

SCHEDULE 17

Regulation 7(5)

Amendments to schedule 1B 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 |
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| 1. All work up to and including— | | £524.53 |
| (a) any diet at which a plea of guilty is made and accepted or plea in mitigation is made; | | |
| (b) the first 30 minutes of conducting a proof in mitigation, or a proof of a victim statement, other than in the circumstances where paragraph 3 below applies; | | |
| (c) a first or second diet of deferred sentence; and | | |
| (d) 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 8, 8A, 9 and 10 below. | | |
| 2. All work prior to, and attendance at— | £162.23 | |
| (a) 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; | | |
| (b) any diet at which a question within the meaning of Rule 31.1 of the Act of Adjournal (Criminal Procedure Rules) 1996 ⁽¹⁾ is raised; | | |
| (c) any diet from or to which the case has been adjourned under section 145 of the 1995 Act (including preparation for such a diet where the diet has not subsequently taken place); | | |
| (d) any diet at which there is tendered a plea of guilty or a plea in mitigation is made; | | |

(1) S.I. 1996/513; relevant amending instruments are S.S.I 2006/436 and S.I. 2011/1043.

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| (e) | 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 | | |
| (f) | any diet at which the court is considering the accused's change to plea of guilty to the charges, and where no application for criminal legal aid has been made, | | |
| together with— | | | |
| (i) | the first 30 minutes of conducting a proof in mitigation; | | |
| (ii) | a first or second diet of deferred sentence; | | |
| (iii) | any subsequent or additional work other than that specified in paragraphs 4 and 8 to 13 below. | | |
| 3. All work mentioned in paragraph 1 or 2 above that is done in connection with a complaint under section 27(1)(b) of the 1995 Act or paragraph 1(1)(a) or (c) of schedule 1 of the Criminal Justice (Scotland) Act 2016. | | £162.23 | £262.27 |
| 4. Conducting a proof in mitigation for the first day (after the first 30 minutes). | | £54.08 | |
| 8. Representation, per appearance— | | £27.04 | £54.08 |
| (a) | in a court which has been designated as a youth court by the sheriff principal; | | |
| (b) | in a court which has been designated as a domestic abuse court by the sheriff principal; | | |
| (c) | at a hearing in respect of a community supervision order. | | |
| 8A. Representation in court, per appearance, at a deferred sentence hearing, other than where a fee is payable by virtue of paragraph 1(c) or paragraph 2(f) (ii) in respect of a first or second diet of deferred sentence. | | £27.04 where the hearing relates to one complaint; or £40.57 where the hearing relates to more than one complaint | £54.08 where the hearing relates to one complaint; or £81.12 where the hearing relates to more than one complaint |
| 9. 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). | | £27.04 | £27.04 |
| 10. All work done in connection with a bail appeal under section 32 of the 1995 Act, or on appeal under section 201(4) of the 1995 Act. | | £54.08 | £54.08 |

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| 12. Conducting a special reasons proof or hearing on exceptional hardship (where both, they to be regarded as one only even if conducted separately). | £162.23 | |
| 13. Conducting a back-duty proof (but only if in the case no fee is payable under paragraph 12 above). | £54.08 | |

PART 2

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| | Where professional services are provided in relation to proceedings in a sheriff court which has been designated by a drug court by the sheriff principal |
| 1. All work done in connection with any appearance of an assistance person (per appearance). | £54.08 |