
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 515

LEGAL AID AND ADVICE

**The Criminal Legal Aid (Scotland)
(Fees) Amendment Regulations 2006**

Made - - - - 24th October 2006
*Laid before the Scottish
Parliament* - - - - 25th October 2006
Coming into force - - 16th November 2006

The Scottish Ministers, in exercise of the powers conferred by section 33(2)(a), (3)(a), (b) and (f) of the Legal Aid (Scotland) Act 1986(1), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Criminal Legal Aid (Scotland) (Fees) Amendment Regulations 2006 and shall come into force on 16th November 2006.

Application

2. These Regulations shall apply only to fees for work done on or after 1st December 2005.

Amendment of the Criminal Legal Aid (Scotland) (Fees) Regulations 1989

3. The Criminal Legal Aid (Scotland) (Fees) Regulations 1989(2) are amended in accordance with the following Regulations.

4. In regulation 5—

- (a) at paragraph (1) for “£83.75” and “£10.55” substitute “£93.80” and “£11.82” respectively; and
- (b) at paragraph (2) for “sections 20, 20A and 20B of the Criminal Procedure (Scotland) Act 1975” substitute “sections 35 to 39 of the Criminal Procedure (Scotland) Act 1995(3)”.

5. In regulation 6—

(1) 1986 c. 47. Section 33 was amended for purposes not relevant to these Regulations. 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).
(2) S.I.1989/1491 as relevantly amended by S.I. 1992/374 and 1999/1042 and S.S.I. 2004/264 and 2005/656.
(3) 1995 c. 46.

- (a) at paragraph (1)–
 - (i) at sub-paragraph (a) for “£44.40”, “£6.00” and “£96.25” substitute “£47.95”, “£6.48” and “£103.95” respectively; and
 - (ii) at sub-paragraph (b) for “£44.40”, “£6.00” and “£64.55” substitute “£47.95”, “£6.48” and “£69.71” respectively; and
 - (b) at paragraphs (2) and (3) for “£108.85” substitute “£121.91”.
6. Schedule 1(4) is amended as follows–
- (a) at paragraph 1(a), for “£31.50” substitute “£34.02”;
 - (b) at paragraph 1(b), for “£15.75” substitute “£17.01”;
 - (c) at paragraph 2, for “£11.05” substitute “£12.38”;
 - (d) at paragraph 3(a), for “£10.55”, where it second occurs, substitute “£11.82”;
 - (e) at paragraph 3(b), for “£5.25”, where it second occurs, substitute “£5.88”;
 - (f) at paragraph 4, for “£6.00”, where it second occurs, substitute “£6.72”;
 - (g) at paragraph 5, for “£2.40”, where it second occurs, substitute “£2.69”; and
 - (h) at paragraph 6, for “£0.08”, where it second occurs, substitute “£0.09”.

St Andrew’s House,
Edinburgh
24th October 2006

HUGH HENRY
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Legal Aid (Scotland) (Fees) Regulations 1989 (“the principal Regulations”) to provide that the fees payable to solicitors in solemn proceedings be increased by 8% for advocacy work and by 12% for all other categories of work (regulations 4, 5 and 6). The fees payable to duty solicitors are increased for all proceedings. The increase is backdated to apply to fees for work done on or after 1st December 2005 (regulation 2). A statutory reference in regulation 5 of the principal Regulations is updated (regulation 4).