

1981 No. 388 (S. 38)

LEGAL AID AND ADVICE, SCOTLAND

Act of Adjournal (Criminal Legal Aid Fees Amendment) 1981

Made - - - - - 10th March 1981

Coming into Operation 1st April 1981

The Lord Justice General, Lord Justice Clerk and Lords Commissioners of Justiciary, by virtue of the powers conferred upon them by section 16 of the Legal Aid (Scotland) Act 1967(a) and sections 282 and 457 of the Criminal Procedure (Scotland) Act 1975(b), and of all other powers competent to them in that behalf, do hereby enact and declare:

Citation, commencement and revocation

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Legal Aid Fees Amendment) 1981 and shall come into operation on 1st April 1981.

(2) The Act of Adjournal (Criminal Legal Aid Fees Amendment) 1979(c) is revoked.

(3) The Lords appoint this Act of Adjournal to be inserted in the Books of Adjournal.

New fees

2. In the Act of Adjournal (Criminal Legal Aid Fees) 1964(d), in the sections of that Act specified in column 1 of the Schedule to this Act of Adjournal, for the figures specified opposite those sections in column 2 of the Schedule, there are substituted the figures specified opposite those figures in column 3 of the Schedule; and the figures so substituted, shall be the minimum fees or the maximum fees, as the case may be, payable under those sections on and after the date on which this Act of Adjournal comes into operation, whether or not the proceedings in respect of which they are so payable are pending on that date, or are commenced thereafter.

Amendments relating to judicial examination, identification parades and preparatory work for solemn appeals

3. In the said Act of Adjournal of 1964—

(a) After section 2 insert the following section—

“2A—(1) The duty solicitor shall be allowed, in respect of attendance at identification parades to which section 1(5)(b) of the Act applies, fees at the following rates—

First hour of attendance—£40·50

Each subsequent half hour—£10·00.

(a) 1967 c. 43, as amended by 1980 c. 62. (b) 1975 c. 21, as amended by 1980 c. 62.

(c) S.I. 1979/1632.

(d) S.I. 1964/1410, as amended by S.I. 1965/1788, 1968/1933, 1971/926, 1973/673, 1145, 1976/339, 1062, 1978/1686, 1979/1632.

(2) The duty solicitor shall be allowed in respect of representing an accused person at a judicial examination or subsequent hearing under section 6 of the Criminal Justice (Scotland) Act 1980(a) fees in accordance with the rates specified in section 3(1), and in addition such fees as may be payable under section 13; and for the purposes of assessing the fees payable under this paragraph section 3(3) shall not apply."

(b) In section 5, add the following paragraph—

"(3) Where an accused person is convicted and thereafter instructs the nominated solicitor to appeal, and the solicitor undertakes work necessary to the preparation of the appeal, he shall be allowed for any such work undertaken by him during the period between the date he is so instructed and the date of the grant or refusal of a legal aid appeal certificate—

(a) in respect of an appeal against conviction or against conviction and sentence, a fee not exceeding the sum of £126;

(b) in respect of an appeal against sentence only, a fee not exceeding the sum of £50."

against conviction or against conviction and sentence, a fee not exceeding the sum of £126;"

(c) In section 6, add the following paragraph—

"(3) Where an accused person is convicted and thereafter instructs the nominated solicitor to appeal and the solicitor undertakes work necessary to the preparation of the appeal, he shall be allowed for any such work undertaken by him during the period between the date he is so instructed and the date of the grant or refusal of a legal aid appeal certificate—

(a) in respect of an appeal against conviction or against conviction and sentence, a fee not exceeding the sum of £126;

(b) in respect of an appeal against sentence only, a fee not exceeding the sum of £50."

Edinburgh.
10th March 1981

Emslie,
Lord Justice General
I.P.D.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Sections	Old Fees	New Fees
	£	£
3(1)(a)	20·15	24·20
	2·85	3·40
	43·00	51·50
3(1)(b)	20·15	24·20
	2·85	3·40
	28·75	34·50
3(2)	48·75	58·50
4	28·60	34·30
	221·00	265·20
	71·50	85·80
5(1)	36·40	43·60
	364·00	436·80
5(2)	104·00	124·80
	71·50	85·80
6(1)	45·50	54·60
	364·00	436·80
6(2)	71·50	85·80
7	45·50	126·00
8(1)	36·40	43·60
	364·00	436·80
8(2)	71·50	85·80
9(1)	36·40	43·60
	364·00	436·80
9(2)	71·50	85·80
10(1)	36·40	43·60
	364·00	436·80
10(2)	71·50	85·80

EXPLANATORY NOTE

(This Note is not part of the Act of Adjournal.)

This Act of Adjournal amends the Act of Adjournal (Criminal Legal Aid Fees) 1964 by making provision for new fees to be payable under that Act and also by making provision for legal aid fees allowable to solicitors in respect of attendances at identification parades and judicial examinations and in respect of preparatory work undertaken with a view to appeal in solemn proceedings consequential upon the provisions of sections 6 and 10 of, and Schedule 2 to, the Criminal Justice (Scotland) Act 1980. It also revokes the Act of Adjournal (Criminal Legal Aid Fees Amendment) 1979.

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