
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (Scotland) (Fees) Regulations 1989 (“the principal Regulations”) to provide for the fees of solicitors in simple procedure cases (within the meaning of section 72(3) of the Courts Reform (Scotland) Act 2014 (“the 2014 Act”). Civil legal aid will be available in simple procedure cases, except as provided in Part 2 of schedule 2 of the Legal Aid (Scotland) Act 1986, as amended by paragraph 23 of schedule 5 of the 2014 Act.

Regulation 2(2) amends regulation 5 of the principal Regulations to provide for fees in simple procedure cases to be calculated in accordance with Schedule 2A of the principal Regulations, as inserted by regulation 2(3) and the schedule of these Regulations. The fees prescribed in inserted Schedule 2A are equivalent to those presently allowable to solicitors for assistance by way of representation in terms of schedule 3 of the Advice and Assistance (Scotland) Regulations 1996 ([S.I. 1996/2447](#)).

Regulation 2(4) amends paragraph 1 (interpretation) of Schedule 7 (sheriff court proceedings for which fees for work done shall only be payable under Schedule 5) to provide that the Scottish Legal Aid Board (“SLAB”) may certify a case as an “exceptional case” if satisfied that payment in accordance with Schedule 2A would not provide reasonable remuneration for the work actually, necessarily and reasonably done because the case involved either unusual court procedure for which a fee is not otherwise prescribed or a significantly greater volume of work than is usual for a case of that type. Where SLAB certifies a case as exceptional, regulation 5(2)(b) of the principal Regulations provides for a solicitor’s fees to be calculated in accordance with the Schedule 5 to those Regulations (detailed fees).