

SCHEDULE 12

Amendments to schedule 1 of the Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999

PART 1

	Where professional services are provided in relation to proceedings in the JP Court	Where professional services are provided in relation to proceedings in the sheriff court (other than proceedings in a Court specified in schedule 2)	Where professional services are provided in relation to proceedings in the sheriff court and those proceedings are brought in a Court specified in schedule 2
<b>1.</b> All work up to and including:	£347.92, or	£572.00, or	£628.79, or
(i) any diet at which a plea of guilty is made and accepted or plea in mitigation is made,	£319.52 where criminal legal aid has been made available in the circumstances referred to in paragraphs 8 or 9 below.	£543.60 where criminal legal aid has been made available in the circumstances referred to in paragraphs 8 or 9 below.	£600.39 where criminal legal aid has been made available in the circumstances referred to in paragraphs 8 or 9 below.
(ii) the first 30 minutes of conducting a proof in mitigation, or a proof of a victim statement, other than in the circumstances where paragraph 2 below applies,			
(iii) the first 30 minutes of conducting any trial,			
(iiia) a first or second diet of deferred sentence, and			
(iv) advising, giving an opinion and taking final instructions on the prospects of an appeal against conviction, sentence, other disposal or acquittal,			
together with any subsequent or additional work other than that specified in paragraphs 2-10 below			

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument:  
*The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2023 No. 135*

<b>2.</b> All work done in connection with a grant of legal aid under section 23(1)(b) of the Act including the first 30 minutes of conducting a proof in mitigation, or a proof of a victim statement		£28.40	£56.79	£56.79
<b>3.</b> Conducting a trial or proof in mitigation for the first day (after the first 30 minutes)		£85.19	£113.56	£113.56
<b>4.</b> Conducting a trial or proof in mitigation for the second and each subsequent day		£227.12	£340.38	£340.68
<b>5.</b> Conducting a proof of a victim statement:			£340.68	£340.68
(i)	where there has been no trial or proof in mitigation for the first day (after the first 30 minutes), and thereafter for subsequent days (per day), or			
(ii)	at a continued diet following a concluded trial or proof in mitigation (per day).			
<b>6.</b> Representation at a third or subsequent diet of deferred sentence		£28.40	£56.79	£56.79
<b>7.</b> Representation at a first or second diet of deferred sentence (one only) at which the court considers a report required under section 203 of the 1995 Act and where the case is disposed of (as an additional payment)		£28.40	£28.40	£28.40
<b>8.</b> All work done where the accused is in custody and has tendered a plea of not guilty until determination of the application for legal aid		£28.40	£28.40	£28.40
<b>9.</b> All work done by virtue of section 24(7) of the Act until determination of the application for legal aid		£28.40	£28.40	£28.40
<b>10.</b> All work done in connection with:				
(a)	a bail appeal under section 32 of the 1995	£56.79	£56.79	£56.79

	Act, or an appeal under section 201(4) of the 1995 Act, other than work under sub-paragraph (b) below			
(b)	representation in an appeal of either type specified in (a), or a continued diet of such an appeal, where counsel not employed (fee per appearance)	£34.08	£34.08	£34.08