

1989 No. 388 (S.42)

LEGAL AID AND ADVICE, SCOTLAND

**The Criminal Legal Aid (Scotland) (Fees) Amendment
Regulations 1989**

<i>Made</i> - - - -	<i>9th March 1989</i>
<i>Laid before Parliament</i>	<i>10th March 1989</i>
<i>Coming into force</i>	<i>1st April 1989</i>

The Secretary of State, in exercise of the powers conferred upon him by section 33 of the Legal Aid (Scotland) Act 1986(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Criminal Legal Aid (Scotland) (Fees) Amendment Regulations 1989 and shall come into force on 1st April 1989.

(2) In these Regulations “the principal Regulations” means the Criminal Legal Aid (Scotland) (Fees) Regulations 1987(b).

2. For the Table of Fees set out in Schedule 3 to the principal Regulations (Fees of Counsel) there shall be substituted the Table of Fees set out in the Schedule to these Regulations.

3. The amendments to the principal Regulations made by regulation 2 of these Regulations shall apply only to fees in relation to proceedings concluded on or after 1st April 1989.

St. Andrew's House, Edinburgh
9th March 1989

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

(a) 1986 c.47.

(b) S.I. 1987/365; the relevant amending instruments are S.I. 1987/824 and 1988/421.

SCHEDULE

Regulation 2

TABLE OF FEES

CHAPTER 1 – JUNIOR COUNSEL

	<i>Junior with Senior</i>	<i>Junior alone</i>
1. Trial per day		
(a) In Edinburgh	£139.50	£196.50
(b) In Glasgow	£165.00	£241.50
(c) Elsewhere within 60 miles journey by road from Edinburgh	£171.00	£247.50
(d) In Aberdeen, Inverness or Dumfries	£235.00	£330.50
(e) Elsewhere beyond 60 miles journey by road from Edinburgh: Such fee as the auditor considers appropriate with regard to the journey involved and the level of fees prescribed in this paragraph.		
2. Appeals, etc		
(a) Drafting grounds of appeal against conviction, including any note of appeal	£36.00	£51.00
(b) Hearing in appeal against conviction – per day	£139.50	£196.50
(c) Note of adjustments to stated case	£36.00	£51.00
(d) Hearing on stated case or bill of suspension relating to conviction or conviction and sentence	£63.50	£82.50
(e) Any appeal against sentence including fee for drafting note of appeal	£25.50	£57.00
(f) Appeal relating to granting of bail	£19.00	£19.00
3. Consultations		
(a) In Edinburgh	£44.50	£63.50
Additional fee if held in prison	£7.00	£7.00
(b) Elsewhere within 60 miles journey by road from Edinburgh	£82.50	£108.00
(c) In Aberdeen, Inverness or Dumfries	£165.00	£196.50
(d) Elsewhere beyond 60 miles journey by road from Edinburgh: Such fee as the auditor considers appropriate with regard to the journey involved and the level of fees prescribed in this paragraph.		
4. Opinion on appeal, etc.		£38.00
5. Revisal of stated case		£38.00
6. Drafting bill of suspension		£38.00
7. Remits for sentence and pleas in mitigation		£38.00

CHAPTER 2 – SENIOR COUNSEL

1. Trial – per day	
(a) In Edinburgh	£254.50
(b) In Glasgow	£298.50
(c) Elsewhere within 60 miles journey by road from Edinburgh	£305.50
(d) In Aberdeen, Inverness or Dumfries	£413.00
(e) Elsewhere beyond 60 miles journey by road from Edinburgh: Such fee as the auditor considers appropriate with regard to the journey involved and the level of fees prescribed in this paragraph.	

<i>2. Appeals, etc</i>	
(a) Revising grounds of appeal against conviction, including any note of appeal	£70.00
(b) Hearing in appeal against conviction – per day	£254.50
(c) Note of adjustments to stated case	£70.00
(d) Hearing on stated case or bill of suspension relating to conviction or conviction and sentence	£126.50
(e) Any appeal against sentence including revisal of note of appeal	£82.50
(f) Appeal relating to granting of bail	£25.50
<i>3. Consultations</i>	
(a) In Edinburgh	£95.50
Additional fee if held in prison	£7.00
(b) Elsewhere within 60 miles journey by road from Edinburgh	£152.00
(c) In Aberdeen, Inverness or Dumfries	£292.50
(d) Elsewhere beyond 60 miles journey by road from Edinburgh: Such fee as the auditor considers appropriate with regard to the journey involved and the level of fees prescribed in this paragraph.	
4. Opinion on appeal	£57.00
5. Revisal of stated case	£57.00
6. Revisal of bill of suspension	£57.00
7. Remits for sentence and pleas in mitigation	£57.00

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Legal Aid (Scotland) (Fees) Regulations 1987 so as to increase the fees allowable to Counsel for criminal legal aid given under the Legal Aid (Scotland) Act 1986. The increased fees will apply to proceedings concluded on or after 1st April 1989. The overall increase is around 6%.

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