

## SCHEDULE 9

## Amendments to schedule 2 of the Criminal Legal Aid (Scotland) (Fees) Regulations 1989

## PART II

## FEES OF COUNSEL IN APPEAL PROCEEDINGS

## CHAPTER 2

## SENIOR COUNSEL

|      |   | Senior                |
|------|---|-----------------------|
| 1.   | Appeal against Sentence   |                       |
| (a)  | drafting Grounds or Note of Appeal against sentence   | £127.72               |
| (b)  | written Submissions in Appeal against Sentence  | £156.56               |
| (c)  | any hearing under sections 107 and 187 of the Criminal Procedure (Scotland) Act 1995(1), including any consultation on the day of the appeal        | £234.84               |
| (d)  | any hearing on appeal against sentence, including any consultation on the day of the appeal   | £234.84               |
| (e)  | opinion (or note) on appeal against sentence (where not otherwise prescribed)   | £117.42               |
| 2.   | Appeal by way of Bill of Suspension, Bill of Advocation or Stated Case  |                       |
| (a)  | drafting Bill of Suspension or Bill of Advocation or adjustment of Stated Case  | £127.72–<br>£309.00   |
| (b)  | appearance at any hearing on Stated Case, Bill of Suspension or Advocation  | £404.79               |
| (c)  | opinion   | £193.13               |
| 3.   | Appeal against Conviction or Conviction and Sentence  |                       |
| (a)  | drafting Grounds of Appeal against conviction or conviction and sentence  | £257.50–<br>£521.18   |
| (b)  | written Submissions in Appeal against conviction or conviction and sentence   | £257.50–<br>£521.18   |
| (d)  | Hearing on Appeal against conviction or conviction and sentence (to which paragraph 11C of the notes on the operation of schedule 2 does not apply) | £927.00–<br>£1,287.50 |
| (da) | Hearing on appeal against conviction or conviction and sentence (to which paragraph 11C of the notes on the operation of schedule 2 applies)-       |                       |
| (i)  | Where the hearing lasts fewer than 3 hours  | £463.50               |

(1) 1995 c.46.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

|     |   |  |                       |
|-----|---|--|-----------------------|
|     | (ii)  | Where the hearing lasts more than 3 hours, but fewer than 6 hours  | £618.00–<br>£859.02   |
|     | (iii)   | Where the hearing last 6 hours or more—  |                       |
|     | (aa)  | for each 6 hour period   | £927.00–<br>£1,287.50 |
|     | (ab)  | for any remaining period of fewer than 3 hours   | £463.50               |
|     | (ac)  | for any remaining period of more than 3 hours  | £618.00–<br>£859.02   |
|     | (e)   | opinion  | £360.50–<br>£721.00   |
| 4.  | Appeal Hearing before a Full Bench (5 or more Judges)   |  | £1,545.00             |
| 5.  | Appeals in relation to Bail or Interim Liberation   |  |                       |
|     | (a)   | all work in connection with an appeal relating to granting of bail or interim liberation, except (ab) or (b) below | £51.50                |
|     | (ab)  | all work in connection with a continued diet in relation to such an appeal   | £51.50                |
|     | (b)   | all work in connection with an application for interim liberation before 3 judges                                  | £154.50               |
| 6.  | Appeals Conduct Other   |  |                       |
|     | (a)   | hearing on petition to the Nobile Officium   | £927.00–<br>£1,287.50 |
|     | (b)   | reference to the High Court (devolution issue)   | £927.00–<br>£1,287.50 |
|     | (c)   | appeal arising from pre-trial or continuing trial hearing  | £927.00–<br>£1,287.50 |
|     | (ca)  | Appeal from the Sheriff Appeal Court to the High Court under section 194ZB of the 1995 Act <sup>(2)</sup>          | £927.00–<br>£1,287.50 |
|     | (cb)  | referral from the Sheriff Appeal Court to the High Court under section 175A of the 1995 Act <sup>(3)</sup>         | £927.00–<br>£1,287.50 |
|     | (d)   | opinion  | £360.50–<br>£721.00   |
| 6A. | Advising Hearing - Any hearing relative to proceedings of a type described in the preceding paragraphs held subsequent to the court making avizandum, if paragraph 11E of the notes on the operation of schedule 2— |  |                       |
|     | (a)   | applies  | £422.30               |
|     | (b)   | does not apply   | £154.50               |
| 7.  | Appeals Written Work Other  |  |                       |

<sup>(2)</sup> Section 194ZB was inserted by Courts Reform (Scotland) Act 2014 (asp 18), section 119.

<sup>(3)</sup> Section 175A was inserted by Courts Reform (Scotland) Act 2014 (asp 18), section 120.

|     |   |   |                       |
|-----|---|---|-----------------------|
|     | (a)   | drafting Devolution or compatibility Minute   | £154.50               |
|     | (b)   | drafting Petition to the Nobile Officium  | £231.75               |
|     | (c)   | opinion in connection with an application under section 94(2A) of the Criminal Procedure (Scotland) Act 1995(4) (transcripts of record and documentary productions) | £51.50                |
| 8.  | Consultations   |   | £257.50               |
| 9.  | Travel  |   |                       |
|     | Supplementary fee chargeable in addition to any of the above fees where necessary travel is undertaken within Scotland, including travel to a Procurator Fiscal's office or elsewhere to view productions |   | £103.00               |
|     | Supplementary fee chargeable in addition to any of the above fees where necessary travel is undertaken furth of Scotland  |   | £206.00               |
| 10. | Accommodation and associated subsistence  |   |                       |
|     | Payment of necessary accommodation and associated subsistence per day   |   | £103.00               |
| 11. | Opinion where, in the circumstance mentioned in paragraph 11F of the notes on the operation of schedule 2, counsel concludes that there is no stateable case  |   | £360.50–<br>£1,442.00 |

(4) Section 94(2A) was inserted by Criminal Justice (Scotland) Act 2003 (asp 7), section 65(b) and was relevantly amended by S.S.I. 2012/272.