

SCHEDULE 17

Regulation 7(6)

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

PART 1

	<i>Where professional services are provided in relation to proceedings in the JP court</i>	<i>Where professional services are provided in relation to proceedings in the sheriff court</i>
1. All work up to and including—		£550.76
(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—	£170.35	
(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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		<i>Where professional services are provided in relation to proceedings in the JP court</i>	<i>Where professional services are provided in relation to proceedings in the sheriff court</i>
(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.		£170.35	£275.39
4. Conducting a proof in mitigation for the first day (after the first 30 minutes).		£56.79	
8. Representation, per appearance—		£28.40	£56.79
(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.		£28.40 where the hearing relates to one complaint; or £42.60 where the hearing relates to more than one complaint	£56.79 where the hearing relates to one complaint; or £85.18 where the hearing relates to more than one complaint

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	<i>Where professional services are provided in relation to proceedings in the JP court</i>	<i>Where professional services are provided in relation to proceedings in the sheriff court</i>
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).	£28.40	£28.40
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.	£56.79	£56.79
12. Conducting a special reasons proof or hearing on exceptional hardship (where both, they to be regarded as one only even if conducted separately).	£170.35	
13. Conducting a back-duty proof (but only if in the case no fee is payable under paragraph 12 above).	£56.79	
14. Supplementary fee, payable in addition to any fees under paragraphs 1-13, where at a holiday court sitting a solicitor acts for a person appearing from custody on the day on which that person is first brought to a court to answer to a complaint.	£80.00	£80.00

PART 2

	<i>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</i>
1. All work done in connection with any appearance of an assistance person (per appearance).	£56.79
2. Supplementary fee, payable in addition to any fees under paragraph 1, where at a holiday court sitting a solicitor acts for a person appearing from custody on the day on which that person is first brought to a court to answer to a complaint.	£80.00