

2011 No. 41

LEGAL AID AND ADVICE

The Legal Aid and Advice and Assistance (Solicitors' Travel Fees) (Scotland) Regulations 2011

Made - - - - - *26th January 2011*

Laid before the Scottish Parliament *28th January 2011*

Coming into force - - - *28th February 2011*

The Scottish Ministers make these Regulations in exercise of the powers conferred by section 33(2) and (3) of the Legal Aid (Scotland) Act 1986(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Legal Aid and Advice and Assistance (Solicitors' Travel Fees) (Scotland) Regulations 2011 and come into force on 28th February 2011.

Application

2. These Regulations apply only in respect of travel commenced on or after 28th February 2011.

Amendment of the Civil Legal Aid (Scotland) (Fees) Regulations 1989

3. In the Civil Legal Aid (Scotland) (Fees) Regulations 1989(b)—

(a) in Schedule 3(c), after paragraph 5 insert—

“5A. The fee for each quarter hour (or part thereof) spent travelling—
(a) by a solicitor £5.45
(b) by a solicitor's clerk £2.70”;

(b) in Schedule 5(d), after paragraph 5 insert—

“5A. The fee for each quarter hour (or part thereof) spent travelling—
(a) by a solicitor £7.27
(b) by a solicitor's clerk £3.59”;

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- (a) 1986 c.47; section 33 has been amended for purposes not relevant to these Regulations. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
(b) S.I. 1989/1490; amended by S.I. 1990/473, 1991/565, 1994/1015 and 1233, 1995/1044, 1997/689, 1999/1042 and S.S.I. 2002/496, 2003/178, 2004/281, 2005/449, 2007/14, 181 and 438, 2009/203 and 312 and 2010/166.
(c) Schedule 3 was substituted by S.I. 1995/1044 and has been amended by S.I. 1997/689.
(d) Schedule 5 was inserted by S.S.I. 2003/178 and has been amended by S.S.I. 2009/203.

- (c) in Schedule 6(a), for “0.8 units” substitute “£7.27” in—
- (i) paragraph 6 of the notes on the operation of Chapter I; and
 - (ii) paragraph 21 of the notes on the operation of Chapter II.

Amendment of the Criminal Legal Aid (Scotland) (Fees) Regulations 1989

4. In Schedule 1 to the Criminal Legal Aid (Scotland) (Fees) Regulations 1989(b), in Part 1 of the Table of Fees, after paragraph 5 insert—

“5A.	The fee for each quarter of an hour spent travelling—		
	(a) by a solicitor	£5.28	£6.34
	(b) by a solicitor’s clerk	£2.63	£3.17”.

Amendment of the Legal Aid in Contempt of Court Proceedings (Scotland) (Fees) Regulations 1992

5. In Schedule 1 to the Legal Aid in Contempt of Court Proceedings (Scotland) (Fees) Regulations 1992(c), after paragraph 4 insert—

- “4A. The fee for each quarter of an hour (or part thereof) spent travelling—
- (a) by a solicitor is £5.28;
 - (b) by a solicitor’s clerk is £2.63.”.

Amendment of the Advice and Assistance (Scotland) Regulations 1996

6. In Schedule 3 to the Advice and Assistance (Scotland) Regulations 1996(d)—

- (a) in Part I, after paragraph 4 in the table of fees insert—

“4A.	The fee for each quarter of an hour (or part thereof) spent travelling—		
	(a) by a solicitor	£5.28	£6.38
	(b) by a solicitor’s clerk	£2.63	£3.18”;

- (b) in Part II, after paragraph D in the table of fees insert—

“DA.	The fee for each quarter of an hour (or part thereof) spent travelling—			
	(a) by a solicitor	£5.80	£6.38	£6.38
	(b) by a solicitor’s clerk	£2.89	£3.18	£3.18”.

KENNY MACASKILL

A member of the Scottish Executive

St Andrew’s House,
Edinburgh
26th January 2011

(a) Schedule 6 was inserted by S.S.I. 2003/178 and has been amended by S.S.I. 2005/449, 2007/14 and 438 and 2009/203.
(b) S.I. 1989/1491; Schedule 1 was substituted by S.S.I. 2010/212.
(c) S.I. 1992/1228; Schedule 1 has been amended by S.I. 1997/718.
(d) S.I. 1996/2447; Schedule 3 was substituted by S.S.I. 2005/171 and has been amended by S.S.I. 2008/240 and 2010/312.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the fees payable to solicitors, and their clerks, for travelling in connection with the provision of advice and assistance (including assistance by way of representation) and legal aid.

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