
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Legal Aid (Scotland) (Fees) Regulations 1989 (“the principal Regulations”) as regards the fees payable to solicitors for carrying out legal aid work in relation to solemn criminal proceedings.

The Regulations apply to fees for work done in relation to proceedings commenced on or after 8th January 2014. However, a solicitor can request, under regulation 1, in respect of proceedings commenced before that date but not concluded by that date, that the fees be calculated as if the principal Regulations were amended by these Regulations.

Regulation 3 inserts a new regulation 7A into the principal Regulations which allows a solicitor, in certain circumstances and where certain conditions are met, to apply to the Board for the case to be determined to be exceptional. Once a case has been determined to be exceptional the solicitor, and any previous solicitor who acted for the assisted person in that case where there has been a transfer of agency, is to be paid different fees to those otherwise payable under Schedule 1 of the principal Regulations for solemn proceedings.

Regulations 4 and 6 make various amendments to the principal Regulations to clarify and alter existing provisions and make some new provisions. These amendments include how fees are calculated where work is not covered by an inclusive fee in Part 2 of the Table of Fees in the principal Regulations, the circumstances in which fees for preparation for a hearing or research may be chargeable and what fees are chargeable in relation to preparation for diets of deferred sentence.

Regulation 5 alters the amounts payable by way of the detailed fees payable under Part 1 of the Table of Fees in Schedule 1 to the principal Regulations.