
STATUTORY INSTRUMENTS

1991 No. 566 (S.51)

LEGAL AID AND ADVICE, SCOTLAND

**The Criminal Legal Aid (Scotland)
(Fees) Amendment Regulations 1991**

<i>Made</i>	- - - -	<i>8th March 1991</i>
<i>Laid before Parliament</i>		<i>12th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

The Secretary of State, in exercise of the powers conferred on him by section 33 of the Legal Aid (Scotland) Act 1986(1), 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 Criminal Legal Aid (Scotland) (Fees) Amendment Regulations 1991 and shall come into force on 1st April 1991.

(2) In these Regulations “the principal Regulations” means the Criminal Legal Aid (Scotland) (Fees) Regulations 1989(2).

Amendment of principal Regulations

2. In the provisions of the principal Regulations listed in column 1 of Schedule 1 to these Regulations, for the amounts of the fees specified in those provisions and set out opposite in column 2 of Schedule 1, there shall be substituted the amounts specified opposite in column 3 of that Schedule.

3. For Schedule 1 to the principal Regulations there shall be substituted the Schedule set out in Schedule 2 to these Regulations.

4. For the Table of Fees set out in Schedule 2 to the principal Regulations (Fees of Counsel) there shall be substituted the Table of Fees set out in Schedule 3 to these Regulations.

5. In regulation 10(2) of the principal Regulations, there shall be inserted at the end the word “thereon”.

6. The amendments to the principal Regulations made by regulations 2, 3 and 4 of these Regulations shall apply only to fees in relation to proceedings concluded on or after 1st April 1991.

(1) 1986 c. 47.

(2) S.I. 1989/1491, amended by S.I. 1990/474 and 1035.

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St. Andrew's House,
Edinburgh
8th March 1991

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

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SCHEDULE 1

Regulation 2

1 (Provision of the principal Regulations)	2 (Old fee)	3 (New fee)
	£	£
Regulation 5(1)	73.50	79.75
	9.25	10.05
Regulation 6(1)(a)	39.00	42.30
	5.25	5.70
	84.45	91.65
Regulation 6(1)(b)	39.00	42.30
	5.25	5.70
	56.70	61.50
Regulation 6(2) and (3)	95.55	103.65

SCHEDULE 2

Regulation 3

NEW SCHEDULE 1 TO BE SUBSTITUTED IN PRINCIPAL REGULATIONS

“SCHEDULE 1

Regulation 7

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

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	£26.10
(b)	each quarter hour (or part thereof) subsequent to the first half hour spent in so conducting a trial or other hearing	£13.05
2.	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 and 3 to 5 hereof, provided that any time is additional to	£10.05

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- the total time charged for under paragraph 1 above
- (b) 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 £ 5.00
3. The fee for—
- (a) each citation of a witness including execution thereof;
- (b) framing and drawing precognitions and other necessary papers, subject to paragraph 4(c) per sheet (or part thereof);
- (c) instructing messengers-at-arms and sheriff officers, including examining execution and settling fee;
- (d) lengthy telephone calls (of over 4 and up to 10 minutes duration); and
- (e) letters, including instructions to counsel per page (or part thereof), subject to paragraph 4(b) below;
- in each of sub-paragraphs (a)- (e) £5.70
4. The fee for—
- (a) 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;
- (b) short letters of a formal nature, intimations and letters confirming telephone calls;
- (c) framing formal papers, including inventories and title pages per sheet (or part thereof);
- (d) revising papers drawn by counsel or where revision

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	ordered by court per 5 sheets (or part thereof); and	
(e)	short telephone calls (of up to 4 minutes duration);	
	in each of sub-paragraphs (a)- (e) £	£2.30
5.	Where an exceptional amount of copying proves necessary, for each sheet a fee of	£ 0.35

Interpretation

6. In this Schedule—

“court” means the High Court, the sheriff court or the district court as the case may be; and

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.”

SCHEDULE 3

Regulation 4

NEW TABLE OF FEES TO BE SUBSTITUTED IN SCHEDULE 2 OF THE PRINCIPAL REGULATIONS

“TABLE OF FEES

CHAPTER 1 — JUNIOR COUNSEL

	Junior with Senior	Junior alone
1. Trial per day	£164.00	£231.00
(a) In Edinburgh		
(b) In Glasgow	£194.00	£284.50
(c) Elsewhere within 60 miles journey by road from Edinburgh	£201.00	£291.50
(d) In Aberdeen, Inverness or Dumfries	£277.00	£389.00
(e) Elsewhere beyond 60 miles journey by road from Edinburgh: Such fee as the auditor		

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	Junior with Senior	Junior alone
considers appropriate with regard to the journey involved and the level of fees prescribed in this paragraph.		
2. Appeals, etc	£ 42.50	£ 60.00
(a) Drafting grounds of appeal against conviction, including any note of appeal		
(b) Hearing in appeal against conviction — per day	£164.00	£231.00
(c) Note of adjustments to stated case	£ 42.50	£ 60.00
(d) Hearing on stated case or bill of suspension relating to conviction or conviction and sentence	£ 74.50	£ 97.00
(e) Any appeal against sentence including fee for drafting note of appeal	£ 30.00	£ 67.00
(f) Appeal relating to granting of bail	£ 22.50	£ 22.50
3. Consultations	£ 52.50	£ 74.50
(a) In Edinburgh		
Additional fee if held in prison	£ 8.00	£ 8.00
(b) Elsewhere within 60 miles journey by road from Edinburgh	£97.00	£127.00
(c) In Aberdeen, Inverness or Dumfries	£194.00	£231.00
(d) Elsewhere beyond 60 miles journey by road from Edinburgh:		

	Junior with Senior	Junior alone
Such fee as the auditor considers appropriate with regard to the journey involved and the level of fees prescribed in this paragraph.		
4. Opinion on appeal, etc		£ 44.50
5. Revisal of stated case		£ 44.50
6. Drafting bill of suspension		£ 44.50
7. Remits for sentence and pleas in mitigation		£ 44.50

CHAPTER 2 — SENIOR COUNSEL

1. Trial per day		
(a) In Edinburgh		£300.00
(b) In Glasgow		£351.50
(c) Elsewhere within 60 miles journey by road from Edinburgh		£359.50
(d) In Aberdeen, Inverness or Dumfries		£486.00
(e) Elsewhere beyond 60 miles journey by road from Edinburgh:		
Such fee as the auditor considers appropriate with regard to the journey involved and the level of fees prescribed in this paragraph.		
2. Appeals, etc		

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(a)	Revising grounds of appeal against conviction, including any note of appeal	£ 82.50
(b)	Hearing in appeal against conviction — per day	£300.00
(c)	Note of adjustments to stated case	£ 82.50
(d)	Hearing on stated case or bill of suspension relating to conviction or conviction and sentence	£149.00
(e)	Any appeal against sentence including revisal of note of appeal	£ 97.00
(f)	Appeal relating to granting of bail	£ 30.00
3.	Consultations	£112.50
(a)	In Edinburgh	
	Additional fee if held in prison	£ 8.00
(b)	Elsewhere within 60 miles journey by road from Edinburgh	£179.00
(c)	In Aberdeen, Inverness or Dumfries	£344.50
(d)	Elsewhere beyond 60 miles journey by road from Edinburgh: Such fee as the auditor considers appropriate with regard to the journey involved and the level of fees prescribed in this paragraph.	

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4. Opinion on appeal	£ 67.00
5. Revisal of stated case	£ 67.00
6. Revisal of bill of suspension	£ 67.00
7. Remits for sentence and pleas in mitigation	£ 67.00”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Legal Aid (Scotland) (Fees) Regulations 1989 (“the principal Regulations”), so as to increase the fees allowable to solicitors by 8.5% (regulations 2 and 3) and to Counsel by 9% (regulation 4) for criminal legal aid given under the Legal Aid (Scotland) Act 1986.

Regulation 5 makes a minor drafting amendment designed to clarify the intention behind the principal Regulations.

The increased fees will apply to proceedings concluded on or after 1st April 1991.