

DRAFT SCOTTISH STATUTORY INSTRUMENTS

**2023 No.**

**The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2023**

**Amendment of the Advice and Assistance (Scotland) Regulations 1996**

- 7.—(1) The Advice and Assistance (Scotland) Regulations 1996<sup>(1)</sup> are amended as follows.
- (2) In regulation 17(1B) (fees and outlays of solicitors)<sup>(2)</sup>, for “£550.76” substitute “£572.00”.
- (3) In schedule 3 (table of fees allowable to solicitors)—
- (a) in Part 1 (table of fees allowable to solicitors for assistance by way of representation)—
- (i) in paragraph 1, for the table of fees substitute the table of fees in schedule 9 of these Regulations,
- (ii) in paragraph 3 (petition by debtor for sequestration)<sup>(3)</sup>—
- (aa) in sub-paragraph (a), for “£37.66” substitute “£41.51”,
- (bb) in sub-paragraph (b), for “£61.85” substitute “£68.16”,
- (b) in Part 2 (table of fees allowed to solicitors for advice and assistance other than assistance by way of representation), for the table of fees in paragraph 1 substitute the table of fees in schedule 10 of these Regulations,
- (c) in Part 3 (table of fees allowed to solicitors for assistance by way of representation for proceedings under sections 19, 30 and 36(1)(a) of the Criminal Justice (Scotland) Act 2016), for the table of fees substitute the table of fees in schedule 11 of these Regulations,
- (d) in Part 4 (table of fees allowed to solicitors for advice and assistance in relation to sections 32 and 44 of the Criminal Justice (Scotland) Act 2016)<sup>(4)</sup>—
- (i) in paragraph 3 (standard rate), for “£85.18” substitute “£93.87”,
- (ii) in paragraph 3 (higher rate), for “£113.29” substitute “£124.85”,
- (iii) in paragraph 4(a) (standard rate), for “£130.60” substitute “£143.93”,
- (iv) in paragraph 4(a) (higher rate), for “£173.70” substitute “£191.42”,
- (v) in paragraph 4(b)(i) (standard rate), for “£227.12” substitute “£250.29”,
- (vi) in paragraph 4(b)(i) (higher rate), for “£302.07” substitute “£332.89”,
- (vii) in paragraph 4(b)(ii) (standard rate), for “£56.79” substitute “£62.59”,
- (viii) in paragraph 4(b)(ii) (higher rate), for “£75.53” substitute “£83.24”,
- (ix) in paragraph 5 (standard rate), for “£34.08” substitute “£37.56”,
- (x) in paragraph 5 (higher rate), for “£45.32” substitute “£49.95”,
- (xi) in paragraph 6 (standard rate), for “£13.18” in each place where it appears substitute “£14.53”,

<sup>(1)</sup> S.I. 1996/2447; relevant amending instruments are S.S.I. 2005/171, S.S.I. 2017/466, S.S.I. 2021/55 and S.S.I. 2022/30.

<sup>(2)</sup> Paragraph (1B) was inserted by S.S.I. 2022/292.

<sup>(3)</sup> Figures in paragraph 3 were substituted by S.S.I. 2022/30.

<sup>(4)</sup> Part 4 was inserted by S.S.I. 2017/466. Figures in Part 4 were substituted by S.S.I. 2022/30.

- (xii) in paragraph 6 (higher rate), for “£17.54” in each place where it appears substitute “£19.33”,
- (e) in Part 5 (table of fees allowable to solicitors for assistance by way of representation for proceedings under schedule 8 of the Terrorism Act 2000)(**5**)—
  - (i) for “£56.79” in each place where it appears substitute “£62.59”,
  - (ii) for “£85.18” in both places where it appears substitute “£93.87”,
  - (iii) for “£6.60” in both places where it appears substitute “£7.28”,
- (f) in Part 6 (table of fees allowable to solicitors for advice and assistance in relation to section 41 and schedule 7 of the Terrorism Act 2000 and Part 1 of schedule 3 of the Counter-Terrorism and Border Security Act 2019)(**6**)—
  - (i) in paragraph 3(a) (standard rate), for “£130.60” substitute “£143.93”,
  - (ii) in paragraph 3(a) (higher rate), for “£173.70” substitute “£191.42”,
  - (iii) in paragraph 3(b)(i) (standard rate), for “£227.12” substitute “£250.29”,
  - (iv) in paragraph 3(b)(i) (higher rate), for “£302.07” substitute “£332.89”,
  - (v) in paragraph 3(b)(ii) (standard rate), for “£56.79” substitute “£62.59”,
  - (vi) in paragraph 3(b)(ii) (higher rate), for “£75.53” substitute “£83.24”
  - (vii) in paragraph 4 (standard rate), for “£34.08” substitute “£37.56”,
  - (viii) in paragraph 4 (higher rate), for “£45.32” substitute “£49.95”,
  - (ix) in paragraph 5 (standard rate), for “£13.18” in each place where it appears substitute “£14.53”,
  - (x) in paragraph 5 (higher rate), for “£17.54” in each place where it appears substitute “£19.33”.

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(5) Part 5 was inserted by S.S.I. 2021/55 and amended by S.S.I. 2022/30.

(6) Part 6 inserted by S.S.I. 2021/55 and amended by S.S.I. 2022/30.