
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 292

**The Advice and Assistance (Summary Criminal Proceedings)
(Miscellaneous Amendment) (Scotland) Regulations 2022**

Amendment of the Advice and Assistance (Scotland) Regulations 1996

3. In regulation 17 (fees and outlays of solicitors) of the Advice and Assistance (Scotland) Regulations 1996⁽¹⁾—

(a) for sub-paragraph (a) of paragraph (1) substitute—

“(a) fees for work actually, necessarily and reasonably done in connection with the matter upon which advice and assistance was given, due regard being had to economy, calculated—

(i) in the case of assistance by way of representation, in accordance with the table of fees in Part I of schedule 3; and

(ii) in any other case, in accordance with the table of fees in Part II of schedule 3; and”,

(b) after paragraph (1A) insert—

“(1B) An inclusive fee of £550.76 is payable, subject to paragraph (1C), instead of any fee that would otherwise be payable under paragraph (1)(a)(ii) where—

(a) one solicitor represents a client and—

(i) the solicitor was appointed by the client;

(ii) a decision has been made to prosecute the matter in respect of which the solicitor has been appointed in the sheriff court;

(iii) the solicitor has submitted a letter of engagement to the procurator fiscal;

(iv) a copy of the complaint has been issued to the solicitor by the procurator fiscal; and

(v) the case is resolved and concluded prior to proceedings commencing;

(b) one solicitor represents two or more clients in the same case and the requirements in heads (i) to (v) of sub-paragraph (a) are met in respect of each of those clients;

(c) more than one solicitor acts for a client in the same case and—

(i) each solicitor was appointed by the client;

(ii) a decision has been made to prosecute the matter in respect of which each solicitor has been appointed in the sheriff court;

(iii) each of the solicitors has submitted a letter of engagement to the procurator fiscal;

⁽¹⁾ [S.I. 1996/2447](#), relevant amending instruments are [S.S.I. 2017/466](#) and [S.S.I. 2021/55](#). Regulation 17(1A) was inserted by regulation 5(4) of the Criminal Legal Assistance (Miscellaneous Amendments) (Scotland) Regulations 2017 ([S.S.I. 2017/466](#)).

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- (iv) a copy of the complaint has been issued to each of the solicitors by the procurator fiscal; and
 - (v) the case is resolved and concluded prior to proceedings commencing.
- (1C) Where an inclusive fee is payable under paragraph (1B) in the circumstances where—
- (a) sub-paragraph (b) applies, the solicitor is to be paid—
 - (i) 100% of the inclusive fee in respect of the first client;
 - (ii) 40% of the inclusive fee in respect of a second client; and
 - (iii) 20% of the inclusive fee in respect of each subsequent client;
 - (b) sub-paragraph (c) applies, each solicitor is to be paid an equal share of the total amount payable.”