

2021 No.

LEGAL AID AND ADVICE

**The Legal Aid and Advice and Assistance (Miscellaneous
Amendment) (Scotland) Regulations 2021**

Made - - - - 2021

Laid before the Scottish Parliament 2021

Coming into force - - 22nd March 2021

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 33(2), (3)(a), (b), (c) and (f), and (3A), and 36(1), (2)(a), (d) and (e) of the Legal Aid (Scotland) Act 1986(a) and all other powers enabling them to do so.

Citation and Commencement

1. These Regulations may be cited as the Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2021 and come into force on 22 March 2021.

Application

2.—(1) These Regulations apply only in relation to fees for work done or outlays incurred on or after 22 March 2021, except in relation to—

- (a) regulation 4(4) and (9),
- (b) regulation 6(4) and (6), and
- (c) regulation 7.

(2) Regulation 4(4) applies only in relation to work carried out for the purposes of commencing appeal proceedings in terms of section 107 of the Criminal Procedure (Scotland) Act 1995(b) on or after 22 March 2021.

(3) Regulation 4(9) applies only in relation to trials commenced on or after 22 March 2021.

(4) Regulations 6(4) and (6), and 7 apply only in relation to a case where the criminal legal assistance concerned is granted or made available on or after 22 March 2021.

(5) For the purposes of paragraph (1), where work for a fee prescribed in schedules 1 to 11 is conducted over more than one date, the work is deemed to have been done on the day on which the work comes to an end.

(a) 1986 c.47. Section 33(2) of the 1986 Act was amended by section 67(7)(b) of the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) 1995 c.46. Section 107 was amended by paragraph 21(15) of schedule 1 of the Crime and Punishment (Scotland) Act 1997 c.48, section 62 of the Criminal Justice (Scotland) Act 2003 (asp 7), paragraph 16 of schedule 1 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6) and paragraph 8 of schedule 1 of the Double Jeopardy (Scotland) Act 2011 (asp 16).

Amendments to the Civil Legal Aid (Scotland) (Fees) Regulations 1989

- 3.—**(1) The Civil Legal Aid (Scotland) (Fees) Regulations 1989(a) are amended as follows.
- (2) In regulation 5 (fees allowable to solicitors) in paragraph (2A) for “£21.63”(b) substitute “£22.72”.
- (3) In Part 1 of Chapter 3 of schedule 2 (undefended actions), for the first table of fees substitute the table of fees in schedule 1 of these Regulations.
- (4) In Part 2 of Chapter 3 of schedule 2 (defended actions), for the first table of fees substitute the table of fees in schedule 2 of these Regulations.
- (5) In Chapter 4 of schedule 2 (executory business), for each of the tables of fees substitute the table of fees in schedule 3 of these Regulations.
- (6) In schedule 2A (fees allowable to solicitors for simple procedure cases and First-Tier Tribunal for Scotland cases)(c), substitute the table of fees in schedule 4 of these Regulations.
- (7) In schedule 3 (table of detailed fees chargeable by solicitors for proceedings in the Court of Session and the sheriff court), for the table of fees substitute the table of fees in schedule 5 of these Regulations.
- (8) In schedule 4 (fees of counsel for proceedings in the Court of Session, Sheriff Appeal Court, sheriff court, First-Tier Tribunal for Scotland and Upper Tribunal for Scotland)(d), for the table of fees substitute the table of fees in schedule 6 of these Regulations.
- (9) In schedule 5 (table of detailed fees chargeable by solicitors for proceedings in the Court of Session, Sheriff Appeal Court, and Upper Tribunal for Scotland, proceedings listed at regulation 5(3) and proceedings in the sheriff court listed in schedule 7)(e), for the table of fees substitute the table of fees in schedule 7 of these Regulations.
- (10) In schedule 6 (table of fees chargeable by solicitors for proceedings in the sheriff court (except summary cause and executory proceedings and the proceedings listed in schedule 7) and in the Sheriff Appeal Court)—
- (a) in Chapter 1 (sheriff court civil fees (undefended)) in the Notes on the operation of Chapter 1 in paragraph 6 for “£7.49”(f) substitute “£7.87”,
- (b) in Chapter 2 (sheriff court civil fees (defended)) in the Notes on the operation of Chapter 2 in paragraph 21 for “£7.49”(g) substitute “£7.87”.

Amendments to the Criminal Legal Aid (Scotland) (Fees) Regulations 1989

- 4.—**(1) The Criminal Legal Aid (Scotland) (Fees) Regulations 1989(h) are amended as follows.
- (2) In regulation 5(1) (fees allowances to solicitors: identification parades)(i)—
- (a) in sub-paragraph (a)(i) for “£117.42” substitute “£123.30”,
- (b) in sub-paragraph (a)(ii) for “£13.06” substitute “£13.72”,
- (c) in sub-paragraph (b)(i) for “£96.62” substitute “£101.46”,

(a) S.I. 1989/1490; relevant amending instruments are S.I. 1990/473, S.I. 1991/565, S.I. 1992/372, S.I. 1994/1015, S.I. 1995/1044, S.I. 1997/689, S.S.I. 2003/178, S.S.I. 2007/14, S.S.I. 2009/203, S.S.I. 2011/41, S.S.I. 2011/160, S.S.I. 2013/144, S.S.I. 2013/250, S.S.I. 2014/257, S.S.I. 2015/337, S.S.I. 2015/380, S.S.I. 2016/257, S.S.I. 2016/290, S.S.I. 2017/310 and S.S.I. 2019/78 and S.S.I. 2020/191. Regulation 11 was modified by paragraph 23 of schedule 4 of the Coronavirus (Scotland) Act 2020 (asp 7).

(b) Paragraph (2A) was inserted by S.S.I. 2003/178 and this figure substituted by S.S.I. 2019/78.

(c) Schedule 2A was inserted by S.S.I. 2016/290 and amended by S.S.I. 2019/78.

(d) Schedule 4 was inserted and renamed by S.S.I. 2011/160, renamed by S.S.I. 2016/257 and amended by S.S.I. 2019/78.

(e) Schedule 5 was inserted by S.S.I. 2003/178 and renamed by S.S.I. 2016/257.

(f) This figure substituted by S.S.I. 2019/78.

(g) Paragraph 21 was inserted by S.S.I. 2003/178 and this figure substituted by S.S.I. 2019/78.

(h) S.I. 1989/1491; relevant amending instruments are S.I. 1991/566, S.I. 1992/374, S.S.I. 2004/264, S.S.I. 2005/113, S.S.I. 2005/584, S.S.I. 2005/656, S.S.I. 2007/180, S.S.I. 2008/240, S.S.I. 2009/312, S.S.I. 2010/63, S.S.I. 2010/212, S.S.I. 2011/41, S.S.I. 2011/135, S.S.I. 2012/276, S.I. 2013/7, S.S.I. 2013/250, S.S.I. 2013/320, S.S.I. 2015/337 and S.S.I. 2017/466, S.S.I. 2019/78 and S.S.I. 2020/191.

(i) Regulation 5 substituted by S.S.I. 2010/212 and amended by S.S.I. 2019/78.

- (d) in sub-paragraph (b)(ii) for “£12.18” substitute “£12.79”.
- (3) In regulation 6 (duty solicitors’ fees)(a)—
 - (a) for “£64.89” in each place where it appears substitute “£68.14”,
 - (b) for “£9.27” in each place where it appears substitute “£9.74”,
 - (c) for “£72.10” in each place where it appears substitute “£75.71”.
- (4) After regulation 10 (fees allowable to counsel) insert—

“Fees (exceptional) allowable to counsel in appeal proceedings

10ZA.—(1) This regulation applies only pending leave to appeal being granted by the Appeal Court of the High Court of Justiciary.

(2) Counsel who provides criminal legal aid in relation to preparation of the note of appeal, or preparation of the note of appeal and counsel’s opinion on the merits of an appeal for the purposes of proceedings under section 107 of the Criminal Procedure (Scotland) Act 1995—

- (a) where the circumstances prescribed in paragraph (4) exist, and
- (b) subject to the conditions prescribed in paragraph (5),

is to be paid an additional fee for work carried out in accordance with schedule 2, subject to the modifications to the notes on the operation of schedule 2 specified in paragraph (9).

(3) It is for the Board to determine whether the circumstances prescribed in paragraph (4) exist.

(4) The circumstances referred to in paragraph (2)(a) are that the amount of fees payable to counsel in accordance with these Regulations (other than under paragraph (2)) would be likely to result in an assisted person being deprived of effective legal assistance.

(5) The conditions referred to in paragraph (2)(b) are—

- (a) that counsel providing the criminal legal aid is to make an application to the Board in such a manner and form (which may include an online form) and containing such information as the Board may specify at as early a stage in the provision of criminal legal aid as is reasonably practicable,
- (b) that counsel is, if required by the Board to do so, to supply such further information or such documents as the Board may require to enable it to determine that application, and
- (c) that counsel is to keep proper records of all professional services provided by way of that criminal legal aid, whether before or after the Board determines whether the conditions prescribed in this paragraph are met.

(6) Counsel may apply for a review where the Board has determined that the circumstances prescribed in paragraph (4) do not exist.

(7) An application for review—

- (a) must be lodged with the Board within 15 days, beginning on the day notice of the Board’s determination was given to the applicant,
- (b) must include a statement of any matters which the applicant wishes the Board to take into account in reviewing the application, and
- (c) may be accompanied by such additional precognitions and other documents as the applicant considers to be relevant to the review.

(8) Paragraph (7)(a) does not apply where the Board considers that there is a special reason for it to consider a late application for review.

(a) Figures in regulation 6 substituted by S.S.I. 2019/78.

(9) The modifications to the notes on the operation of schedule 2 referred to in paragraph (2) are as follows—

- (a) paragraph 9 does not apply,
- (b) paragraph 11A applies as if the words “taking into account that in cases set down for a day or more 2 hours preparation is covered by that fee by virtue of paragraph 9(a)” are omitted.”.

(5) In schedule 1 (fees of solicitors) in the Notes on the operation of schedule 1 in paragraph 7(1)(a) for “£13.06” substitute “£13.72”.

(6) In schedule 1 (fees of solicitors) in the table of fees, for Part 1 (detailed fees) and Part 2 (inclusive fees for solemn first instance proceedings) substitute the tables of fees in schedule 8 of these Regulations.

(7) In schedule 2 (fees of counsel) for the table of fees substitute the table of fees in schedule 9 of these Regulations.

(8) In schedule 3 (fees of counsel for proceedings in the supreme court) for the table of fees substitute the table of fees in schedule 10 of these Regulations.

(9) In paragraph 3 of the notes on the operation of schedule 2—

- (a) in sub-paragraph (b) after the words “sub-paragraph (c)” insert “and sub-paragraph (ca)”,
- (b) after sub-paragraph (c) insert—

“(ca) where junior counsel being led is unable to appear at a trial diet hearing, and the junior as leader has sought and has been granted leave of the court to continue alone at the trial diet hearing, the fee payable to junior as leader will be those prescribed in the Table of Fees for junior as leader.”.

Amendments to the Legal Aid in Contempt of Court Proceedings (Scotland) (Fees) Regulations 1992

5.—(1) The Legal Aid in Contempt of Court Proceedings (Scotland) (Fees) Regulations 1992(b) are amended as follows.

(2) In schedule 1 (table of fees allowable to solicitors for legal aid made available under section 30 of the Act in connection with proceedings for contempt of court)(c)—

- (a) in paragraph 1(a) for “£28.23” substitute “£29.65”,
- (b) in paragraph 1(b) for “£14.12” substitute “£14.83”,
- (c) in paragraph 2(a) for “£10.87” substitute “£11.42”,
- (d) in paragraph 2(b) for “£5.41” substitute “£5.69”,
- (e) in paragraph 3 for “£6.18” substitute “£6.49”,
- (f) in paragraph 4 for “£2.48” substitute “£2.61”,
- (g) in paragraph 4A(a)(d) for “£5.44” substitute “£5.72”,
- (h) in paragraph 4A(b) for “£2.71” substitute “£2.85”.

(3) In paragraph 4 of schedule 2 (fees of counsel)(e) for the table of fees substitute the table of fees in schedule 11 of these Regulations.

(a) Figure in paragraph 7 substituted by S.S.I. 2019/78.

(b) S.I. 1992/1228; relevant amending instruments are S.I. 1997/718, S.S.I. 2011/41, S.S.I. 2013/250, S.S.I. 2014/257 and S.S.I. 2019/78.

(c) Figures in paragraphs 1 to 4A of schedule 1 substituted by S.S.I. 2019/78.

(d) Paragraph 4A was inserted by S.S.I. 2011/41 and amended by S.S.I. 2019/78.

(e) Paragraph 4A was amended by S.S.I. 2019/78.

Amendments to the Advice and Assistance (Scotland) Regulations 1996

6.—(1) Schedule 3 (table of fees allowable to solicitors) of the Advice and Assistance (Scotland) Regulations 1996(a) is amended as follows.

(2) In Part 1 (table of fees allowable to solicitors for assistance by way of representation)—

(a) in paragraph 1, for the table of fees substitute the table of fees in schedule 12 of these Regulations,

(b) in paragraph 3 (petition by debtor for sequestration)(b)—

(i) in sub-paragraph (a) for “£34.15” substitute “£35.86”, and

(ii) in sub-paragraph (b) for “£56.09” substitute “£58.90”.

(3) In paragraph 1 of Part 2 (table of fees allowed to solicitors for advice and assistance other than assistance by way of representation) for the table of fees substitute the table of fees in schedule 13 of these Regulations.

(4) In Part 3 (table of fees allowed to solicitors for assistance by way of representation for proceedings under sections 19, 30 and 36(1)(a) of the Criminal Justice (Scotland) Act 2016) for the table of fees substitute the table of fees in schedule 14 of these Regulations.

(5) In Part 4 (table of fees allowed to solicitors for advice and assistance in relation to sections 32 and 44 of the Criminal Justice (Scotland) Act 2016)(c)—

(a) in paragraph 3 (standard rate) for “£77.25” substitute “£81.12”,

(b) in paragraph 3 (higher rate) for “£102.75” substitute “£107.89”,

(c) in paragraph 4(a) (standard rate) for “£118.45” substitute “£124.38”,

(d) in paragraph 4(a) (higher rate) for “£157.54” substitute “£165.42”,

(e) in paragraph 4(b)(i) (standard rate) for “£206.00” substitute “£216.30”,

(f) in paragraph 4(b)(i) (higher rate) for “£273.98” substitute “£287.68”,

(g) in paragraph 4(b)(ii) (standard rate) for “£51.50” substitute “£54.08”,

(h) in paragraph 4(b)(ii) (higher rate) for “£68.50” substitute “£71.93”,

(i) in paragraph 5 (standard rate) for “£30.90” substitute “£32.45”,

(j) in paragraph 5 (higher rate) for “£41.10” substitute “£43.16”,

(k) in paragraph 6 for “£11.95” in each place where it appears substitute “£12.55”,

(l) in paragraph 6 for “£15.90” in each place where it appears substitute “£16.70”.

(6) In Part V (table of fees allowable to solicitors for assistance by way of representation for proceedings under schedule 8 of the Terrorism Act 2000)(d)—

(a) for “£51.50” in each place where it appears substitute “£54.08”,

(b) for “£77.25” in each place where it appears substitute “£81.12”,

(c) for “£5.98” in each place where it appears substitute “£6.28”.

(7) In Part VI (table of fees allowable to solicitors for advice and assistance in relation to section 41 and schedule 7 of the Terrorism Act 2000 and Part 1 of schedule 3 of the Counter-Terrorism and Border Security Act 2019)(e)—

(a) in paragraph 3(a) (standard rate) for “£118.45” substitute “£124.38”,

(b) in paragraph 3(a) (higher rate) for “£157.54” substitute “£165.42”,

(c) in paragraph 3(b)(i) (standard rate) for “£206.00” substitute “£216.30”,

(a) S.I. 1996/2447; relevant amending instruments are S.I. 1997/726, S.S.I. 2004/262, S.S.I. 2005/171, S.S.I. 2006/233, S.S.I. 2008/240, S.S.I. 2010/312, S.S.I. 2011/41, S.S.I. 2013/144, S.S.I. 2013/250, S.S.I. 2014/257, S.S.I. 2017/466, S.S.I. 2019/78, S.S.I. 2020/191 and S.S.I. 2021/xxx.

(b) Figures in paragraph 3 substituted by S.S.I. 2019/78.

(c) Figures in Part 4 substituted by S.S.I. 2019/78.

(d) Part V inserted by S.S.I. 2021/xxx.

(e) Part VI inserted by S.S.I. 2021/xxx.

- (d) in paragraph 3(b)(i) (higher rate) for “£273.98” substitute “£287.68”,
- (e) in paragraph 3(b)(ii) (standard rate) for “£51.50” substitute “£54.08”,
- (f) in paragraph 3(b)(ii) (higher rate) for “£68.50” substitute “£71.93”
- (g) in paragraph 4 (standard rate) for “£30.90” substitute “£32.45”,
- (h) in paragraph 4 (higher rate) for “£41.10” substitute “£43.16”,
- (i) in paragraph 5(a) (standard rate) for “£11.95” substitute “£12.55”,
- (j) in paragraph 5(a) (higher rate) for “£15.90” substitute “£16.70”,
- (k) in paragraph 5(b) (standard rate) for “£11.95” substitute “£12.55”,
- (l) in paragraph 5(b) (higher rate) for “£15.90” substitute “£16.70”.

Amendments to the Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999

7.—(1) The Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999(a) are amended as follows.

- (2) In regulation 4 (fixed payments allowable to solicitors)—
 - (a) in paragraphs (6) and (6ZA)(b) for “£103” substitute “£108.15”,
 - (b) in paragraph (9)(b) for “£100” substitute “£108.15”.
- (3) In schedule 1—
 - (a) for the table of fees in Part 1 substitute the table of fees in Part 1 of schedule 15 of these Regulations,
 - (b) for the table of fees in Part 2 substitute the table of fees in Part 2 of schedule 15 of these Regulations.
- (4) In schedule 1A for the table of fees substitute the table of fees in schedule 16 of these Regulations.
- (5) In schedule 1B—
 - (a) for the table of fees in Part 1 substitute the table of fees in Part 1 of schedule 17 of these Regulations,
 - (b) for the table of fees in Part 2 substitute the table of fees in Part 2 of schedule 17 of these Regulations.

A member of the Scottish Government

St Andrew’s House,
Edinburgh

2021

(a) S.I. 1999/491; relevant amending instruments are S.S.I. 2001/307, S.S.I. 2002/247, S.S.I. 2003/249, S.S.I. 2004/51, S.S.I. 2004/126, S.S.I. 2004/263, S.S.I. 2005/93, S.S.I. 2006/234, S.S.I. 2008/240, S.S.I. 2010/237, S.S.I. 2011/162, S.S.I. 2014/366, S.S.I. 2015/337 and S.S.I. 2017/466, S.S.I. 2019/78 and S.S.I. 2020/191.

(b) Paragraph 6ZA was inserted by S.S.I. 2011/162 and amended by S.S.I. 2019/78.

SCHEDULE 1

Regulation 3(3)

Amendments to Part 1 of Chapter 3 of schedule 2 of the Civil Legal Aid (Scotland) (Fees) Regulations 1989

| Part 1 - Undefended Actions | | |
|------------------------------------|---|--------|
| 1. | The fee for citation, service or re-service after the first citation— | |
| | (a) to any destination by post | £7.30 |
| | (b) by advertisement | £20.57 |
| 2. | The fee for attendance at court | £20.57 |
| 3. | The fee for all other work | £57.87 |

SCHEDULE 2

Regulation 3(4)

Amendments to Part 2 of Chapter 3 of schedule 2 of the Civil Legal Aid (Scotland) (Fees) Regulations 1989

| Part 2 - Defended Actions | | |
|----------------------------------|--|--|
| 1. | The instruction fee— | |
| | (a) | for the pursuer's solicitor, including taking instructions, framing summons and statement of claim, obtaining warrant for service, enquiring for the form of response and noting defence |
| | | £87.78 |
| | (b) | for the defender's solicitor, for all work from taking instructions (including instructions for a counter-claim) up to and including lodging the form of response |
| | | £87.78 |
| 2. | Where an additional defender or third party enters the cause, an additional fee for each of the original parties' solicitors for all consequent work | |
| | | £43.93 |
| 3. | The fee for citation, service or re-service, except as provided for in paragraph 19(e), by— | |
| | (a) | post, to a destination— |
| | | |
| | (i) | within the United Kingdom, Isle of Man, Channel Islands or the Republic of Ireland |
| | | £7.30 |
| | (ii) | other than one specified in paragraph (i) |
| | | £15.61 |
| | (b) | sheriff officer, to include instructing sheriff officer, perusing execution of citation and settling sheriff officer's fee |
| | | £7.30 |
| | (c) | advertisement, to include framing and instructing the advertisement |
| | | £22.84 |
| 4. | In connection with the first hearing of the cause— | |
| | (a) | the fee for attendance at court, including noting the outcome of the hearing |
| | | £75.90 |
| | (b) | if waiting for and conducting the hearing exceeds an hour and a half, the fee for attendance at court for each subsequent half hour |
| | | £22.84 |
| 5. | The fee for attendance at court, except as specifically provided for elsewhere in this Chapter, per half hour | |
| | | £22.84 |
| 6. | The fee for drawing precognitions, including instructions, attendances with witnesses and all relative meetings and correspondence, per sheet | |
| | | £33.83 |
| 7. | The fee for perusing, revising and adjusting a report or precognition prepared by a skilled witness, per sheet | |
| | | £16.92 |
| 8. | In connection with reports commissioned by order of Court, the fee for— | |
| | (a) | all incidental work, including instructing the report |
| | | £22.84 |
| | (b) | each half hour perusing the report |
| | | £22.84 |
| 9. | The fee, per inventory, for— | |
| | (a) | lodging productions |
| | | £33.83 |
| | (b) | perusing the opposition's productions |
| | | £15.61 |
| 10. | The fee for framing affidavits, per sheet | |
| | | £16.92 |
| 11. | Except as provided for by paragraphs 17, 18 and 19 the fee for— | |
| | (a) | drawing, intimating and lodging any written minute or incidental application including any relative attendance at court, where that minute or application is— |
| | | |
| | (i) | opposed |
| | | £48.17 |
| | (ii) | unopposed |
| | | £28.93 |

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| | (b) | considering a written minute or incidental application intimated by the opposition including any relative attendance at court, where that minute or application is— | |
| | (i) | opposed | £39.62 |
| | (ii) | unopposed | £22.84 |
| 12. | | In connection with a hearing to which paragraph 11 applies, if waiting for and conducting that hearing exceeds half an hour, the fee for attendance at court for each subsequent half hour | £22.84 |
| 13. | | In connection with a proof the fee for all work, except as specifically provided for elsewhere in this Chapter, preparatory to— | |
| | (a) | the first scheduled proof, if— | |
| | (i) | the cause is settled or abandoned 7 or more days before the scheduled proof | £79.24 |
| | (ii) | paragraph (i) does not apply | £95.13 |
| | (b) | any adjourned proof, if the postponement from the hearing previously scheduled exceeds 6 days and— | |
| | (i) | the cause is settled or abandoned 7 or more days before the scheduled proof | £39.62 |
| | (ii) | paragraph (i) does not apply | £47.57 |
| 14. | | The fee for each half hour inspecting the opposition's documents either at court or at a place fixed by the opposition | £22.84 |
| 15. | | In connection with a proof or a trial and debate on evidence taken at the close of proof, the fee for each half hour— | |
| | (a) | conducting that hearing | £22.84 |
| | (b) | waiting in court for that hearing | £12.14 |
| 16. | | In connection with a debate on evidence not taken at the close of proof, the fee for— | |
| | (a) | all preparatory work | £53.07 |
| | (b) | attendance at court, per half hour | £22.84 |
| 17. | | In connection with a minute of judicial tender— | |
| | (a) | the fee for consideration of, preparing and lodging the minute | £48.17 |
| | (b) | on acceptance of the tender, the fee for consideration of, preparing and lodging the minute of acceptance and attendance at court when decree is granted in terms of that minute | £33.83 |
| | (c) | on rejection of the tender, the fee for considering it | £33.83 |
| 18. | | The fee for each party where the case is settled extra-judicially, including all relative negotiations, framing or revising the joint minute and attendance at court when authority is interponed thereto | £79.24 |
| 19. | | In connection with an incidental application for commission and diligence to recover documents or an order under section 1 of the Administration of Justice (Scotland) Act 1972(a), the fee for— | |
| | (a) | drawing, intimating and lodging the application and, where relevant, specification and any relative attendance at court, where the application is— | |
| | (i) | opposed | £52.95 |
| | (ii) | unopposed | £28.93 |
| | (b) | considering the application and, where relevant, specification intimated by the opposition and any relative attendance at court, where the application is— | |
| | (i) | opposed | £39.62 |

(a) 1972 c.59. Section 1 was amended by section 19 and paragraph 15 of schedule 2 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73).

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| | (ii) | unopposed | £22.84 |
| | (c) | each subsequent half hour, where attendance at court exceeds half an hour | £22.84 |
| | (d) | citing havers and preparing for and appearing before the commissioner or sheriff at the execution of the commission, per half hour | £22.84 |
| | (e) | serving an order on each person, if optional procedure is adopted | £15.61 |
| | (f) | each half hour perusing the documents recovered | £22.84 |
| 20. | In connection with an open commission to take evidence, the fee for— | | |
| | (a) | all work, excluding attendance at the commission, by the— | |
| | (i) | solicitor applying for the commission | £53.07 |
| | (ii) | opposing solicitor | £22.84 |
| | (b) | each half hour attending the execution of the commission | £22.84 |
| 21. | At the conclusion of the cause, the fee for— | | |
| | (a) | settling with witnesses and noting the final decree | £48.17 |
| | (b) | the successful party to cover drawing the account of expenses, arranging, intimating and attending a diet of taxation and obtaining approval of the auditor's report and, where necessary, ordering, procuring and examining extract decree or adjusting account with opponent | £48.17 |
| | (c) | the unsuccessful party to cover considering the opponent's account of expenses and, where necessary, adjusting the account with opponent or attending a diet of taxation | £22.84 |

SCHEDULE 3

Regulation 3(5)

Amendments to Chapter 4 of schedule 2 of the Civil Legal Aid (Scotland) (Fees) Regulations 1989

| | |
|---|--------|
| 1. Petition for decree dative | |
| Inclusive fee for taking instructions to present petition, drawing petition and making necessary copies, lodging and directing publication, attendance at court, moving for decree-dative, extracting decree where necessary and all matters incidental to petition | £36.46 |
| 2. Restriction of Caution | |
| Inclusive fee for taking instructions to prepare petition, drawing petition and making necessary copies, lodging, instructing advertisement and all matters incidental to petition | £36.46 |
| 3. Fees for other work shall be chargeable according to schedule 3 | |

SCHEDULE 4

Regulation 3(6)

Amendments to schedule 2A of the Civil Legal Aid (Scotland) (Fees) Regulations 1989

| | | | |
|----|--|---|--------|
| 1. | The fee for— | | |
| | (a) | any time up to the first half hour spent by a solicitor conducting a proof or hearing | £35.86 |
| | (b) | each quarter hour (or part thereof) subsequent to the first half hour | £17.96 |
| 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 7 of this table, provided that any time is additional to the total time charged for under paragraph 1 | £13.80 |
| | (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 7 of this table | £6.88 |
| 3. | The fee for framing affidavits – per sheet (or part thereof) | | £11.33 |
| 4. | The fee for— | | |
| | (a) | framing and drawing all necessary papers, other than affidavits or papers of a formal character – per sheet (or part thereof) | |
| | (b) | each citation of a party, witness or haver including execution thereof | |
| | (c) | instructing sheriff officers, including examining execution and settling fee | |
| | (d) | agency accepting service or any writ | |
| | (e) | lodging first step of process | |
| | (f) | lengthy telephone calls (of over 4 minutes and up to 10 minutes duration) | |
| | (g) | letters, including instructions to counsel – per page (or part thereof), subject to paragraph 5(f) below | |
| | (h) | perusing any document (other than a letter) consisting of not more than 12 sheets – for the first 2 sheets and each 2 sheets thereafter | |
| | Note: Where the document perused consists of more than 12 sheets the fee for perusing the whole document shall be charged in accordance with paragraph 2 above in each of sub-paragraphs (a) to (h). | | £7.85 |
| 5. | The fee for— | | |
| | (a) | attendance at court or First-tier Tribunal for Scotland offices for performance of formal work including making up process and each necessary lodging in (other than first step) uplifting from or borrowing of process (to include return of same) or enquiry for documents due to be lodged | |
| | (b) | revising papers drawn by counsel, where ordered or | |

| | | | |
|----|---|---|-------|
| | | necessary – per 5 sheets (or part thereof) | |
| | (c) | framing formal papers such as inventories, title pages and accounts of expenses per sheet (or part thereof) | |
| | (d) | certifying or signing a document | |
| | (e) | short telephone calls (of up to 4 minutes duration) | |
| | (f) | short letters of a formal nature, intimations, and letters confirming telephone calls | |
| | | in each of sub-paragraphs (a) to (f) | £3.14 |
| 6. | The fee for each quarter of an hour (or part thereof) spent travelling— | | |
| | (a) | by a solicitor | £6.91 |
| | (b) | by a solicitor’s clerk | £3.45 |
| 7. | (a) | There is no fee for photocopying— | |
| | (i) | where fewer than 20 sheets are copied at any one time | |
| | (ii) | in relation to the first 20 sheets copied at any one time | |
| | (b) | Subject to sub-paragraph (a), the fee for all photocopying in relation to proceedings is— | |
| | (i) | for each sheet copied for up to 10,000 sheets | £0.05 |
| | (ii) | for each sheet copied in addition to the first 10,000 sheets | £0.01 |

SCHEDULE 5

Regulation 3(7)

Amendments to schedule 3 of the Civil Legal Aid (Scotland) (Fees) Regulations 1989

| | | | |
|-----------------------------------|--|--|--------|
| 1. | The fee for— | | |
| | (a) | any time up to the first half hour spent by a solicitor conducting a proof or hearing | £30.51 |
| | (b) | each quarter hour (or part thereof) subsequent to the first half hour | £15.26 |
| 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 6 of this table, provided that any time is additional to the total time charged for under paragraph 1 | £11.80 |
| | (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 6 of this table | £5.84 |
| 3. | The fee for framing affidavits – per sheet (or part thereof) | | £10.01 |
| 4. | The fee for— | | |
| | (a) | framing and drawing all necessary papers, other than affidavits or papers of a formal character | |
| | (b) | each citation of a party, witness or haver including execution thereof | |
| | (c) | instructing messengers-at-arms and sheriff officers, including examining execution and settling fee | |
| | (d) | agency accepting service of any writ | |
| | (e) | lodging first step of process | |
| | (f) | lengthy telephone calls (of over 4 minutes and up to 10 minutes duration) | |
| | (g) | letters, including instructions to counsel - per page (or part thereof), subject to paragraph 5(f) below | |
| | (h) | perusing any document (other than a letter) consisting of not more than 12 sheets - for the first 2 sheets and each 2 sheets thereafter | |
| | NOTE: Where the document perused consists of more than 12 sheets the fee for perusing the whole document shall be charged in accordance with paragraph 2 above | | |
| in each of sub-paragraphs (a)-(h) | | | £6.71 |
| 5. | The fee for— | | |
| | (a) | attendance at court offices for carrying out formal work including making up process and each necessary lodging in (other than first step), uplifting from or borrowing of process (to include return of same) or enquiry for documents due to be lodged | |
| | (b) | revising papers drawn by counsel, open and closed records etc. or where revisal ordered - per 5 sheets (or part thereof) | |
| | (c) | framing formal papers such as inventories, title pages and accounts of expenses per sheet (or part thereof) | |
| | (d) | certifying or signing a document | |
| | (e) | short telephone calls (of up to 4 minutes duration) | |
| | (f) | short letters of a formal nature, intimations, and letters confirming telephone calls | |
| | in each of sub-paragraphs (a) to (f) | | |

| | | |
|-----|---|------------------------|
| 5A. | The fee for each quarter hour (or part thereof) spent travelling— | |
| | (a) | by a solicitor |
| | (b) | by a solicitor's clerk |
| 6. | Where a document is copied and it is necessary to take a copy of more than 20 sheets (whether 20 of 1 sheet, 5 of 4 sheets or whatever), for each sheet copied a fee of | |
| | | £5.80 |
| | | £2.93 |
| | | £0.08 |

SCHEDULE 6

Regulation 3(8)

Amendments to schedule 4 of the Civil Legal Aid (Scotland) (Fees) Regulations 1989

TABLE OF FEES A

FEES OF COUNSEL FOR PROCEEDINGS IN THE COURT OF SESSION

PART 1
JUNIOR COUNSEL

| CHAPTER 1 –FAMILY ACTIONS | | |
|--|---|---------|
| 1. | Summons or other initiating writ | £324.45 |
| 2. | Minute | |
| | (a) minute relating to orders for parental responsibilities or parental rights and/or aliment or financial provision | £216.30 |
| | (b) any other minute containing a conclusion or crave | £162.23 |
| 3. | Defences or answers | |
| | (a) Defences or answers in purely skeleton form to preserve the rights of parties | £54.08 |
| | (b) Defences or answers to which sub-paragraph (a) does not apply | £297.42 |
| 4. | Joint minute or minute of agreement regulating aliment, financial provision, orders relating to parental responsibilities or parental rights or any other matter in respect of which orders may be sought | |
| | (a) straightforward cases | £54.08 |
| | (b) other cases | £135.19 |
| | (c) minute of agreement | £216.30 |
| 5. | Minute for decree | £54.08 |
| 6. | All other work - the fees prescribed in Chapter 6 apply | |
| CHAPTER 2 - PETITIONS (OTHER THAN PETITIONS TO WHICH CHAPTERS 3 TO 5 APPLY) | | |
| 1. | Petition | |
| | (a) petition for interdict | |
| | (i) straightforward cases | £216.30 |
| | (ii) other cases | £324.45 |
| | (b) other Outer House petitions | £324.45 |
| | (c) the fee for Inner House petitions shall be as appears to the Board, or as the case may be the auditor, to provide reasonable remuneration for the work having regard to the level of fees in this Table of Fees | |
| 2. | Answers | |
| | (a) petition for interdict | £162.23 |
| | (b) other Outer House petitions | £162.23 |
| | (c) the fee for Inner House petitions shall be as appears to the Board, or as the case may be the auditor, to provide reasonable remuneration for the work having regard to the level of fees in this | |

| | | |
|---|---|---------|
| | Table of Fees | |
| 3. | All other work - the fees prescribed in Chapter 6 apply | |
| CHAPTER 3 - PETITIONS FOR JUDICIAL REVIEW | | |
| 1. | Petition for judicial review | £378.53 |
| 2. | Oral hearing at permission stage or procedural hearing | |
| | (a) where the hearing does not exceed 30 minutes | £64.89 |
| | (b) where the hearing exceeds 30 minutes, for each subsequent half hour or part thereof | £54.08 |
| 3. | Substantive hearing | |
| | (a) junior alone | £973.35 |
| | (b) junior with senior | £702.98 |
| 4. | Written statement of arguments | £216.30 |
| 5. | All other work - the fees prescribed in Chapter 6 apply | |
| CHAPTER 4 – PETITIONS ON CHILD ABDUCTION AND ON THE RECOGNITION AND ENFORCEMENT OF DECISIONS RELATING TO CHILDREN | | |
| 1. | Petition | £351.49 |
| 2. | Answers | £351.49 |
| 3. | Motion for interim orders | |
| | (a) where the hearing does not exceed 30 minutes | £64.89 |
| | (b) where the hearing exceeds 30 minutes, for each subsequent half hour or part thereof | £54.08 |
| 4. | First or second hearing (per day) | |
| | (a) junior alone | £973.35 |
| | (b) junior with senior | £702.98 |
| 5. | Revising any affidavit which requires to be lodged | £54.08 |
| 6. | All other work - the fees prescribed in Chapter 1, which failing Chapter 6 apply | |
| CHAPTER 5 - APPLICATIONS FOR ADOPTION ORDERS, CONVENTION ADOPTION ORDERS AND PERMANENCE ORDERS AND OTHER PROCEEDINGS UNDER THE ADOPTION AND CHILDREN (SCOTLAND) ACT 2007 | | |
| 1. | Petition | £324.45 |
| 2. | Revising any affidavit which requires to be lodged | £54.08 |
| 3. | Note for revocation of permanence order or other note in the adoption process | £216.30 |
| 4. | Hearing to set timetable or determine procedure (per half hour) | £54.08 |
| 5. | All other work - the fees prescribed in Chapter 1, which failing Chapter 6 apply | |
| CHAPTER 6 – ORDINARY ACTIONS | | |
| 1. | Summons | £324.45 |
| 2. | Defences | |
| | (a) where in purely skeleton form to preserve rights of parties | £54.08 |

| | | | |
|-----|---|--|---------------------|
| | (b) | otherwise | £297.42 |
| 3. | Adjustment of pleadings | | |
| | (a) | adjustment of skeleton defences | £243.34 |
| | (b) | otherwise (each occasion) | £81.12 |
| 4. | Specification of documents | | |
| | (a) | specification with standard calls only | £54.08 |
| | (b) | other specification of documents | £135.19 |
| 5. | Minutes etc. | | |
| | (a) | formal amendments or answers | £81.12 |
| | (b) | amendments or answers other than formal | £162.23 |
| | (c) | drafting, revising and signing tender or acceptance | £54.08 |
| | (d) | note of exceptions | £54.08 |
| | (e) | abandonment, sist, restriction, etc. | £54.08 |
| | (f) | issue or counter issue | £81.12 |
| 6. | Notes | | |
| | (a) | note on liability and/or quantum | £162.23- £378.53 |
| | (b) | note advising on tender or extra-judicial offer, where not merely confirming advice at consultation | £135.19 |
| | (c) | note on line of evidence | £216.30- £432.60 |
| | (d) | other types of note | £162.23 |
| 7. | Consultations | | |
| | (a) | before proof or trial, or otherwise involving a significant degree of preparation or lengthy discussion— | |
| | (i) | junior alone | £270.38- £432.60 |
| | (ii) | junior with senior | £216.30- £324.45 |
| | (b) | other consultations— | |
| | (i) | junior alone | £135.19- £270.38 |
| | (ii) | junior with senior | £108.15- £216.30 |
| 8. | Pre-trial meetings | | |
| | Pre-trial meeting with opponent with a view to settlement of the case (to include preparation of minute of pre-trial meeting and any associated joint minute) | | |
| | (i) | junior alone | £486.68 |
| | (ii) | junior with senior | £378.53 |
| 9. | Motions (including By Order hearings) | | |
| | (a) | where the hearing does not exceed 30 minutes | £64.89 |
| | (b) | where the hearing exceeds 30 minutes, for each subsequent half hour or part thereof | £54.08 |
| 9A. | Any other hearing where no other fee is specified | | |
| | (a) | where the hearing does not exceed 30 minutes | £64.89 |
| | (b) | where the hearing exceeds 30 minutes, for each subsequent half hour or part thereof | £54.08 |

| | | | | |
|------|--|--|---|-----------|
| 10. | Procedure roll, proof or jury trial (per day) | | | |
| | (a) | junior alone | £973.35 | |
| | (b) | junior with senior | £702.98 | |
| 11. | Inner House | | | |
| | (a) | Single Bills | | |
| | | (i) | where the hearing does not exceed 30 minutes | £81.12 |
| | | (ii) | where the hearing exceeds 30 minutes, for each subsequent half hour or part thereof | £54.08 |
| | (b) | reclaiming motion including appeal under section 163, 164 or 165 of the 2011 Act (per day) | | |
| | | (i) | junior opening or appearing alone | £1,081.50 |
| | | (ii) | junior otherwise | £757.05 |
| | (c) | motion for new trial (per day) | | |
| | | (i) | junior opening or appearing alone | £811.13 |
| (ii) | | junior otherwise | £540.75 | |
| 12. | Attendance at judgment | | | |
| | (a) | Outer House | £54.08 | |
| | (b) | Inner House | £54.08 | |
| 13. | Time engaged in necessary travel | | | |
| | Supplementary fee chargeable in addition to any of the above fees where necessary travel is undertaken | | £108.15 | |
| 14. | Accommodation and associated subsistence | | | |
| | Payment of necessary accommodation and associated subsistence per day | | £108.15 | |

PART 2

SENIOR COUNSEL

FAMILY ACTIONS, PETITIONS (INCLUDING JUDICIAL REVIEW, ABDUCTION AND ADOPTION) AND ORDINARY ACTIONS

| | | | |
|----|----------------------------------|--|----------------------|
| 1. | Drafting or revisal of pleadings | | |
| | (a) | drafting of summons, defences, petition or answers | £459.64 - £540.75 |
| | (b) | revisal of summons, defences, petition or answers | £162.23 |
| | (c) | adjustment fee (open record) (each occasion) | £135.19 |
| 2. | Minutes, etc. – revisal fees | | |
| | (a) | amendments (other than formal) or answers | £216.30 |
| | (b) | admissions, tender or acceptance (in appropriate cases) | £81.12 |
| | (c) | note of exceptions | £108.15 |
| 3. | Notes | | |
| | (a) | note on liability and/or quantum | £243.34 - £594.83 |
| | (b) | advice on tender or extra-judicial offer when not merely confirming advice at consultation | £216.30 |
| | (c) | note on line of evidence | £324.45 - £648.90 |
| | (d) | other notes | £243.34 |

| | | | |
|----|--|--|---------------------|
| 4. | Consultations | | |
| | before proof or trial, or otherwise involving a significant degree of preparation or lengthy discussion with senior alone or with senior and junior | | £324.45- £594.83 |
| 5. | Pre-trial meetings | | |
| | Pre-trial meetings with opponent with a view to settlement of case (to include preparation of minute of pre-trial meeting and any associated joint minute) | | £702.98 |
| 6. | Day in court | | |
| | (a) | Inner House including appeal under section 163, 164 or 165 of the 2011 Act | £1,622.25 |
| | (b) | Outer House | £1,460.03 |
| 7. | Time engaged in necessary travel | | |
| | Supplementary fee chargeable in addition to any of the above fees where necessary travel is undertaken | | £108.15 |
| 8. | Accommodation and associated subsistence | | |
| | Payment of necessary accommodation and associated subsistence per day | | £108.15 |

TABLE OF FEES B
Fees of Counsel for proceedings in the sheriff court, First-Tier Tribunal for Scotland, Sheriff Appeal Court and Upper Tribunal for Scotland

PART 1
JUNIOR COUNSEL

| | | | |
|----|---|---|----------------------|
| 1. | Initial writ (or minute in family action or applications to the First-tier Tribunal for Scotland) | | £297.42 |
| 2. | Defences (or answers to minute in family action or representations to the First-tier Tribunal for Scotland) | | £243.34 |
| 3. | Adjustment of pleadings | | |
| | Adjustment fee (each occasion) | | £73.01 |
| 4. | Specification of documents | | |
| | (a) | straightforward cases | £48.67 |
| | (b) | other cases | £118.97 |
| 5. | Minutes, etc. | | |
| | (a) | formal amendments or answers | £48.67 |
| | (b) | amendments or answers other than formal | £124.38 |
| | (c) | drafting, revising and signing tender or acceptance | £48.67 |
| | (d) | note of exceptions | £43.26 |
| | (e) | abandonment, sist, restriction, etc. | £43.26 |
| 6. | Notes | | |
| | (a) | note on liability and/or quantum | £146.01 - £340.68 |
| | (b) | note advising on tender or extra-judicial offer, where not merely confirming advice at consultation | £118.97 |
| | (c) | note on line of evidence | £194.67 - £389.34 |
| | (d) | other notes | £146.01 |

| | | | |
|------|---|---|---------------------|
| 7. | Applications for adoption orders and permanence orders and other proceedings under the Adoption and Children (Scotland) Act 2007(a) | | |
| | (a) | petition | £297.42 |
| | (b) | minute for revocation of permanence order or other minute in the adoption process | £243.34 |
| | (c) | revising each affidavit | £48.67 |
| | (d) | hearing to set timetable or determine procedure | £48.67 |
| 8. | Applications under section 85(1) of the Children (Scotland) Act 1995(b) or under section 110 of the 2011 Act | | |
| | Written application under section 85(1) of the Children (Scotland) Act 1995 for a review of establishment of grounds of referral | | £243.34 |
| | Written application under section 110 of the 2011 Act for review of grounds of determination | | £243.34 |
| 9. | Motions | | |
| | Attendance at opposed motion for up to half hour, and for each subsequent half hour or part thereof | | £48.67 |
| 10. | Time engaged in necessary travel | | |
| | Supplementary fee chargeable where necessary travel undertaken | | £108.15 |
| 11. | Accommodation and associated subsistence | | |
| | Payment of necessary accommodation and associated subsistence per day | | £108.15 |
| | | Junior with senior | Junior alone |
| 12. | Consultations (including joint consultations with opponent with a view to negotiating settlement) | | |
| | Before proof, or otherwise involving a significant degree of preparation or lengthy discussion | | £194.67 - £292.01 |
| 13. | Child welfare hearing | | |
| | Attendance up to half hour, and for each subsequent half hour or part thereof | | £43.26 |
| 14. | Hearings under Part 2 of Chapter 3 of the Children (Scotland) Act 1995 | | |
| | (a) | under section 55 to defend an application for a child assessment order | £43.26 |
| | (b) | under section 60(7) for an application to set aside or vary a child protection order | £43.26 |
| | (c) | under section 67 to defend a warrant for further detention of a child | £43.26 |
| 14A. | Applications to the sheriff under the 2011 Act | | |
| | (a) | under section 48 to vary or terminate a child protection order | £43.26 |
| | (b) | under section 98 to extend or vary an interim compulsory supervision order | £43.26 |
| | (c) | under section 99 to further extend or vary an interim compulsory supervision order | £43.26 |
| | (d) | under section 166 to review a decision or determination to impose a duty on a local authority | £43.26 |

(a) 2007 asp 4.

(b) 1995 c.36.

| | | | | |
|-----|--|-----------------|---------|---------|
| 15. | Proof, debate (or like hearing) or appeal under section 51(1) of the Children (Scotland) Act 1995 and hearing or appeal under section 101, 110, 154, 160, 161 or 162 of the 2011 Act (per day) | | | |
| | (a) | up to 20 days | £675.94 | £876.02 |
| | (b) | subsequent days | £608.35 | £788.42 |
| 16. | Appeal to the Sheriff Appeal Court including appeal under section 163, 164, 165 or 167 of the 2011 Act or to the Upper Tribunal for Scotland (per day) | | £702.98 | £919.28 |
| 17. | Any other hearing where no other fee is specified | | | |
| | Attendance for up to half hour, and for each subsequent half hour or part thereof | | | £59.49 |

**PART 2
SENIOR COUNSEL**

| | | | | |
|-----|--|---|--|-------------------|
| 1. | Revisal of pleadings | | | |
| | (a) | revisal of initial writ, defences, petition or answers | | £146.01 |
| | (b) | adjustment fee (open record) (each occasion) | | £121.68 |
| 2. | Other revisal fees | | | |
| | (a) | amendments (other than formal) or answers | | £194.67 |
| | (b) | admissions, tender or acceptance (in appropriate cases) | | £73.01 |
| 3. | Notes | | | |
| | (a) | note on liability and/or quantum | | £219.01 - £540.75 |
| | (b) | advice on tender or extra-judicial offer where not merely confirming advice at consultation | | £292.01 |
| | (c) | note on line of evidence | | £292.01 - £584.01 |
| | (d) | other notes | | £219.01 |
| 4. | Consultations (including joint consultations with opponent with a view to negotiating settlement) | | | |
| | Before proof, or otherwise involving a significant degree of preparation or lengthy discussion | | | £292.01 - £540.75 |
| 4A. | Applications to the sheriff under the 2011 Act | | | |
| | (a) | under section 48 to vary or terminate a child protection order | | £89.23 |
| | (b) | under section 98 to extend or vary an interim compulsory supervision order | | £89.23 |
| | (c) | under section 99 to further extend or vary an interim compulsory supervision order | | £89.23 |
| | (d) | under section 166 to review a decision or determination to impose a duty on a local authority | | £89.23 |
| 5. | Proof, debate (or like hearing) or appeal under section 51(1) of the Children (Scotland) Act 1995 and hearing or appeal under section 101, 110, 154, 160, 161 or 162 of the 2011 Act (per day) | | | |
| | (a) | up to 20 days | | £1,314.03 |
| | (b) | subsequent days | | £1,182.63 |
| 6. | Appeal to Sheriff Appeal Court including appeal under section 163, 164, 165 or 167 of the 2011 Act or to the Upper Tribunal for Scotland (per day) | | | £1,405.95 |
| 7. | Time engaged in necessary travel | | | |

| | | |
|----|---|---------|
| | Supplementary fee chargeable in addition to any of the above fees where necessary travel undertaken | £108.15 |
| 8. | Accommodation and associated subsistence | |
| | Payment of necessary accommodation and associated subsistence per day | £108.15 |

SCHEDULE 7

Regulation 3(9)

Amendments to schedule 5 of the Civil Legal Aid (Scotland) (Fees) Regulations 1989

| | | | |
|--------------------------------------|--|---|--------|
| 1. | The fee for— | | |
| | (a) | any time up to the first half hour spent by a solicitor conducting a proof or hearing | £40.65 |
| | (b) | each quarter hour (or part thereof) subsequent to the first half hour | £20.33 |
| 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 6 of this table, provided that any time is additional to the total time charged for under paragraph 1 | £15.72 |
| | (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 6 of this table | £7.77 |
| 3. | The fee for— | | |
| | framing affidavits – per sheet (or part thereof) | | £13.32 |
| 4. | The fee for— | | |
| | (a) | framing and drawing all necessary papers, other than affidavits or papers of a formal character – per sheet (or part thereof) | |
| | (b) | each citation of a party, witness or haver including execution thereof | |
| | (c) | instructing messengers-at-arms and sheriff officers, including examining execution and settling fee | |
| | (d) | agency accepting service or any writ | |
| | (e) | lodging first step of process | |
| | (f) | lengthy telephone calls (of over 4 minutes and up to 10 minutes duration) | |
| | (g) | letters, including instructions to counsel – per page (or part thereof), subject to paragraph 5(f) below | |
| | (h) | perusing any document (other than a letter) consisting of not more than 12 sheets – for the first 2 sheets and each 2 sheets thereafter— | |
| | Note: Where the document perused consists of more than 12 sheets the fee for perusing the whole document shall be charged in accordance with paragraph 2 above | | |
| in each of sub-paragraphs (a) to (h) | | £8.97 | |
| 5. | The fee for— | | |
| | (a) | attendance at court offices for performance of formal work including making up process and each necessary lodging in (other than first step) uplifting from or borrowing of process (to include return of same) or enquiry for documents due to be lodged | |
| | (b) | Revising papers drawn by counsel, open and closed records etc. or where revisal ordered — per 5 sheets (or part thereof) | |

| | | | |
|-----|------|---|-------|
| | (c) | framing formal papers such as inventories, title pages and accounts of expenses per sheet (or part thereof) | |
| | (d) | certifying or signing a document | |
| | (e) | short telephone calls (of up to 4 minutes duration) | |
| | (f) | short letters of a formal nature, intimations, and letters confirming telephone calls | |
| | | in each of sub-paragraphs (a) to (f) | £3.53 |
| 5A. | | The fee for each quarter of an hour (or part thereof) spent travelling— | |
| | (a) | by a solicitor | £7.87 |
| | (b) | by a solicitor's clerk | £3.89 |
| 6. | (a) | There is no fee for photocopying— | |
| | (i) | where fewer than 20 sheets are copied at any one time | |
| | (ii) | in relation to the first 20 sheets copied at any one time | |
| | (b) | Subject to sub-paragraph (a), the fee for all photocopying in relation to proceedings is— | |
| | (i) | for each sheet copied for up to 10,000 sheets | £0.05 |
| | (ii) | for each sheet copied in addition to the first 10,000 sheets | £0.01 |

SCHEDULE 8

Regulation 4(6)

Amendments to schedule 1 of the Criminal Legal Aid (Scotland) (Fees) Regulations 1989

PART 1

DETAILED FEES

| | | Summary Procedure | Solemn Procedure |
|-----------|--|--|--|
| 1. | In connection with the conduct of a hearing— | | |
| | (a) | in summary proceedings, the fee for— | |
| | | (i) | any time up to the first half hour spent by a solicitor conducting the hearing |
| | (ii) | each quarter hour spent, subsequent to the first half hour, conducting the hearing | £14.83 |
| (b) | in solemn proceedings, the fee for each quarter of an hour spent by a solicitor conducting the hearing | | £19.80 |
| 2. | The fee for any of the following:— | | £6.49 |
| | (a) | each citation of a witness, including execution; | |
| | (b) | framing and drawing necessary papers other than those referred to in paragraph 3(c); | |
| | (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), subject to paragraph 4(b)(iii); and | |
| | (e) | letters, including instructions to counsel, per page (or part thereof), subject to paragraph 3(b). | |
| 3. | The fee for any of the following:— | | £2.61 |
| | (a) | attendance at court offices for performance of formal work including each necessary lodging in or uplifting from court or each necessary inquiry for documents due to be lodged; | |
| | (b) | short formal letters, letters of acknowledgement, letters each having a similar 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) | subject to paragraph 4(b)(iii), short telephone calls (of up to 4 minutes' duration) and telephone calls (of any duration) where the intended recipient is not reached or insufficient narrative is provided in the account to ascertain the duration of the call. | |

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| 4. | In connection with taking a precognition in relation to solemn proceedings— | | | | |
| | (a) | subject to paragraph 7 of the notes on the operation of schedule 1, the fee for each hour (or part thereof) spent— | | | |
| | | (i) | travelling | | £12.50 |
| | | (ii) | taking a statement | | £12.50 |
| | (b) | the fee for— | | | |
| | | (i) | framing the precognition, per sheet | | £2.61 |
| | | (ii) | each letter making arrangements for taking a statement | | £1.58 |
| (iii) | | a telephone call, of any duration | | £1.03 | |
| 5. | There is no fee for photocopying— | | | | |
| | (a) | where fewer than 20 sheets are copied at any one time; | | | |
| | (b) | in relation to the first 20 sheets copied at any one time. | | | |
| | Subject to sub-paragraph (a), the fee for photocopying in relation to the proceedings is— | | | | |
| | (a) | for each sheet copied for up to 10,000 sheets | £0.05 | £0.05 | |
| | (b) | for each sheet copied in addition to the first 10,000 sheets | £0.01 | £0.01 | |
| 5A. | The fee for each quarter of an hour spent travelling— | | | | |
| | (a) | by a solicitor | £5.72 | £6.61 | |
| | (b) | by a solicitor's clerk | £2.85 | £3.31 | |
| 6. | The fee for each quarter of an hour spent carrying out work other than that prescribed in the preceding paragraphs— | | | | |
| | (a) | by a solicitor, provided the time is additional to the total time charged for under paragraph 1 | £11.42 | £13.20 | |
| | (b) | by a solicitor's clerk | £5.69 | £6.61 | |

PART 2

INCLUSIVE FEES FOR SOLEMN FIRST INSTANCE PROCEEDINGS

| | Column A | Column B | Column C |
|---|----------|----------|----------|
| 1. The fee for all work from the taking of initial instructions up until the client is admitted to bail or committed until liberated in due course of law, where— | | | |
| (a) at the first examination the client is either— | | | |
| (i) not committed for further examination; or | £164.39 | £143.84 | £61.65 |
| (ii) committed for further examination and admitted to bail. | | | |
| (b) at the first examination the client is committed for further examination and not admitted to bail. | £246.59 | £226.04 | £143.84 |
| 2. The fee for all work preparing for a bail appeal hearing including any continued diet and, where necessary, instructing Edinburgh agents | £61.65 | £61.65 | £61.65 |

| | | | |
|---|---------|---------|---------|
| 3. The fee for arranging and attending all meetings, including consultations, in prison with the client after full committal for trial up to the conclusion of the case | £472.62 | £328.78 | £164.39 |
| 4. The fee for preparation, including citing and settling with witnesses, perusing evidence and preparing lines of enquiry and submissions but excluding relative consultations, in respect of– | | | |
| (a) the first day of trial | £431.52 | £308.23 | £164.39 |
| (b) a subsequent day of trial | £164.39 | £123.30 | £41.10 |
| 4A. The fee for preparation for | £41.10 | £41.10 | £41.10 |
| (a) a hearing under section 76 of the 1995 Act (procedure where accused decides to plead guilty); | | | |
| (b) a hearing on a plea in bar of trial; | | | |
| (c) a hearing raising a preliminary issue, where the preliminary issue would have the effect of excusing the accused person from trial and no other fee is prescribed for this preparation. | | | |
| 5. The fee for all work in connection with post conviction discussions, advice and representation including advising and giving an opinion on the prospects of any appeal | £191.43 | £191.43 | £109.24 |
| 6. Unless dealt with in the course of the preliminary hearing or a first diet, the fee for all work in connection with any of the following:– | £164.39 | £164.39 | £164.39 |
| (a) a devolution issue, in terms of Schedule 6 to the Scotland Act 1998; | | | |
| (ab) a compatibility issue in terms of section 288ZA(a) of the 1995 Act; | | | |
| (b) a vulnerable witnesses application, in terms of section 271A, B, C or D of the 1995 Act; | | | |
| (c) a specification of documents; | | | |
| (d) a precognition on oath; | | | |
| (e) an evidence on commission; | | | |
| (f) an application to lead evidence relating to sexual offences under section 275(1) of the 1995 Act; | | | |
| (g) a proof in mitigation; and | | | |
| (h) an examination of facts. | | | |

(a) Section 288ZA was inserted by section 34(3) of the Scotland Act 2012 (c.11).

SCHEDULE 9

Regulation 4(7)

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

PART 1

FEES OF COUNSEL FOR PROCEEDINGS IN THE HIGH COURT OF JUSTICIARY

CHAPTER 1 JUNIOR COUNSEL

| | | |
|------------|---|--|
| 1A. | <i>Written Work</i> | |
| (a) | Petition to Nobile Officium | £243.34 |
| (b) | Drafting devolution or compatibility minute | £162.23 |
| (c) | Drafting section 275 application under the 1995 Act | £162.23 |
| (d) | Drafting specification of documents | £135.19 |
| (e) | Drafting interrogatories | £135.19 |
| (f) | Drafting defence statement under section 70A(a) of the 1995 Act or section 125 of the 2010 Act | £135.19 |
| 1B. | <i>Preliminary Hearing</i> | |
| (a) | Preliminary hearing including all managed meetings or equivalent communication with Crown counsel or the Procurator Fiscal by whatever means and including any note on the line of evidence. | Payable at one and a half times the full rate for a trial (paragraph 3 below) depending on category of case and status of counsel. |
| (aa) | Preliminary hearing, adjourned or continued in which witnesses called to give evidence. | Payable at the full rate for a trial (paragraph 3 below) depending on category of case and status of counsel. |
| (b) | Further diet which involves substantive debate or resolution of outstanding issues, preliminary pleas, objections to the admissibility of evidence by minute, devolution minutes or applications under section 275 of the 1995 Act. | Payable at two thirds of the full rate for a trial (paragraph 3 below) depending on category of case and status of counsel. |
| (c) | Adjourned diet under section 75A(b) of the 1995 Act, or continued diet. | Payable at one-half of the full rate for a trial (paragraph 3 below) depending on category of case and status of counsel. |

(a) Section 70A was inserted by section 124(3) of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13).

(b) Section 75A was inserted by section 15 of the Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 5).

| | | | | |
|-----------|--|---|---------------------|---------------------------|
| (d) | Attendance at a managed meeting or work in connection with equivalent communication with the Crown by whatever means and including any note on the line of evidence where counsel does not attend preliminary hearing. | Payable at one-half of the fee prescribed at paragraph 1B(a) above. | | |
| (e) | Conduct of preliminary hearing on receipt of detailed instructions not having been involved in pre hearing communication with the Crown. | Payable at one-half of the fee prescribed at paragraph 1B(a) above. | | |
| | | Junior as leader | Junior alone | Junior with leader |
| 2. | <i>Early Plea</i> | | | |
| | Hearing under section 76 of the 1995 Act. | £1351.88 | £1351.88 | £675.94 |
| 3. | <i>Trial per day</i> | | | |
| | <i>Category Charges Prosecuted in the High Court.</i> | | | |
| (a) | Murder, Multiple attempted murder, Culpable homicide, Rape, Assault and Robbery (involving commercial premises), Importation of controlled drugs, Fraud and related offences, section 1 of the 1988 Act (causing death by dangerous driving), section 3A of the 1988 Act (causing death by careless driving when under the influence of drink or drugs), Sedition, Treason, Offences under the 2000 Act, Torture, War crimes, Offences under the Explosive Substances Act 1883(a), sections 327 to 333 and 339(1A) of the Proceeds of Crime Act 2002 (Money Laundering)(b), Firearms offences, Incest, Sodomy, Embezzlement, Lewd and libidinous behaviour against children under the age of 12, section 2B(c) of the 1988 Act, Section 3ZB(d) of the 1988 Act, sections 1, 2, 3(2)(a) and 18 to 27 of the 2009 Act. | £811.13 | £702.98 | £486.68 |
| (b) | Attempted Murder, Assault to severe injury (with aggravations), Indecent Assault, Assault and Robbery (involving retail premises), Possession with intent to supply or being concerned in the supply of a Class A drug, Attempted Rape, Lewd and libidinous behaviour, (other than under category (a) above), Offences under the Sexual Offences Act, Offences against | £667.84 | £578.61 | £405.57 |

(a) 1883 c.3.

(b) 2002 c.29. Section 339(1A) substituted by section 105(5) of the Serious Organised Crime and Police Act 2005 (c.15).

(c) Section 2B was inserted by section 20(1) of the Road Safety Act 2006 (c.49).

(d) Section 3ZB was inserted by section 21(1) of the Road Safety Act 2006 (c.49), and relevantly amended by section 95(1) of the Criminal Justice and Courts Act 2015 (c.2).

| | | | | |
|-----------|---|---------|---------|---------|
| | Children under the 1995 Consolidation Act, Abduction and/or unlawful imprisonment, Extortion, Counterfeiting, Bribery and Corruption, Mobbing and rioting, Indecent or Obscene Publications, Environmental Protection prosecutions, Health and Safety offences, Intellectual Property offences, Offences under the Immigration Act 1971(a), Offences under section 52 or 52A of the Civic Government (Scotland) Act 1982(b), Offences under section 12(1) of the Children and Young Persons (Scotland) Act 1937(c), all offences under the 2009 Act not otherwise prescribed in this Table of Fees. | | | |
| (c) | Possession with intent to supply or being concerned in the supply of a class B or class C drug, Assault to severe injury, Assault and robbery, Mobbing, Wilful fire raising, Housebreaking, Opening lockfast places, Bigamy, Contempt of Court, Perjury, Theft, Forgery, Uttering, Reset, Concealing a pregnancy, Deformation of Sheriff's Officers, Malicious mischief, Brothel keeping, Public order offences (stirring of racial hatred, wearing of uniforms, disrupting lawful meetings), Harassment, Road traffic offences (other than section 1 or 3A of the 1988 Act), Possession of offensive weapons, Violation of sepulchres, Robbery, Breach of the peace. | £535.35 | £465.05 | £329.86 |
| 4. | <i>Miscellaneous Hearings</i> | | | |
| (a) | fee for a day in court for miscellaneous hearings other than those for which a fee is prescribed | £389.34 | £340.68 | £243.34 |
| (aa) | judicial examination | £389.34 | £340.68 | £243.34 |
| (b) | preliminary diet | £389.34 | £340.68 | £243.34 |
| (c) | hearing under section 275 of the 1995 Act | £389.34 | £340.68 | £243.34 |
| (d) | hearing on specification of documents | £389.34 | £340.68 | £243.34 |
| (e) | hearing on a devolution or compatibility minute | £389.34 | £340.68 | £243.34 |
| (f) | hearing on an application by the Crown for an extension of time | £389.34 | £340.68 | £243.34 |
| (g) | hearing under section 72 of the 1995 Act | £194.67 | £170.35 | £121.68 |
| (h) | hearing on a motion to adjourn | £194.67 | £170.35 | £121.68 |

(a) 1971 c.77.

(b) 1982 c.45. Section 52A was inserted by section 161(1) of the Criminal Justice Act 1988 (c.33) and relevantly amended by section 84(7) of the Criminal Justice and Public Order Act 1994 (c.33), section 19(1)(b) of the Criminal Justice (Scotland) Act 2003 (asp 7), and section 41(1)(b) of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13).

(c) 1937 c.37.

| | | | | |
|------------|--|---|---------|---------|
| (i) | hearing on an application for special measures | £194.67 | £170.35 | £121.68 |
| (j) | confiscation diet in which substantial evidence is led or where full settlement is agreed where the confiscation proceedings follow acceptance of a guilty plea to the charge or charges categorised as below or follow a trial as specified in this Chapter in— | | | |
| | (i) paragraph 3(a) | £811.13 | £702.98 | £486.68 |
| | (ii) paragraph 3(b) | £667.84 | £578.61 | £405.57 |
| | (iii) paragraph 3(c) | £535.35 | £465.05 | £329.86 |
| (k) | confiscation diet where no substantial evidence is led | £389.34 | £340.68 | £243.34 |
| (l) | deferred sentence where mitigation is led | £389.34 | £340.68 | £243.34 |
| (m) | deferred sentence where no mitigation is led | £194.67 | £170.35 | £121.68 |
| (n) | remit for sentence | £389.34 | £340.68 | £243.34 |
| (na) | drug treatment and testing order review | £194.67 | £170.35 | £121.68 |
| (nb) | drug treatment and testing order review where mitigation led and order revoked | £389.34 | £340.68 | £243.34 |
| (o) | adjourned trial diet | £194.67 | £170.35 | £121.68 |
| (p) | adjourned trial diet (trial having commenced) | £389.34 | £340.68 | £243.34 |
| (pa) | trial diet where there is more than one accused and counsel represents an accused who pled guilty at an earlier diet | £389.34 | £340.68 | £243.34 |
| (q) | trial within a trial | Payable at the full rate for a trial (paragraph 3 above) depending on category of case and status of counsel. | | |
| (qa) | commission on evidence and any other hearing, other than one for which a fee is prescribed, at which evidence is adduced | Payable at the full rate for a trial (paragraph 3 above) depending on category of case and status of counsel. | | |
| (r) | examination of the facts in a case of insanity or diminished responsibility | Payable at the full rate for a trial (paragraph 3 above) depending on category of case and status of counsel. | | |
| (s) | proof in mitigation | Payable at the full rate for a trial (paragraph 3 above) depending on category of case and status of counsel. | | |
| (t) | deferred sentence in which evidence is taken from an expert witness | Payable at the full rate for a trial (paragraph 3 above) depending on category of case and status of counsel. | | |
| 5. | <i>Fee for consultations, accused and counsel meetings and locus visits</i> | £227.12 | £199.00 | £146.01 |
| 5A. | <i>Fee for abortive consultation</i> | £113.56 | £99.50 | £73.01 |
| 6. | <i>Fee for a necessary Note</i> | £54.08 | £54.08 | £54.08 |

| | | | | |
|-----------|---|---------|---------|---------|
| 7. | <i>Travel</i> | | | |
| | 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 | £108.15 | £108.15 | £108.15 |
| | Supplementary fee chargeable in addition to any of the above fees where necessary travel is undertaken furth of Scotland | £216.30 | £216.30 | £216.30 |
| 8. | <i>Accommodation and associated subsistence</i> | | | |
| | Payment of necessary accommodation and associated subsistence per day | £108.15 | £108.15 | £108.15 |

CHAPTER 2
SENIOR COUNSEL

| | | |
|------------|--|--|
| 1A. | <i>Written work</i> | |
| (a) | Petition to Nobile Officium | £243.34 |
| (b) | Drafting devolution or compatibility minute | £162.23 |
| (c) | Drafting section 275 application under the 1995 Act | £162.23 |
| (d) | Drafting specification of documents | £135.19 |
| (e) | Drafting interrogatories | £135.19 |
| (f) | Drafting defence statement under section 70A of the 1995 Act or section 125 of the 2010 Act | £135.19 |
| 1B | <i>Preliminary hearing</i> | |
| (a) | Preliminary hearing including all managed meetings or equivalent with Crown counsel or the Procurator Fiscal by whatever means and including any note on the line of evidence | Payable at one and a half times the full rate for a trial (paragraph 3 below) depending on category of case and status of counsel. |
| (aa) | preliminary hearing, adjourned or continued in which witnesses called to give evidence | Payable at the full rate for a trial (paragraph 3 below) depending on category of case and status of counsel. |
| (b) | further diet which involves substantive debate or the resolution of outstanding issues, preliminary pleas, objections to the admissibility of evidence by minute, devolution minutes or applications under section 275 of the 1995 Act | Payable at two thirds of the full rate for a trial (paragraph 3 below) |

| | | |
|-----|---|---|
| | | depending on category of case and status of counsel. |
| (c) | adjourned diet under section 75A(a) of the 1995 Act, or continued diet | Payable at one-half of the full rate for a trial (paragraph 3 below). |
| (d) | attendance at managed meeting or work in connection with equivalent communication with the Crown by whatever means and including any note on the line of evidence where counsel does not attend preliminary hearing | Payable at one-half of the fee prescribed at paragraph 1B(a) above |
| (e) | conduct of preliminary hearing on receipt of detailed instructions not having been involved in pre hearing communication with the Crown | Payable at one-half of the fee prescribed at paragraph 1B(a) above. |
| 2. | <i>Early Plea</i> | |
| | Hearing under section 76 of the 1995 Act | £1,351.88 |
| 3. | <i>Trial (per day)</i> <i>Category Charges Prosecuted in the High Court</i> | |
| (a) | Murder, Multiple attempted murder, Culpable homicide, Rape, Assault and Robbery (involving commercial premises), Importation of controlled drugs, Fraud and related offences, section 1 of the 1988 Act (causing death by dangerous driving), section 3A of the 1988 Act (causing death by careless driving when under the influence of drink or drugs), Sedition, Treason, Offences under the 2000 Act, Torture, War crimes, Offences under the Explosive Substances Act 1883(b), sections 327 to 333 and 339(1A) of the Proceeds of Crime Act 2002(c) (Money Laundering), Firearms offences, Incest, Sodomy, Embezzlement, Lewd and libidinous behaviour against children under the age of 12, section 2B(d) of the 1988 Act, section 3ZB(e) of the 1988 Act, sections 1, 2, 3(2)(a) and 18 to 27 of the 2009 Act | £973.35 |

(a) Section 75A was inserted by section 15 of the Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 5).

(b) 1883 c.3.

(c) 2002 c. 29. Section 339(1A) substituted by section 105(5) of the Serious Organised Crime and Police Act 2005 (c.15).

(d) Section 2B was inserted by section 20(1) of the Road Safety Act 2006 (c.49).

(e) Section 3ZB was inserted by inserted by section 21(1) of the Road Safety Act 2006 (c.49), and relevantly amended by section 95(1) of the Criminal Justice and Courts Act 2015 (c.2).

| | | |
|-------|--|---------|
| (b) | Attempted Murder, Assault to severe injury (with aggravations), Indecent Assault, Assault and Robbery (involving retail premises), Possession with intent to supply or being concerned in the supply of a Class A drug, Attempted Rape, Lewd and libidinous behaviour, (other than under category (a) above), Offences under the Sexual Offences Act, Offences against Children under the 1995 Consolidation Act, Abduction and/or unlawful imprisonment, Extortion, Counterfeiting, Bribery and Corruption, Mobbing and rioting, Indecent or Obscene Publications, Environmental Protection prosecutions, Health and Safety offences, Intellectual Property offences, Offences under the Immigration Act 1971, Offences under section 52 or 52A of the Civic Government (Scotland) Act 1982, Offences under section 12(1) of the Children and Young Persons (Scotland) Act 1937, all offences under the 2009 Act not otherwise prescribed in this Table of Fees | £757.05 |
| (c) | Possession with intent to supply or being concerned in the supply of a class B or class C drug, Assault to severe injury, Assault and robbery, Mobbing, Wilful fire raising, Housebreaking, Opening lockfast places, Bigamy, Contempt of Court, Perjury, Theft, Shameless indecency, Offences under the Sexual Offences Act 2003(a), Forgery, Concealing a pregnancy, Deformation of Sheriff's Officers, Malicious mischief, Brothel keeping, Public order offences (stirring of racial hatred, wearing of uniforms, disrupting lawful meetings), Harassment, Road traffic offences (other than section 1 or 3A of the 1988 Act), Possession of offensive weapons, Violation of sepulchres, Robbery, Breach of the peace | £605.64 |
| 4. | <i>Miscellaneous Hearings</i> | |
| (a) | fee for a day in court for miscellaneous hearings other than those for which a fee is prescribed | £443.42 |
| (aa) | judicial examination | £443.42 |
| (b) | preliminary diet | £443.42 |
| (c) | hearing under section 275 of the 1995 Act | £443.42 |
| (d) | hearing on specification of documents | £443.42 |
| (e) | hearing on a devolution or compatibility minute | £443.42 |
| (f) | hearing on an application by the Crown for an extension of time | £443.42 |
| (g) | hearing under section 72 of the 1995 Act | £221.71 |
| (h) | hearing on a motion to adjourn | £221.71 |
| (i) | hearing on an application for special measures | £221.71 |
| (j) | confiscation diet in which substantial evidence is led or where full settlement is agreed where the confiscation proceedings follow acceptance of a guilty plea to the charge or charges categorised as below or follow a trial as specified in this Chapter in— | |
| (i) | paragraph 3(a) | £973.35 |
| (ii) | paragraph 3(b) | £757.05 |
| (iii) | paragraph 3(c) | £605.64 |
| (k) | confiscation diet where no substantial evidence is led | £443.42 |
| (l) | deferred sentence where mitigation is led | £443.42 |
| (m) | deferred sentence where no mitigation is led | £221.71 |

(a) 2003 c.42.

| | | | |
|---|---|--|---|
| | (n) | remit for sentence | £443.42 |
| | (na) | drug treatment and testing order review | £221.71 |
| | (nb) | drug treatment and testing order review where mitigation led and order revoked | £443.42 |
| | (o) | adjourned trial diet | £221.71 |
| | (p) | adjourned trial diet (trial having commenced) | £443.42 |
| | (pa) | trial diet where there is more than one accused and counsel represents an accused who pled guilty at an earlier diet | £443.42 |
| | (q) | trial within a trial | Payable at the full rate for a trial (paragraph 3 above) depending on category of case. |
| | (qa) | commission on evidence and any other hearing, other than one for which a fee is prescribed, at which evidence is adduced | Payable at the full rate for a trial (paragraph 3 above) depending on category of case and status of counsel. |
| | (r) | examination of the facts in a case of insanity or diminished responsibility | Payable at the full rate for a trial (paragraph 3 above) depending on category of case. |
| | (s) | proof in mitigation | Payable at the full rate for a trial (paragraph 3 above) depending on category of case. |
| | (t) | deferred sentence in which evidence is taken from an expert witness | Payable at the full rate for a trial (paragraph 3 above) depending on category of case. |
| 5. | <i>Fee for consultations, accused and counsel meetings and locus visits</i> | | £270.38 |
| 5A. | <i>Fee for abortive consultation</i> | | £135.19 |
| 6. | <i>Fee for a necessary Note</i> | | £54.08 |
| 7. | <i>Travel</i> | | |
| Supplementary fee chargeable in addition to any of the above fees where | | | £108.15 |

| | |
|---|---------|
| necessary travel is undertaken within Scotland, including travel to a Procurator Fiscal's office or elsewhere to view productions | |
| Supplementary fee chargeable in addition to any of the above fees where necessary travel is undertaken furth of Scotland | £216.30 |
| 8. <i>Accommodation and associated subsistence</i> | |
| Payment of necessary accommodation and associated subsistence per day | £108.15 |

PART 2
FEES OF COUNSEL IN APPEAL PROCEEDINGS
CHAPTER 1
JUNIOR COUNSEL

| | | Junior as Leader | Junior Alone | Junior with Leader |
|------|---|-------------------------|---------------------|---------------------------|
| 1. | Appeal against Sentence | | | |
| (a) | drafting Grounds or Note of Appeal against sentence | £88.69 | £88.69 | £88.69 |
| (b) | written Submissions in Appeal against Sentence | £135.19 | £108.15 | £81.12 |
| (c) | any hearing under sections 107 and 187 of the 1995 Act, including any consultation on the day of the appeal | £217.39 | £162.23 | £121.13 |
| (d) | any hearing on appeal against sentence, including any consultation on the day of the appeal | £217.39 | £162.23 | £121.13 |
| (e) | opinion (or note) on appeal against sentence (where not otherwise prescribed) | £81.12 | £81.12 | £81.12 |
| 2. | Appeal by way of Bill of Suspension, Bill of Advocacy or Stated Case | | | |
| (a) | drafting Bill of Suspension or Bill of Advocacy or adjustment of Stated Case | £91.93 - £287.68 | £88.69– £216.30 | £81.12– £162.23 |
| (b) | appearance at any hearing on Stated Case, Bill of Suspension or Advocacy | £362.31 | £270.38 | £202.25 |
| (c) | opinion | £135.19 | £135.19 | £135.19 |
| 3. | Appeal against Conviction or Conviction and Sentence | | | |
| (a) | drafting Grounds of Appeal against conviction or conviction and sentence | £270.38– £454.23 | £216.30– £378.53 | £151.41– £324.45 |
| (b) | written Submissions in Appeal against conviction or conviction and sentence | £270.38– £454.23 | £216.30– £378.53 | £151.41– £324.45 |
| (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) | £757.05– £1,177.76 | £540.75– £892.24 | £432.60– £675.94 |
| (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 | £427.20 | £378.53 | £270.38 |
| | (ii) | Where the hearing lasts more than 3 hours, but fewer than 6 hours | £505.07- £785.17 | £361.23- £594.83 | £288.77- £450.99 |
| | (iii) | Where the hearing last 6 hours or more | | | |
| | (aa) | for each 6 hour period | £757.05- £1,177.76 | £540.75- £892.24 | £432.60- £675.94 |
| | (ab) | for any remaining period of fewer than 3 hours | £427.20 | £378.53 | £270.38 |
| | (ac) | for any remaining period of more than 3 hours | £505.07- £785.17 | £361.23- £594.83 | £288.77- £450.99 |
| | (e) | opinion | £270.38- £432.60 | £216.30- £378.53 | £151.41- £324.45 |
| 4. | | Appeal Hearing before a Full Bench (5 or more Judges) | £1,405.95 | £1,081.50 | £811.13 |
| 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 | £32.45 | £32.45 | £32.45 |
| | (ab) | all work in connection with a continued diet in relation to such an appeal | £32.45 | £32.45 | £32.45 |
| | (b) | all work in connection with an application for interim liberation before 3 judges | £151.41 | £108.15 | £81.12 |
| 6. | | Appeals Conduct Other | | | |
| | (a) | hearing on petition to the Nobile Officium | £757.05- £1,177.76 | £540.75- £892.24 | £432.60- £675.94 |
| | (b) | reference to the High Court (devolution issue) | £757.05- £1,177.76 | £540.75- £892.24 | £432.60- £675.94 |
| | (c) | Appeal arising from pre-trial or continuing trial hearing | £757.05- £1,177.76 | £540.75- £892.24 | £432.60- £675.94 |
| | (ca) | Appeal from the Sheriff Appeal Court to the High Court under section 194ZB(a) of the 1995 Act | £757.05- £1,177.76 | £540.75- £892.24 | £432.60- £675.94 |
| | (cb) | referral from the Sheriff Appeal Court to the High Court under section 175A(b) of the 1995 Act | £757.05- £1,177.76 | £540.75- £892.24 | £432.60- £675.94 |
| | (d) | opinion | £270.38- £432.60 | £216.30- £378.53 | £151.41- £324.45 |
| 6A. | | Advising Hearing - Any hearing relative to proceedings of a type described in the preceding paragraphs held subsequent to the | | | |

(a) Section 194ZB was inserted by section 119 of the Courts Reform (Scotland) Act 2014 (asp 18).

(b) Section 175A was inserted by section 120 of the Courts Reform (Scotland) Act 2014 (asp 18).

| | | | | |
|-----|---|---------------------|---------------------|---------------------|
| | court making avizandum, if paragraph 11E of the notes on the operation of schedule 2— | | | |
| | (a) applies | £389.34 | £340.68 | £243.34 |
| | (b) does not apply | £162.23 | £162.23 | £162.23 |
| 7. | Appeals Written Work Other | | | |
| | (a) drafting Devolution or compatibility Minute | £162.23 | £162.23 | £162.23 |
| | (b) drafting Petition to the Nobile Officium | £243.34 | £243.34 | £243.34 |
| | (c) opinion in connection with an application under section 94(2A) of the Criminal Procedure (Scotland) Act 1995(a) (transcripts of record and documentary productions) | £54.08 | £54.08 | £54.08 |
| 8. | Consultations | £227.12 | £199.00 | £146.01 |
| 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 | £108.15 | £108.15 | £108.15 |
| | Supplementary fee chargeable in addition to any of the above fees where necessary travel is undertaken furth of Scotland | £216.30 | £216.30 | £216.30 |
| 10. | Accommodation and associated subsistence | | | |
| | Payment of necessary accommodation and associated subsistence per day | £108.15 | £108.15 | £108.15 |
| 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 | £270.38– £865.20 | £216.30– £757.05 | £151.41– £648.90 |

CHAPTER 2
SENIOR COUNSEL

| | | Senior |
|----|---|---------------------|
| 1. | Appeal against Sentence | |
| | (a) drafting Grounds or Note of Appeal against sentence | £134.11 |
| | (b) written Submissions in Appeal against Sentence | £164.39 |
| | (c) any hearing under sections 107 and 187 of the 1995 Act, including any consultation on the day of the appeal | £246.59 |
| | (d) any hearing on appeal against sentence, including any consultation on the day of the appeal | £246.59 |
| | (e) opinion (or note) on appeal against sentence (where not otherwise prescribed) | £123.30 |
| 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 | £134.11– £324.45 |
| | (b) appearance at any hearing on Stated Case, Bill of Suspension or Advocation | £425.03 |

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

| | | | |
|-----|---|---|----------------------|
| | (c) | opinion | £202.79 |
| 3. | Appeal against Conviction or Conviction and Sentence | | |
| | (a) | drafting Grounds of Appeal against conviction or conviction and sentence | £270.38– £547.24 |
| | (b) | written Submissions in Appeal against conviction or conviction and sentence | £270.38– £547.24 |
| | (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) | £973.35– £1351.88 |
| | (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 | £486.68 |
| | (ii) | Where the hearing lasts more than 3 hours, but fewer than 6 hours | £648.90– £901.98 |
| | (iii) | Where the hearing last 6 hours or more— | |
| | (aa) | for each 6 hour period | £973.35– £1351.88 |
| | (ab) | for any remaining period of fewer than 3 hours | £486.68 |
| | (ac) | for any remaining period of more than 3 hours | £648.90– £901.98 |
| | (e) | opinion | £378.53– £757.05 |
| 4. | Appeal Hearing before a Full Bench (5 or more Judges) | | £1,622.25 |
| 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 | £54.08 |
| | (ab) | all work in connection with a continued diet in relation to such an appeal | £54.08 |
| | (b) | all work in connection with an application for interim liberation before 3 judges | £162.23 |
| 6. | Appeals Conduct Other | | |
| | (a) | hearing on petition to the Nobile Officium | £973.35– £1351.88 |
| | (b) | reference to the High Court (devolution issue) | £973.35– £1351.88 |
| | (c) | appeal arising from pre-trial or continuing trial hearing | £973.35– £1351.88 |
| | (ca) | Appeal from the Sheriff Appeal Court to the High Court under section 194ZB of the 1995 Act | £973.35– £1351.88 |
| | (cb) | referral from the Sheriff Appeal Court to the High Court under section 175A of the 1995 Act | £973.35– £1351.88 |
| | (d) | opinion | £378.53– £757.05 |
| 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 | £443.42 |
| | (b) | does not apply | £162.23 |
| 7. | Appeals Written Work Other | | |
| | (a) | drafting Devolution or compatibility Minute | £162.23 |
| | (b) | drafting Petition to the Nobile Officium | £243.34 |

| | | | |
|---|--|--|-----------------------|
| | (c) | opinion in connection with an application under section 94(2A) of the 1995 Act (transcripts of record and documentary productions) | £54.08 |
| 8. | Consultations | | £270.38 |
| 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 | | | £108.15 |
| Supplementary fee chargeable in addition to any of the above fees where necessary travel is undertaken furth of Scotland | | | £216.30 |
| 10. | Accommodation and associated subsistence | | |
| Payment of necessary accommodation and associated subsistence per day | | | £108.15 |
| 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 | | £378.53– £1,514.10 |

PART 3

FEES OF COUNSEL FOR PROCEEDINGS IN THE SHERIFF AND JUSTICE OF THE PEACE COURT

CHAPTER 1

JUNIOR COUNSEL

| | | | | |
|------------|---|-------------------------|---------------------|---------------------------|
| 1A. | <i>Written work</i> | | | |
| (a) | petition to the Nobile Officium | | | £243.34 |
| (b) | drafting devolution or compatibility minute | | | £162.23 |
| (c) | drafting section 275 application under the 1995 Act | | | £162.23 |
| (d) | drafting specification of documents | | | £135.19 |
| (e) | drafting interrogatories | | | £135.19 |
| (f) | drafting defence statement under section 70A of the 1995 Act(a) or section 125 of the 2010 Act | | | £135.19 |
| | | Junior as leader | Junior alone | Junior with leader |
| 1B. | <i>Early Plea</i> | | | |
| | Hearing under section 76 of the 1995 Act | £1351.88 | £1351.88 | £675.94 |
| 2. | <i>Trial (per day)</i> | | | |
| | <i>Category Charges Prosecuted in the Sheriff Court</i> | | | |
| (a) | Culpable Homicide, Assault and Robbery (involving commercial premises), Importation of controlled drugs, Fraud and related offence, section 1 of the 1988 Act (causing death by dangerous driving), section 3A of the 1988 Act (causing death by careless driving when under the influence of drink or drugs), Sedition, Treason, Offences under the 2000 Act, Torture, War crimes, Rape, | £700.28 | £621.87 | £389.34 |

(a) Section 70A was inserted by section 124(3) of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13).

| | | | | |
|-----|---|---------|---------|---------|
| | Multiple attempted murder, Offences under the Explosive Substances Act 1883(a), sections 327 to 333 and 339(1A) of the Proceeds of Crime Act 2002 (Money Laundering)(b), Firearms offences, Incest, Sodomy, Embezzlement, Lewd and libidinous behaviour against children under the age of 12, section 2B of the 1988 Act, section 3ZB of the 1988 Act, sections 1, 2, 3(2)(a) and 18 to 27 of the 2009 Act | | | |
| (b) | Attempted Murder, Assault to severe injury (with aggravations), Indecent Assault, Assault and Robbery (involving retail premises), Possession with intent to supply or being concerned in the supply of a Class A drug, Attempted Rape, Lewd and libidinous behaviour, (other than under category (a) above), Offences under the Sexual Offences Act, Offences against Children under the 1995 Consolidation Act, Abduction and/or unlawful imprisonment, Extortion, Counterfeiting, Bribery and corruption, Mobbing and rioting, Mobbing, Environmental Protection prosecutions, Health and Safety offences, Intellectual Property offences, Indecent or Obscene Publications, Possession with intent to supply or being concerned in the supply of a class B or class C drug, Assault to severe injury, Assault and robbery, Wilful fire raising, Housebreaking, Opening lockfast places, Bigamy, Contempt of Court, Perjury, Theft, Forgery, Uttering, Reset, Concealing a pregnancy, Deforcement of Sheriff's Officers, Malicious Mischief, Brothel keeping, Public Order offences (stirring up racial hatred, wearing of uniforms, disrupting lawful meetings), Harassment, Road traffic offences (other than section 1 or 3A of the 1988 Act), Possession of offensive weapons, Violation of sepulchres, Offences under the Immigration Act 1971(c), Offences under section 52 or 52A of the Civic Government (Scotland) Act 1982(d), Offences under section 12(1) of the Children and Young Persons (Scotland) Act 1937(e), all offences under the 2009 Act not otherwise prescribed in this Table of Fees, Robbery, Breach of the peace | £535.35 | £465.05 | £329.86 |

(a) 1883 c.3.

(b) 2002 c.29. Section 339(1A) substituted by section 105(5) of the Serious Organised Crime and Police Act 2005 (c.15).

(c) 1971 c.77.

(d) 1982 c.45. Section 52A was inserted by section 161(1) of the Criminal Justice Act 1988 (c.33) and relevantly amended by section 84(7) of the Criminal Justice and Public Order Act 1994 (c.33), section 19(1)(b) of the Criminal Justice (Scotland) Act 2003 (asp 7), and section 41(1)(b) of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13).

(e) 1937 c.37.

| | | | | |
|-----------|---|--|---------|---------|
| 3. | <i>Miscellaneous Hearings</i> | | | |
| (a) | fee for a day in court for miscellaneous hearings other than those for which a fee is prescribed | £311.48 | £272.54 | £194.67 |
| (aa) | judicial examination | £311.48 | £272.54 | £194.67 |
| (b) | preliminary diet | £311.48 | £272.54 | £194.67 |
| (c) | hearing under section 275 of the 1995 Act | £311.48 | £272.54 | £194.67 |
| (d) | hearing on specification of documents | £311.48 | £272.54 | £194.67 |
| (e) | hearing on a devolution or compatibility minute | £311.48 | £272.54 | £194.67 |
| (f) | hearing on an application by the Crown for an extension of time | £311.48 | £272.54 | £194.67 |
| (g) | hearing under section 72 of the 1995 Act | £155.74 | £136.27 | £97.34 |
| (h) | hearing on a Motion to adjourn | £155.74 | £136.27 | £97.34 |
| (i) | hearing on an application for special measures | £155.74 | £136.27 | £97.34 |
| (j) | confiscation diet in which substantial evidence is led or where full settlement is agreed where the confiscation proceedings follow acceptance of a guilty plea to the charge or charges categorised as below or follow a trial as specified in this Chapter in | | | |
| | (i) paragraph 2(a) | £700.28 | £621.87 | £389.34 |
| | (ii) paragraph 2(b) | £535.35 | £465.05 | £329.86 |
| (k) | confiscation diet where no substantial evidence is led | £311.48 | £272.54 | £194.67 |
| (l) | deferred sentence where mitigation is led | £311.48 | £272.54 | £194.67 |
| (m) | deferred sentence where no mitigation is led | £155.74 | £136.27 | £97.34 |
| (ma) | drug treatment and testing order review | £155.74 | £136.27 | £97.34 |
| (mb) | drug treatment and testing order review where mitigation is led and order revoked | £311.48 | £272.54 | £194.67 |
| (n) | adjourned trial diet | £155.74 | £136.27 | £97.34 |
| (o) | adjourned trial diet (trial having commenced) | £311.48 | £272.54 | £194.67 |
| (oa) | trial diet where there is more than one accused and counsel represents an accused who pled guilty at an earlier diet | £311.48 | £272.54 | £194.67 |
| (p) | trial within a trial | Payable at the full rate for a trial (paragraph 2 above) depending on category of case and status of counsel | | |
| (pa) | commission on evidence and any other hearing, other than one for which a fee is prescribed, at which evidence is adduced | Payable at the full rate for a trial (paragraph 2 above) depending on category of case and status of counsel | | |
| (q) | examination of the facts in a case of insanity or diminished responsibility | Payable at the full rate for a trial (paragraph 2 above) depending on category of case and status of counsel | | |
| (r) | proof in mitigation | Payable at the full rate for a trial (paragraph 2 above) depending on category of case and status of counsel | | |
| (s) | deferred sentence in which evidence is taken from an expert witness | Payable at the full rate for a trial (paragraph 2 above) depending on category of case and status of counsel | | |
| (t) | first diet | Payable at the full rate for a trial (paragraph 2 above) depending on category of case and status of counsel | | |

| | | | | |
|------------|---|---------|---------|---------|
| 4. | <i>Fee for consultations, accused and counsel meetings and locus visits</i> | £192.51 | £166.56 | £116.81 |
| 4A. | <i>Fee for abortive consultation</i> | £96.26 | £83.28 | £58.41 |
| 5. | <i>Fee for a necessary Note</i> | £54.08 | £54.08 | £54.08 |
| 6. | <i>Travel</i> | | | |
| | 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 | £108.15 | £108.15 | £108.15 |
| | Supplementary fee chargeable in addition to any of the above fees where necessary travel is undertaken furth of Scotland | £216.30 | £216.30 | £216.30 |
| 7. | <i>Accommodation and associated subsistence</i> | | | |
| | Payment of necessary accommodation and associated subsistence per day | £108.15 | £108.15 | £108.15 |

CHAPTER 2
SENIOR COUNSEL

| | | |
|------------|---|-----------|
| 1A. | <i>Written work</i> | |
| (a) | Petition to the Nobile Officium | £243.34 |
| (b) | Drafting devolution or compatibility minute | £162.23 |
| (c) | Drafting section 275 application under the 1995 Act | £162.23 |
| (d) | Drafting specification of documents | £135.19 |
| (e) | Drafting interrogatories | £135.19 |
| (f) | Drafting defence statement under section 70A of the 1995 Act or section 125 of the 2010 Act | £135.19 |
| 1B. | <i>Early Plea</i> | |
| | Hearing under section 76 of the 1995 Act | £1351.88. |
| 2. | <i>Trial (per day)</i> | |
| | <i>Category Charges prosecuted in the Sheriff Court</i> | |
| (a) | Culpable Homicide, Assault and Robbery (involving commercial premises), Importation of controlled drugs, Fraud and related offence, section 1 of the 1988 Act (causing death by dangerous driving), section 3A of the 1988 Act (causing death by careless driving when under the influence of drink or drugs), Sedition, Treason, Offences under the 2000 Act, Torture, War crimes, Offences under the Explosive Substances Act 1883, sections 327 to 333 and 339(1A) of the Proceeds of Crime Act 2002 (Money Laundering), Firearms offences, Incest, Sodomy, Embezzlement, Lewd and libidinous behaviour against children under the age of 12, section 2B of the 1988 Act, section 3ZB of the 1988 Act, sections 1, 2, 3(2)(a) and 18 to 27 of the 2009 Act | £778.68 |
| (b) | Attempted Murder, Assault to severe injury (with aggravations), Indecent Assault, Assault and Robbery (involving retail premises), Possession with intent to supply or being concerned in the supply of a Class A drug, Attempted Rape, Lewd and libidinous behaviour, (other than under category (a) above), Offences under the Sexual Offences Act, Offences against Children under the 1995 Consolidation Act, Abduction and/or unlawful imprisonment, Extortion, Counterfeiting, Bribery and corruption, Mobbing and rioting, Mobbing, Environmental Protection prosecutions, Health and Safety offences, Intellectual Property offences, Indecent or Obscene Publications, Possession with intent to supply or being concerned in the supply of a class B or class C | £605.64 |

| | | |
|------|--|--|
| | drug, Assault to severe injury, Assault and robbery, Wilful fire raising, Housebreaking, Opening lockfast places, Bigamy, Contempt of Court, Perjury, Theft, Forgery, Uttering, Reset, Concealing a pregnancy, Deforcement of Sheriff's Officers, Malicious Mischief, Brothel keeping, Public Order offences (stirring up racial hatred, wearing of uniforms, disrupting lawful meetings), Harassment, Road traffic offences (other than section 1 of 3A of the 1988 Act), Possession of offensive weapons, Violation of sepulchres, Offences under the Immigration Act 1971, Offences under section 52 or 52A of the Civic Government (Scotland) Act 1982, Offences under section 12(1) of the Children and Young Persons (Scotland) Act 1937, All offences under the 2009 Act not otherwise prescribed in this Table of Fees, Robbery, Breach of the peace | |
| 3. | <i>Miscellaneous Hearings</i> | |
| (a) | fee for a day in court for miscellaneous hearings other than those for which a fee is prescribed | £354.74 |
| (aa) | judicial examination | £354.74 |
| (b) | preliminary diet | £354.74 |
| (c) | hearing under section 275 of the 1995 Act | £354.74 |
| (d) | hearing on specification of documents | £354.74 |
| (e) | hearing on a devolution or compatibility minute | £354.74 |
| (f) | hearing on an application by the Crown for an extension of time | £354.74 |
| (g) | hearing under section 72 of the 1995 Act | £177.37 |
| (h) | hearing on a motion to adjourn | £177.37 |
| (i) | hearing on an application for special measures | £177.37 |
| (j) | confiscation diet in which substantial evidence is led or where full settlement is agreed where the confiscation proceedings follow acceptance of a guilty plea to the charge or charges categorised as below or follow a trial as specified in this Chapter in— | |
| | (i) paragraph 2(a) | £778.68 |
| | (ii) paragraph 2(b) | £605.64 |
| (k) | confiscation diet where no substantial evidence is led | £354.74 |
| (l) | deferred sentence where mitigation is led | £354.74 |
| (m) | deferred sentence where no mitigation is led | £177.37 |
| (ma) | drug treatment and testing order review | £177.37 |
| (mb) | drug treatment and testing order review where mitigation is led and order revoked | £354.74 |
| (n) | adjourned trial diet | £177.37 |
| (o) | adjourned trial diet (trial having commenced) | £354.74 |
| (oa) | trial diet where there is more than one accused and counsel represents an accused who pled guilty at an earlier diet | £354.74 |
| (p) | trial within a trial | Payable at the full rate for a trial (paragraph 2 above) depending on category of case |
| (pa) | commission on evidence and any other hearing, other than one for which a fee is prescribed, at which evidence is adduced | Payable at the full rate for a trial (paragraph 2 above) depending on category of case and status of |

| | | |
|------------|---|--|
| | | counsel |
| (q) | examination of the facts in a case of insanity or diminished responsibility | Payable at the full rate for a trial (paragraph 2 above) depending on category of case |
| (r) | proof in mitigation | Payable at the full rate for a trial (paragraph 2 above) depending on category of case |
| (s) | deferred sentence in which evidence is taken from an expert witness | Payable at the full rate for a trial (paragraph 2 above) depending on category of case |
| (t) | first diet | Payable at the full rate for a trial (paragraph 2 above) depending on category of case |
| 4. | <i>Fee for consultations, accused and counsel meetings and locus visits</i> | £216.30 |
| 4A. | <i>Fee for abortive consultation</i> | £108.15 |
| 5. | <i>Fee for necessary Note</i> | £54.08 |
| 6. | <i>Travel</i> | |
| | 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 | £108.15 |
| | Supplementary fee chargeable in addition to any of the above fees where necessary travel is undertaken furth of Scotland | £216.30 |
| 7. | <i>Accommodation and associated subsistence</i> | |
| | Payment of necessary accommodation and associated subsistence per day | £108.15 |

SCHEDULE 10

Regulation 4(8)

Amendments to schedule 3 of the Criminal Legal Aid (Scotland) (Fees) Regulations 1989

| | | Junior Counsel | Senior Counsel |
|-----|--|----------------|----------------|
| 1. | <i>Petition for leave to appeal</i> | | |
| (a) | Drafting application for permission to appeal | £865.20 | £1,081.50 |
| (b) | Preparing respondents' objections | £594.83 | £811.13 |
| (c) | Attending Supreme Court | £1,189.65 | 1,730.40 |
| 2. | <i>Appeals and References</i> | | |
| (a) | Drafting Petition of appeal | £81.12 | £81.12 |
| (b) | Statement of Facts and Issues | £1,892.63 | £3,785.25 |
| (c) | Authorities | £648.90 | £1,297.80 |
| (d) | Consultations (each, up to a maximum of three) | £378.53 | £757.05 |
| (e) | Brief (based on a 1 day hearing) | £6,759.38 | £13,518.75 |
| (f) | Brief (based on a 2 day hearing) | £8,652.00 | £17,304.00 |
| (g) | Refresher (from day two of the hearing) | £1351.88 | £2,703.75 |
| (h) | Judgment | £162.23 | £162.23 |

SCHEDULE 11

Regulation 5(3)

Amendments to schedule 2 of the Legal Aid in Contempt of Court Proceedings (Scotland) (Fees) Regulations 1992

| | | Junior with Senior | Junior alone |
|-----|---|---|--------------|
| 1. | Hearing, held during the course of other proceedings, at which the person concerned is first called upon to answer to the alleged contempt. No consultation fee (paragraph 4) will be payable in these circumstances. | £34.08 | £50.30 |
| 2. | Hearing (other than described in paragraphs 1 or 3) – per day | | |
| (a) | In Edinburgh | £186.02 | £262.27 |
| (b) | In Glasgow | £220.10 | £322.84 |
| (c) | Elsewhere within 60 miles journey by road from Edinburgh | £228.20 | £330.94 |
| (d) | In Aberdeen, Inverness or Dumfries | £314.72 | £441.80 |
| (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. | |
| 3. | Appeals, etc. | | |
| (a) | Drafting grounds of appeals against finding of contempt including any note of appeal | £48.14 | £68.14 |
| (b) | Hearing in appeal against a finding of contempt – per day | £186.02 | £262.27 |
| (c) | Note of adjustments to stated case | £48.14 | £68.14 |
| (d) | Hearing on stated case or bill of suspension relating to a finding of contempt or a finding of contempt and sentence | £84.36 | £110.32 |
| (e) | Any appeal against sentence including fee for drafting note of appeal | £34.08 | £76.26 |
| (f) | Appeal relating to granting of bail | £25.43 | £25.43 |
| 4. | Consultations Save for in a case provided for by paragraph 1, | | |
| (a) | In Edinburgh | £59.49 | £84.36 |
| | Additional fee if held in prison | £9.20 | £9.20 |
| (b) | Elsewhere within 60 miles journey by road from Edinburgh | £110.32 | £144.39 |
| (c) | In Aberdeen, Inverness or Dumfries | £220.10 | £262.27 |
| (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 | |
| 5. | Opinion on appeal, etc. | | £50.30 |
| 6. | Revisal of stated case | | £50.30 |
| 7. | Drafting bill of suspension | | £50.30 |
| 8. | Remits for sentence and pleas in mitigation | | £50.30 |

CHAPTER 2 – SENIOR COUNSEL

| | | | |
|-----|---|--|---------|
| 1. | Hearing, held during the course of other proceedings, at which the person concerned is called upon to answer to the contempt. No consultation fee (paragraph 4) will be payable in these circumstances. | | £76.26 |
| 2. | Hearing (other than described in paragraphs 1 or 3) – per day | | |
| (a) | In Edinburgh | | £340.68 |
| (b) | In Glasgow | | £399.08 |
| (c) | Elsewhere within 60 miles journey by road from Edinburgh | | £408.28 |
| (d) | In Aberdeen, Inverness or Dumfries | | £552.12 |
| (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 | |
| 3. | Appeals, etc | | |
| (a) | Revising grounds of appeal against a finding of contempt, including any note of appeal | | £93.56 |
| (b) | Hearing in appeal against a finding of contempt – per day | | £340.68 |
| (c) | Note of adjustments to stated case | | £93.56 |
| (d) | Hearing on stated case or bill of suspension relating to a finding of contempt or a finding of contempt and sentence | | £169.26 |
| (e) | Any appeal against sentence including revisal of note of appeal | | £110.32 |
| (f) | Appeal relating to grant of bail | | £34.08 |
| 4. | Consultations. Save in a case provided for by paragraph 1, | | |
| (a) | In Edinburgh | | £127.62 |
| | Additional fee if held in prison | | £9.20 |
| (b) | Elsewhere within 60 miles journey by road from Edinburgh | | £203.33 |
| (c) | In Aberdeen, Inverness or Dumfries | | £390.97 |
| (d) | Elsewhere beyond 60 miles journey by road from | Such fee as the | |

| | | | |
|----|---|--|--------|
| | Edinburgh | Auditor considers appropriate with regard to the journey involved and the level of fees prescribed in this paragraph | |
| 5. | Opinion on appeal | | £76.26 |
| 6. | Revisal of stated case | | £76.26 |
| 7. | Revisal of bill of suspension | | £76.26 |
| 8. | Remits for sentence and pleas in mitigation | | £76.26 |

SCHEDULE 12

Regulation 6(2)(a)

Amendments to Part 1 of schedule 3 of the Advice and Assistance
(Scotland) Regulations 1996

| | | Criminal | Civil | Children's | |
|---|-------|--|--------|------------|--------|
| <i>(b) fees, as undernoted, for work other than or subsequent to that described in schedule 1B of the Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999(a)—</i> | | | | | |
| 1. The fee for— | | | | | |
| | (i) | any time up to the first half hour spent by a solicitor appearing in court or conducting another hearing; | £29.65 | £35.86 | £35.86 |
| | (ii) | each quarter hour (or part thereof) subsequent to the first half hour spent in court or conducting another hearing. | £14.83 | £17.96 | £17.96 |
| 2. The fee for— | | | | | |
| | (i) | 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 of this table, provided that any time is additional to the total time charged for under paragraph 1; | £11.42 | £13.80 | £13.80 |
| | (ii) | for 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 of this table. | £5.69 | £6.88 | £6.88 |
| 3. The fee for— | | | | | |
| | (i) | each citation of a witness including execution thereof; | £6.49 | £7.85 | £7.85 |
| | (ii) | framing and drawing precognitions and other necessary papers, subject to paragraph 4(iii) below - per sheet (or part thereof); | | | |
| | (iii) | instructing messengers-at-arms and sheriff officers, including examining execution and settling fee; | | | |
| | (iv) | lengthy telephone calls (of over 4 and up to 10 minutes duration); and | | | |
| | (v) | letters, including instructions to counsel, subject to paragraph 4(ii) below - per page (or part thereof). | | | |
| 4. The fee for— | | | | | |
| | (i) | attendance at court offices for performance of formal work including each necessary lodging in or uplifting from court or each necessary enquiry for | £2.61 | £3.14 | £3.14 |

(a) S.S.I. 1999/491. Schedule 1B was inserted by S.S.I. 2008/240 and relevantly amended by S.S.I. 2011/162, S.S.I. 2014/366, S.S.I. 2017/466 and S.S.I. 2019/78.

| | | | | | |
|--|---|--|-------|-------|-------|
| | | documents due to be lodged; | | | |
| | (ii) | short letters of a formal nature, intimations and letters confirming telephone calls; | | | |
| | (iii) | framing formal papers, including inventories and title pages - per sheet (or part thereof); | | | |
| | (iv) | revising papers drawn by counsel or where revisal ordered by court – per 5 sheets (or part thereof); and | | | |
| | (v) | short telephone calls (of up to 4 minutes duration). | | | |
| 4A. The fee for each quarter of an hour (or part thereof) spent travelling— | | | | | |
| (a) | by a solicitor; | | £5.72 | £6.91 | £6.91 |
| (b) | by a solicitor’s clerk. | | £2.85 | £3.45 | £3.45 |
| 5. | | | | | |
| (a) There is no fee for photocopying— | | | | | |
| | (i) | where fewer than 20 sheets are copied at one time; | | | |
| | (ii) | in relation to the first 20 sheets copied at any one time. | | | |
| (b) | Subject to sub-paragraph (a), the fee for all photocopying in the matter in relation to which assistance by way of representation was given is— | | | | |
| | (i) | 5 pence for each sheet copied for up to 10,000 sheets; and | | | |
| | (ii) | 1 penny per sheet for each sheet copied in addition to the first 10,000 sheets. | | | |

SCHEDULE 13

Regulation 6(3)

Amendments to Part 2 of schedule 3 of the Advice and Assistance (Scotland) Regulations 1996

| | | Criminal | Civil | Children | |
|-----|--|---|--------------|-----------------|--------|
| A. | Time occupied in carrying out work for the client other than work described in paragraphs B to E below— | | | | |
| | (i) | Solicitor – per quarter hour (or part thereof); | £12.55 | £13.80 | £13.80 |
| | (ii) | Solicitor’s clerk – per quarter hour (or part thereof). | £6.25 | £6.88 | £6.88 |
| B. | For short letters of a formal nature, short telephone calls (of up to 4 minutes duration), framing formal documents such as inventories and engrossing formal documents for signature – per sheet (or part thereof). | | £2.86 | £3.14 | £3.14 |
| C. | For letters other than B above – per page (or part thereof), framing non-formal documents other than precognitions – per sheet of 250 words (or part thereof) and lengthy telephone calls (of over 4 and up to 10 minutes duration). | | £7.14 | £7.85 | £7.85 |
| D. | For taking and drawing precognitions – for the first sheet of 250 words or less. | | £25.05 | £27.59 | £27.59 |
| | for each subsequent sheet of 250 words. | | £25.05 | £27.59 | £27.59 |
| | for each subsequent sheet of less than 250 words. | | £12.55 | £13.80 | £13.80 |
| DA. | The fee for each quarter of an hour (or part thereof) spent travelling— | | | | |
| | (a) | by a solicitor; | £6.28 | £6.91 | £6.91 |
| | (b) | by a solicitor’s clerk. | £3.13 | £3.45 | £3.45 |
| E. | (a) | There is no fee for photocopying— | | | |
| | (i) | where fewer than 20 sheets are copied at one time; | | | |
| | (ii) | in relation to the first 20 sheets copied at any one time. | | | |
| | (b) | Subject to sub-paragraph (a), the fee for all photocopying in the matter is— | | | |
| | (i) | 5 pence for each sheet copied for up to 10,000 sheets; and | | | |
| | (ii) | 1 penny per sheet for each sheet copied in addition to the first 10,000 sheets. | | | |

SCHEDULE 14

Regulation 6(4)

Amendments to Part 3 of schedule 3 of the Advice and Assistance (Scotland) Regulations 1996

| | | |
|--|---|--------|
| A reference in this Table of Fees to a section is a reference to a section of the Criminal Justice (Scotland) Act 2016(a). | | |
| 1. | Section 19 - <i>Application for review of conditions of investigative liberation</i> | |
| (a) | Inclusive fee, excluding travel, for all work where matter does not proceed to a court hearing; | £54.08 |
| (b) | Inclusive fee, excluding travel, for all work where matter proceeds to a court hearing; | £81.12 |
| (c) | Additional fee, excluding travel, for second or subsequent court hearing, per hearing; | £54.08 |
| (d) | Fee for time necessarily spent travelling to and from court, where the court is not in a town or place where the solicitor has a place of business, per quarter hour. | £6.28 |
| 2. | Section 30 - <i>Application for review of undertaking conditions</i> | |
| (a) | Inclusive fee, excluding travel, for all work where matter does not proceed to a court hearing. | £54.08 |
| (b) | Inclusive fee, excluding travel, for all work where matter proceeds to a court hearing. | £81.12 |
| (c) | Additional fee, excluding travel, for second or subsequent court hearing, per hearing. | £54.08 |
| (d) | Fee for time necessarily spent travelling to and from court, where the court is not in a town or place where the solicitor has a place of business, per quarter hour. | £6.28 |
| 3. | Section 36(1)(a) – <i>Application for authorisation for questioning by a prosecutor</i> | |
| (a) | Inclusive fee, excluding travel, for all work where matter does not proceed to a court hearing. | £54.08 |
| (b) | Inclusive fee, excluding travel, for all work where matter proceeds to a court hearing. | £81.12 |
| (c) | Additional fee, excluding travel, for second or subsequent court hearing, per hearing. | £54.08 |
| (d) | Fee for time necessarily spent travelling to and from court, where the court is not in a town or place where the solicitor has a place of business, per quarter hour. | £6.28 |

(a) 2016 asp 1, to which there are amendments not relevant to these Regulations.

SCHEDULE 15

Regulation 7(3)

Amendments to schedule 1 of the Criminal Legal Aid (Fixed Payments)(Scotland) Regulations 1999

PART 1

| | Where professional services are provided in relation to proceedings in the JP Court | Where professional services are provided in relation to proceedings in the sheriff court (other than proceedings in a Court specified in schedule 2) | Where professional services are provided in relation to proceedings in the sheriff court and those proceedings are brought in a Court specified in schedule 2 |
|---|---|--|---|
| 1. All work up to and including: | £319.05; or | £524.53; | £578.61; or |
| (i) any diet at which a plea of guilty is made and accepted or plea in mitigation is made; | £292.01 where criminal legal aid has been made available in the circumstances referred to in paragraphs 11 or 12 below. | £497.49 where criminal legal aid has been made available in the circumstances referred to in paragraphs 11 or 12 below. | £551.57 where criminal legal aid has been made available in the circumstances referred to in paragraphs 11 or 12 below. |
| (ii) the first 30 minutes of conducting a proof in mitigation, or a proof of a victim statement, other than in the circumstances where paragraph 3 below applies; | | | |
| (iii) the first 30 minutes of conducting any trial; | | | |
| (iiia) a first or second diet of deferred sentence; and | | | |
| (iv) advising, giving an opinion and taking final instructions on the prospects of an appeal against conviction, sentence, other disposal or acquittal, | | | |
| together with any subsequent or additional work other than that specified in paragraphs 2-13 below. | | | |

| | | | |
|---|---------|---------|---------|
| 2. All work mentioned in paragraph 1 above that is done in connection with a complaint under section 27(1)(b) of the 1995 Act or paragraph 1(1)(a) or (c) of schedule 1 of the Criminal Justice (Scotland) Act 2016(a). | £159.53 | £262.27 | £262.27 |
| 3. All work done in connection with a grant of legal aid under section 23(1)(b) of the Act including the first 30 minutes of conducting a proof in mitigation, or a proof of a victim statement. | £27.04 | £54.08 | £54.08 |
| 4. Conducting a trial or proof in mitigation for the first day (after the first 30 minutes). | £54.08 | £108.15 | £108.15 |
| 4A. Conducting an adjourned trial diet, during which no evidence is led, where there was no intention nor anticipation that evidence would be led, the only matter in consideration being the determination of the further procedure of the trial proceedings. | £27.04 | £54.08 | £54.08 |
| 4B. Conducting an adjourned trial diet, during which no evidence is led, where there was an intention and an anticipation that the trial would proceed through the continued leading of evidence. | £54.08 | £108.15 | £108.15 |
| 5. Conducting a trial or proof in mitigation for the second day. | £54.08 | £216.30 | £216.30 |
| 6. Conducting a trial or proof in mitigation for the third and subsequent days (per day). | £108.15 | £432.60 | £432.60 |
| 7. Representation in court at a continued diet following a victim statement having been laid before the court where the court determines sentence or fixes a proof of a victim statement, or adjourns such a proof without hearing evidence. | | £54.08 | |
| 8. Conducting a proof of a victim statement where there has been no trial or proof in mitigation for the first day (after the first 30 minutes), and thereafter for subsequent days (per day). | | £216.30 | |
| 9. Conducting a proof of a victim statement at a continued diet following a concluded trial or proof in mitigation (per day). | | £216.30 | |

(a) 2016 (asp 1).

| | | | | |
|--|--|---|---|---|
| 10. Representation per appearance— | | £27.04 | £54.08 | £54.08 |
| (a) | in a court which has been designated as a youth court by the sheriff principal; | | | |
| (b) | in a court which has been designated as a domestic abuse court by the sheriff principal; | | | |
| (c) | at a hearing in respect of a community supervision order | | | |
| 10ZA. Representation in a court, per appearance, at a deferred sentence hearing other than where a fee is payable by virtue of paragraph 1(iiiia) in respect of a first or second diet of deferred sentence. | | £27.04 where the hearing relates to one complaint; or £40.57 where the hearing relates to more than one complaint | £54.08 where the hearing relates to one complaint; or £81.12 where the hearing relates to more than one complaint | £54.08 where the hearing relates to one complaint; or £81.12 where the hearing relates to more than one complaint |
| 10AA. Representation at a first or second diet of deferred sentence (one only) at which the court considers a report required under section 203 of the 1995 Act and where the case is disposed of (as an additional payment). | | £27.04 | £27.04 | £27.04 |
| 11. All work done where the accused is in custody and has tendered a plea of not guilty until determination of the application for legal aid. | | £27.04 | £27.04 | £27.04 |
| 12. All work done by virtue of section 24(7) of the Act until determination of the application for legal aid. | | £27.04 | £27.04 | £27.04 |
| 13. (a) All work done in connection with a bail appeal under section 32 of the 1995 Act, or an appeal under section 201(4) of the 1995 Act, other than under sub-paragraph (b) or (c) below. | | £54.08 | £54.08 | £54.08 |
| (b) | Representation in such an appeal where counsel not employed. | £32.45 | £32.45 | £32.45 |
| (c) | Representation at a continued diet in such an appeal where counsel not employed. | £32.45 | £32.45 | £32.45 |

PART 2

| | |
|--|---|
| | Where professional services are provided in relation to proceedings in a sheriff court which has been designated as a drug court by the sheriff principal |
| 1. All work done under section 22 (1)(c) of the Act up to and including the first appearance of an assisted person. | £108.15 |
| 2. All work done (other than work done in terms of paragraph 1) in connection with any appearance of an assisted person (per appearance). | £54.08 |

SCHEDULE 16

Regulation 7(4)

Amendments to schedule 1A of the Criminal Legal Aid (Fixed Payments)(Scotland) Regulations 1999

| | | | |
|-----------|---|--|---|
| | | Where professional services are provided in relation to proceedings in the sheriff court | Where professional services are provided in relation to proceedings in the sheriff court and those proceedings are brought in a Court specified in schedule 2 |
| 1. | All work up to and including— | £524.53; or £497.49 where criminal legal aid has been made available in the circumstances referred to in paragraphs 11 or 12 of Part 1 of schedule 1. | £524.53; or £497.49 where criminal legal aid has been made available in the circumstances referred to in paragraphs 11 or 12 of Part 1 of schedule 1. |
| (a) | any diet at which a plea of guilty is made and accepted or a plea in mitigation is made; | | |
| (b) | the first 30 minutes of conducting any trial; | | |
| (c) | a first or second diet of deferred sentence; and | | |
| (d) | advising, giving an opinion and taking final instructions on the prospects of an appeal against conviction, sentence, other disposal or acquittal, | | |
| | together with any subsequent or additional work other than that of the kind specified in paragraphs 10 to 13 of Part 1 of schedule 1. | | |
| 2. | All work mentioned in paragraph 1 above that is done in connection with a complaint under section 27(1)(b) of the 1995 Act or paragraph 1(1)(a) or (c) of schedule 1 of the Criminal Justice (Scotland) Act 2016 ^(a) . | £262.27 | £262.27 |

(a) 2016 asp 1.

SCHEDULE 17

Regulation 7(5)

Amendments to schedule 1B of the Criminal Legal Aid (Fixed Payments)(Scotland) Regulations 1999

PART 1

| | Where professional services are provided in relation to proceedings in the JP court | Where professional services are provided in relation to proceedings in the sheriff court |
|--|---|--|
| 1. All work up to and including— | | £524.53 |
| (a) any diet at which a plea of guilty is made and accepted or plea in mitigation is made; | | |
| (b) the first 30 minutes of conducting a proof in mitigation, or a proof of a victim statement, other than in the circumstances where paragraph 3 below applies; | | |
| (c) a first or second diet of deferred sentence; and | | |
| (d) advising, giving an opinion and taking final instructions on the prospects of an appeal against conviction, sentence, other disposal or acquittal, | | |
| together with any subsequent or additional work other than that specified in paragraphs 8, 8A, 9 and 10 below. | | |
| 2. All work prior to, and attendance at— | £162.23 | |
| (a) any diet at which a plea to the competency or relevancy of the complaint or proceedings, or a plea in bar of trial, is tendered; | | |
| (b) any diet at which a question within the meaning of Rule 31.1 of the Act of Adjournal (Criminal Procedure Rules) 1996(a) is raised; | | |
| (c) any diet from or to which the case has been adjourned under section 145 of the 1995 Act (including preparation for such a diet where the diet has not subsequently taken place); | | |
| (d) any diet at which there is tendered a plea of guilty or a plea in mitigation is made; | | |
| (e) any diet at which the court is considering the accused's plea of guilty to the charges and where there has been no change of plea; and | | |
| (f) any diet at which the court is considering the accused's change to plea of guilty to the charges, and where no application for criminal legal aid has been made, | | |
| together with— | | |
| (i) the first 30 minutes of conducting a proof in | | |

(a) S.I. 1996/513; relevant amending instruments are S.S.I 2006/436 and S.I. 2011/1043.

| | | | |
|--|--|---|---|
| | mitigation; | | |
| (ii) | a first or second diet of deferred sentence; | | |
| (iii) | any subsequent or additional work other than that specified in paragraphs 4 and 8 to 13 below. | | |
| 3. All work mentioned in paragraph 1 or 2 above that is done in connection with a complaint under section 27(1)(b) of the 1995 Act or paragraph 1(1)(a) or (c) of schedule 1 of the Criminal Justice (Scotland) Act 2016. | | £162.23 | £262.27 |
| 4. Conducting a proof in mitigation for the first day (after the first 30 minutes). | | £54.08 | |
| 8. Representation, per appearance— | | £27.04 | £54.08 |
| (a) | in a court which has been designated as a youth court by the sheriff principal; | | |
| (b) | in a court which has been designated as a domestic abuse court by the sheriff principal; | | |
| (c) | at a hearing in respect of a community supervision order. | | |
| 8A. Representation in court, per appearance, at a deferred sentence hearing, other than where a fee is payable by virtue of paragraph 1(c) or paragraph 2(f)(ii) in respect of a first or second diet of deferred sentence. | | £27.04 where the hearing relates to one complaint; or £40.57 where the hearing relates to more than one complaint | £54.08 where the hearing relates to one complaint; or £81.12 where the hearing relates to more than one complaint |
| 9. Representation at a first or second diet of deferred sentence (one only) at which the court considers a report required under section 203 of the 1995 Act and where the case is disposed of (as an additional payment). | | £27.04 | £27.04 |
| 10. All work done in connection with a bail appeal under section 32 of the 1995 Act, or on appeal under section 201(4) of the 1995 Act. | | £54.08 | £54.08 |
| 12. Conducting a special reasons proof or hearing on exceptional hardship (where both, they to be regarded as one only even if conducted separately). | | £162.23 | |
| 13. Conducting a back-duty proof (but only if in the case no fee is payable under paragraph 12 above). | | £54.08 | |

PART 2

| | |
|---|---|
| | Where professional services are provided in relation to proceedings in a sheriff court which has been designated by a drug court by the sheriff principal |
| 1. All work done in connection with any appearance of an assistance person (per appearance). | £54.08 |

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the following instruments made under the Legal Aid (Scotland) Act 1986:

- the Civil Legal Aid (Scotland) (Fees) Regulations 1989 (“the 1989 Civil Regulations”),
- the Criminal Legal Aid (Scotland) (Fees) Regulations 1989 (“the 1989 Criminal Regulations”),
- the Legal Aid in Contempt of Court Proceedings (Scotland) (Fees) Regulations 1992,
- the Advice and Assistance (Scotland) Regulations 1996,
- the Criminal Legal Aid Fixed Payments (Scotland) Regulations 1999 (“the 1999 Fixed Payment Regulations”).

Regulation 2 provides that—

- except in relation to the amendments made by regulation 4(4) and (9), regulation 6(4) and (6), and regulation 7, the amendments in these Regulations apply only to fees for work done or outlays incurred on or after the 26 April 2019. Where work which qualifies for a fee prescribed under these Regulations is conducted over more than one date, the work is deemed to have been done on the day on which the work comes to an end,
- the amendments in regulation 4(4) (additional fees) apply to criminal appeal proceedings commenced on or after 22 March 2021,
- the amendments in regulation 4(9) (continuity of counsel representation) apply to criminal trials commenced on or after 22 March 2021, and
- the amendments in regulation 6(4) and (6) (assistance by way of representation) and regulation 7 (fixed payments) apply only in relation to a case where the criminal legal assistance concerned is granted or made available on or after 22 March 2021.

Regulations 3 to 7 make amendments to the above instruments to increase fees and outlays for legal aid and advice and assistance by 5%.

Regulation 4(4) inserts a new regulation 10ZA into the 1989 Criminal Regulations which provides that counsel may be paid an additional fee for preparation of the note of appeal, and where applicable counsel’s opinion on the merits of an appeal, for the purposes of proceedings under section 107 of the Criminal Procedure (Scotland) Act 1995. The additional fee can only be paid where the Scottish Legal Aid Board determines that an assisted person would otherwise be likely to be deprived of effective legal assistance as a result of the amount of fees payable to counsel.

Regulation 4(9) amends schedule 2 of the 1989 Criminal Regulations to provide that during a trial diet where a leading junior counsel, upon the unavailability of junior counsel being led, has sought and been granted leave of the court to continue alone may continue to be paid as leading junior counsel.

Minor textual amendments are also included in schedules 3, 6 and 7 to amend the wording in the fee tables in the 1989 Civil Regulations, and in schedule 7 to amend the wording in one of the fee tables in the 1999 Fixed Payment Regulations, in order to correct errors or clarify the meaning of existing provisions.

A Business and Regulatory Impact Assessment has been prepared for these Regulations and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Justice Directorate, St Andrew’s House, Edinburgh EH1 3DG, and online at www.legislation.gov.uk.