall be £2.10.

(a) S.I. 1988/110.

5. Where an exceptional amount of copying proves necessary, a fee of 30 pence shall be paid for each sheet.

Interpretation

In this Table—

- a “sheet” shall consist of 250 words or numbers;
- a “page” shall consist of 125 words or numbers; and
- “exceptional” means the production of more than 20 output copy sheets (whether 20 of 1 sheet, 5 of 4 sheets or whatever) when a document has been copied.

PART II

TABLE OF FEES ALLOWED TO SOLICITORS FOR ADVICE AND ASSISTANCE OTHER THAN ASSISTANCE BY WAY OF REPRESENTATION

1. Subject to paragraph 2 of this Part, the fees allowable to a solicitor shall be calculated as follows:—
- A. Time occupied in carrying out work for the client other than work described in paragraphs B to E below—
 - (i) solicitor – per quarter hour (or part thereof) £9.25
 - (ii) solicitor’s clerk – per quarter hour (or part thereof) £4.60
 - B. For short letters of a formal nature, short telephone calls (of up to 4 minutes duration), framing formal documents such as inventories and engrossing formal documents for signature – per sheet (or part thereof) £2.10
 - C. For letters other than in B above – per page (or part thereof), framing non-formal documents other than precognitions – per sheet of 250 words (or part thereof) and lengthy telephone calls (of over 4 and up to 10 minutes duration) £5.25
 - D. For taking and drawing precognitions for the first sheet of 250 words or less £18.50
for each subsequent sheet of 250 words £18.50
for each subsequent sheet of less than 250 words £9.25
 - E. Where an exceptional amount of copying proves necessary, a fee of 30 pence shall be paid for each sheet.

2. Where the fees which would be allowable to a solicitor in respect of the matter in respect of which advice and assistance was given, calculated in accordance with paragraph 1 above, would amount to less than £25.00 or where a solicitor elects to claim only the fee provided for in this paragraph, a fee of £25.00 shall be allowable in place of the fees so calculated.

Interpretation

In this Table—

- a “sheet” shall consist of 250 words or numbers;
- a “page” shall consist of 125 words or numbers; and
- “exceptional” means the production of more than 20 output copy sheets (whether 20 of 1 sheet, 5 of 4 sheets or whatever) when a document has been copied.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the provisions of the Advice and Assistance (Scotland) Regulations 1987 ("the principal Regulations").

Regulation 2 and the Schedule substitute a new Schedule 3 to the principal Regulations so as to increase the fees allowable to solicitors in respect of work done in connection with the provision of legal advice and assistance or assistance by way of representation by around 7½% with the exception of the fees at Part I paragraphs (a) and (b)5; and Part II paragraphs 1E and 2 which remain unchanged. These amendments will apply only to work done on or after 1st June 1990.

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