

1990 No. 1035 (S.126)

**LEGAL AID AND ADVICE, SCOTLAND**

**The Criminal Legal Aid (Scotland) (Fees) Amendment  
(No. 2) Regulations 1990**

<i>Made</i> - - - -	<i>9th May 1990</i>
<i>Laid before Parliament</i>	<i>11th May 1990</i>
<i>Coming into force</i>	<i>1st June 1990</i>

The Secretary of State, in exercise of the powers conferred on 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:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Criminal Legal Aid (Scotland) (Fees) Amendment (No. 2) Regulations 1990 and shall come into force on 1st June 1990.

(2) In these Regulations “the principal Regulations” means the Criminal Legal Aid (Scotland) (Fees) Regulations 1989(b).

**Amendment of principal Regulations**

2. In the provisions of the principal Regulations listed in column 1 of Schedule 1 to these Regulations, for the amounts of the fees specified in those provisions and set out opposite in column 2 of Schedule 1, there shall be substituted the amounts specified opposite in column 3 of that Schedule.

3. For Schedule 1 to the principal Regulations there shall be substituted the Schedule set out in Schedule 2 to these Regulations.

4. The amendments to the principal Regulations made by regulations 2 and 3 of these Regulations shall apply only to fees in relation to proceedings concluded on or after 1st June 1990.

St. Andrew's House, Edinburgh  
9th May 1990

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

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(a) 1986 c.47.

(b) S.I. 1989/1491, to which there are amendments not relevant to these Regulations.

**SCHEDULE 1**

**Regulation 2**

<b>1</b> <i>(Provision of the principal Regulations)</i>	<b>2</b> <i>(Old fee)</i>	<b>3</b> <i>(New fee)</i>
	<b>£</b>	<b>£</b>
<b>Regulation 5(1)</b>	68.35 8.60	73.50 9.25
<b>Regulation 6(1)(a)</b>	36.30 4.90 78.55	39.00 5.25 84.45
<b>Regulation 6(1)(b)</b>	36.30 4.90 52.75	39.00 5.25 56.70
<b>Regulation 6(2) and (3)</b>	88.90	95.55

## SCHEDULE 2

Regulation 3

### NEW SCHEDULE 1 TO BE SUBSTITUTED IN PRINCIPAL REGULATIONS

#### "SCHEDULE 1

Regulation 7

#### DESCRIPTION OF WORK AND FEES FOR CALCULATING REMUNERATION OF SOLICITORS IN THE HIGH, SHERIFF AND DISTRICT COURTS

1. The fee for—

- (a) any time up to the first half hour spent by a solicitor conducting a trial in court or conducting another hearing shall be £24.05;
- (b) each quarter hour (or part thereof) subsequent to the first half hour spent in so conducting a trial or other hearing shall be £12.00.

2. The fee for—

- (a) each quarter hour (or part thereof) spent by a solicitor in carrying out work other than that prescribed in paragraphs 1 and 3 to 5 hereof, provided that any time is additional to the total time charged for under paragraph 1 above, shall be £9.25.
- (b) each quarter hour (or part thereof) spent by a solicitor's clerk in carrying out work other than that prescribed in paragraphs 3 to 5 hereof shall be £4.60.

3. The fee for—

- (a) each citation of a witness including execution thereof;
  - (b) framing and drawing precognitions and other necessary papers, subject to paragraph 4(c) – per sheet (or part thereof);
  - (c) instructing messengers-at-arms and sheriff officers, including examining execution and settling fee;
  - (d) lengthy telephone calls (of over 4 and up to 10 minutes duration); and
  - (e) letters, including instructions to counsel - per page (or part thereof), subject to paragraph 4(b) below;
- shall be £5.25.

4. The fee for—

- (a) attendance at court offices for performance of formal work including each necessary lodging in or uplifting from court or each necessary enquiry for documents due to be lodged;
  - (b) short letters of a formal nature, intimations and letters confirming telephone calls;
  - (c) framing formal papers, including inventories and title pages - per sheet (or part thereof);
  - (d) revising papers drawn by counsel or where revision ordered by court - per 5 sheets (or part thereof); and
  - (e) short telephone calls (of up to 4 minutes duration);
- shall be £2.10.

5. Where an exceptional amount of copying proves necessary, a fee of 30 pence shall be paid for each sheet.

#### *Interpretation*

6. In this Schedule—

- “court” means the High Court, the sheriff court or the district court as the case may be; and
- a “sheet” shall consist of 250 words or numbers;
- a “page” shall consist of 125 words or numbers; and
- “exceptional” means the production of more than 20 output copy sheets (whether 20 of 1 sheet, 5 of 4 sheets or whatever) when a document has been copied.”

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Criminal Legal Aid (Scotland) (Fees) Regulations 1989 ("the principal Regulations"), so as to increase the fees allowable to solicitors for criminal legal aid by around 7½% (regulations 2 and 3).

The amendments are to take effect for proceedings concluded on or after 1st June 1990 (regulation 4).

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