CRIMINAL PROCEDURE (LEGAL ASSISTANCE, DETENTION AND APPEALS) (SCOTLAND) BILL

EXPLANATORY NOTES

(AND OTHER ACCOMPANYING DOCUMENTS)

CONTENTS

1. As required under Rule 9.3 of the Parliament’s Standing Orders, the following documents are published to accompany the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Bill introduced in the Scottish Parliament on 26 October 2010:
   - Explanatory Notes;
   - a Financial Memorandum;
   - a Scottish Government Statement on legislative competence; and
   - the Presiding Officer’s Statement on legislative competence.

2. A Policy Memorandum is printed separately as SP Bill 60–PM.
EXPLANATORY NOTES

INTRODUCTION

3. These Explanatory Notes have been prepared by the Scottish Government in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by the Parliament.

4. The Notes should be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a section or schedule, or a part of a section or schedule, does not seem to require any explanation or comment, none is given.

THE BILL

5. The Bill makes provisions in respect of persons being questioned by the police on suspicion of having committed an offence. Various amendments to the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”) are made. The amendments and stand alone provisions within the Bill affect the period of detention and the right of access to legal assistance before and during questioning. The Bill also makes provision to provide a right to make representations in relation to applications for extension of time limits for making appeals, and creates a time limit for lodging bills of suspension and advocation. It also makes provision about the grounds for references made to the High Court by the Scottish Criminal Cases Review Commission and enables the High Court to reject references in certain circumstances.

COMMENTARY ON SECTIONS

Legal Assistance

Section 1 Right of suspects to have access to solicitor

6. Subsection (3)(a)(ii) amends section 15 of the 1995 Act and removes from this section the entitlement to have intimation made to a solicitor concerning a person’s detention. The entitlement to this intimation is not lost however but rather is moved to a new section 15A inserted by the Bill.

7. Subsection (4) inserts section 15A into the 1995 Act. This new section applies to any person suspected of committing an offence who (i) attends the police station on a voluntary basis for questioning, (ii) any person detained within the meaning of section 14 of the 1995 Act and (iii) any person arrested but not charged who is being detained for the purposes of questioning. In these circumstances the person is afforded the rights contained in section 15A.

8. Section 15A(2) provides that the person has a right to have intimation sent to a solicitor of any or all of the following; the fact of the person’s voluntary attendance, detention or arrest, their location and that they require the solicitor’s professional assistance.

9. Section 15A(3) provides that the person has a right to have a private consultation with a solicitor prior to and during questioning by the police. Consultation is not confined to a face to
face meeting and can include any means appropriate in the circumstances including a telephone consultation (section 15A(5)).

10. Section 15A(7) provides that intimation can be delayed if it is in the interest of the investigation, prevention of crime or apprehension of offenders to do so. For the same reasons, section 15A(8) provides that the suspect can be questioned without having had a private consultation with a solicitor.

11. Section 14(10) of the 1995 Act requires a detained person to answer some basic questions to allow a constable to establish his identity. New section 15A(9) provides that the right to a private consultation with a solicitor before questioning does not apply to this type of questioning.

Section 2  Criminal advice and assistance: automatic availability in certain cases

12. This section amends the Legal Aid (Scotland) Act 1986 (“the 1986 Act”). Subsection (3) inserts a new section 8A into the 1986 Act to allow advice and assistance to be made available without reference to the financial limits under section 8 of that Act in such circumstances as the Scottish Ministers may, in regulations, prescribe. In those circumstances advice and assistance will be available to any person to whom section 15A of the 1995 Act (as inserted by section 1 of the Bill) applies. Advice and assistance is a form of State funded legal assistance. It is currently only available to clients who are financially eligible to receive it in terms of section 8 of the 1986 Act.

13. Subsection (4) provides that regulations made under the new section 8A will be subject to the affirmative resolution procedure.

Detention

Section 3  Extension of period of detention under section 14 of 1995 Act

14. Subsection (1) amends section 14 of the 1995 Act and provides that the 6 hour maximum period of detention is replaced by an initial maximum period of 12 hours.

15. Subsection (2) inserts new sections 14A and 14B into the 1995 Act. Section 14A provides that the 12 hour period of detention may be extended by a further period of 12 hours. Section 14A(4) provides the criteria to be satisfied before the 12 hour period may be extended. The extension may only be authorised by a “custody review officer” who is defined in section 14A(7).

16. Section 14A(6) provides that where the period is extended, the rights set out in section 14 remain applicable to the extended period.

17. Section 14B provides further procedures that the custody review officer must adhere to when considering an extension of the 12 hour period. Section 14B(2) provides that the custody review officer must give either the detained person or the solicitor representing the detained person, if available, the opportunity to make representations on the decision to extend the
period. If the detained person is unfit to make representation either through condition or
behaviour the officer may refuse to hear any oral representations from him (section 14B(4)).

18. Section 14B(5) provides that the decision to extend the period and reasons for that
decision must be communicated to the detained person and, if available, the solicitor representing the
detained person at that time. Where such an extension has been made the detained person must
be reminded of any rights that the detained person has thus far not exercised (section 14B(7)).

19. Sections 14B(8) provides the recording procedure on the decision on whether to extend the
period that the custody review officer has to follow.

Sections 1 and 3: transitionals and savings

Section 4 Sections 1 and 3: transitional and saving provision

20. Subsections (1) and (2) of this section provide that the rights contained within section 1 and
3 apply to any person whose detention or arrest begins on or after the day on which the Bill
comes into force.

21. Subsections (3) and (4) provide that if the detention period began before the day on which
the Bill comes into force, the person will remain subject to sections 14 and 15 of the 1995 Act
as they existed at the time of the commencement of the detention.

Appeals

Section 5 Extension of time limit for late appeals: right to make representations

22. This section inserts section 111(2A) to 111(2C) into the 1995 Act. Section 111(2A)
provides that when an application is made seeking an extension to the period under section 109
within which a solemn appeal can be made, reasons must be given by the applicant as to why
the time limit was not complied with. The application must be intimated by the applicant to the
Crown Agent.

23. Section 111(2B) and 111(2C) provide that the prosecutor may within 7 days of receiving
intimation of the application make representations before the application is determined. The
representations may be in writing or oral if the prosecutor requests a hearing.

24. Subsection (3) inserts section 181(2A) to 181(2C) into the 1995 Act and provides that when
an application is made seeking an extension to the period under section 176 within which a
summary appeal can be made, reasons must be given by the applicant as to why the time limit
was not complied with. The application must be intimated by the applicant to the respondent or
respondent’s solicitor.

25. Section 181(2B) provides that the respondent may within 7 days of receiving intimation of
the application make representations before the application is determined. The representations
may be in writing or oral if the respondent requests a hearing.
26. Subsection (4) provides that the changes to section 111 and section 181 affect any application made under sections 111(2) or 181(1) on or after the day on which the Bill comes into force.

Section 6  Time limit for lodging bills of advocation and bills of suspension

27. This section inserts a new section 191A into the 1995 Act. This places time limits on the period allowed to lodge bills of suspension and bills of advocation. Section 191A(2) provides a 3 week period within which such bills may be lodged. That period may be extended by the High Court on application by either party (section 191A(3)).

28. Sections 191A(4) sets out the content of such applications. The other party upon receiving intimation of such an application may request a hearing and be given an opportunity to make representations upon the application.

29. Subsection (2) provides that if the decision which is the subject of the bill of suspension or advocation took place prior to this Bill coming into force, the 3 week time limit will be taken to start from the date that this Bill came into force.

Section 7  References by the Scottish Criminal Cases Review Commission

30. Subsection (3) amends section 194C of the 1995 Act to introduce a new subsection (2) which requires the Scottish Criminal Cases Review Commission to have regard to the need for finality and certainty in the determination of criminal proceedings when considering whether it is in the interests of justice to make a reference to the High Court.

31. Subsection (4) inserts section 194DA to the 1995 Act which provides that the High Court may reject a reference from the Commission if it considers that it is not in the interests of justice that any appeal arising from the reference should proceed.

General

Section 8  Interpretation

32. This section provides that references to the 1995 Act within the Bill refer to the Criminal Procedure (Scotland) Act 1995.

Section 9  Commencement

33. This section provides when the Bill comes into force. It will come into force at the beginning of the day after the day on which it receives Royal Assent.

Section 10  Short title

34. This section provides the short title of the Bill
FINANCIAL MEMORANDUM

INTRODUCTION

35. This document relates to the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Bill introduced in the Scottish Parliament on 26 October 2010. It has been prepared by the Scottish Government to satisfy Rule 9.3.2 of the Parliament’s Standing Orders. It does not form part of the Bill and has not been endorsed by the Parliament.

36. The Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Bill will revise the law in order to:-

- Create in statute a new right of access to legal advice/representation for an accused person during detention by the police.
- Create an enabling power, permitting modification of the current eligibility rules in relation to legal advice, in order to give practical effect to the right of access.
- Extend the period by which an accused may be detained to twelve hours, which may be increased to a maximum of twenty four hours on the authorisation of a senior officer, to ensure that the careful balance is maintained between the rights of the accused and the ability of the police to fully and appropriately investigate crime.
- Establish a three week time limit for appeals to be lodged in Summary cases through the common law route of bills of advocation and bills of suspension.
- Require the Scottish Criminal Cases Review Commission (SCCRC) to consider the interests of finality and certainty in reaching decisions on applications before it. In addition the High Court will be given the power to reject cases referred to it by the SCCRC where it believes these tests have not been met.

IMPACT

37. The Bill will have an impact on costs related to offering legal advice before and during interview, and on the police in terms of arranging and providing access, and potentially detaining suspects for longer. Paragraph 4 outlines some of the background to this. In addition, the Bill will have an impact on appeals. Although we do not believe the Bill will, in itself, lead to additional costs in this area, paragraph 5 provides some background figures on appeals by way of context.

38. While there are no official figures, ACPOS estimates that in the order of 55-65,000 accused persons are detained each year in Scotland. The Bill will provide a new right of access to legal advice, either by telephone consultation or face to face with a solicitor at a police station. It should be noted that the costs quoted in this financial memorandum will be incurred whether there is legislation or not. The costs flow from the requirements placed on the justice system by the Supreme Court judgement\(^1\) and the purpose of the Bill is to place this in a statutory framework.

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These documents relate to the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Bill (SP Bill 60) as introduced in the Scottish Parliament on 26 October 2010

39. The Court of Appeal in 2008/09 disposed of a total of 193 appeals against Solemn convictions and 278 appeals against Summary convictions. The SCCRC in 2009/10 received a total of 94 new applications and for the period 01/04/1999 to 31/03/2010 referred a total of 97 cases to the High Court.

Methodology

40. A Business and Regulatory Impact Assessment for the Bill will be published separately.

41. For the purposes of this financial memorandum, all figures given assume a commencement of provisions on 30 October 2010.

COSTS FALLING ON THE SCOTTISH ADMINISTRATION

42. It is anticipated that there are minimal direct costs for the Scottish Administration including the Crown Office and Procurator Fiscal Service. There may be appeals resulting from the decision of the Supreme Court but the provisions in Sections 5 to 7 in the Bill will not in themselves create any new costs. Indeed, the function of these provisions is to limit the effect of the judgement in these areas and therefore contain potential costs.

Police

43. Creating a new right of access/representation during detention will have implications for police time and facilities. Extending the maximum period of detention will have a similar impact if it results in an increase in the average period of detention. The cost implications arise from the need to arrange solicitor access and the resources needed in police custody suites to do so. There are also costs arising from the need for training to ensure that the rights set out in the legislation are given proper effect in front line policing practice. The impact on facilities arises from the need for additional accommodation and telephony to allow for confidential consultations between suspect and solicitor.

Consultation Rooms

44. ACPOS advises that there are currently limited facilities in existence to permit solicitors to consult confidentially with clients at police stations. Consequently, it is anticipated that in order to facilitate the additional telephone and face to face consultations that might result from a right to legal access, additional interview accommodation may be required. ACPOS advises that there are currently 48 principal custody locations across Scotland that hold multiple prisoners overnight; these are primarily located at Force or Divisional Headquarters. In addition there are a further 54 stations and facilities across the country that detain prisoners for short term purposes, including interviews.

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45. It is anticipated by ACPOS that in order to accommodate the volume of legal access interviews a total of 198 consultation rooms will be required. This is on the basis of the provision of three rooms for each of the 48 principal custody locations and a single room for each of the 54 additional locations.

46. It is difficult to provide an exact cost for the provision of additional interview room facilities. ACPOS advises that in some instances this may be achieved at relatively low cost, in the order of £5,000 per room. In other instances more extensive work may be required and ACPOS anticipates costs of £35,000 or higher, per room. This would provide a total one off cost of between £990,000, if the lower conversion cost of £5,000 applied (198 rooms at £5,000 per room = £990,000) and £6,930,000 using the higher conversion cost of £35,000 (198 rooms at £35,000 per room = £6,930,000). Due to the scale of the conversion work it is assumed that these costs will straddle the 2010/11 and 2011/12 financial years on a 50/50 basis.

**Telephone Equipment**

47. Each interview room will also require fixed line telephone equipment to permit phone advice to be given to an accused by their solicitor during detention. It is anticipated that the cost per room will be in the order of £600, with a total one off cost of £118,000 (198 interview rooms at a cost of £600 per room = £118,000). Since the telephony costs are linked to the creation of additional interview rooms these costs will also be split over two financial years.

**Training Costs – Relief Cover**

48. ACPOS advises that a large number of staff with custody responsibilities will need to be trained in the new operational procedures that will be put in place as a result of the legislation. Additional costs will be incurred by forces to provide relief cover to permit officers to be freed up to receive training.

49. Training relief cost calculations are based on the following data and assumptions:-

- Custody staff (both full time and “relief staff” who are asked to cover on an ad hoc basis) will require one day (8 hours) of training
- Sergeants supervise custody staff at main custody centres. There are 300 of these posts across the country.
- There are 700 trained custody staff - a combination of police constable and police custody support officers. Police constables constitute 70% of this total and the default costs applied are based on the police constables rate.
- Uniformed Inspectors are the most likely senior police officers to be involved in the review/extension of detentions proposed. It is anticipated that 674 officers at this rank will require 4 hours training.
- Indicative costs used are based on the following :
  (a) Constable indicative cost =£40,000 per annum, or £110 per day
  (b) Sergeant indicative cost =£45,000 per annum, or £123 per day
  (c) Inspector indicative cost £56,000 per annum, or £153 per day.
50. Based on this total relief costs to permit training are as follows:-

- Constables/Custody Support Officers (700 officers - 1 day training at £110 per officer per day) = £77,000
- Sergeants (300 officers – 1 day training at £123 per officer per day) = £36,900
- Inspectors (674 officers - half day training at £76.50 per officer per half day) = £51,561

Total costs for relief training cover = £165,461

51. The training figures provided by ACPOS does not take into account costs associated with the design and delivery of training or the costs associated with training other operational members of staff who will subsequently require to be familiar with the new legislation. These factors, and an allowance for contingency, suggest that the overall cost of training should be rounded up to £200,000.

**Custody Staff Requirement**

52. ACPOS suggests that an increase in the detention periods and the need to manage an increase in solicitor interviews may place additional demands on police custody units. It is impossible to predict precisely what future annual interview volumes will be and importantly how the right of access will translate in terms of resource demands for police custody unit staff. However, ACPOS has suggested that this will require increases in staffing, re-deployed to principal custody locations to respond to any additional demand. ACPOS has provided the following set of assumptions:-

- That staff will be deployed at the 48 principal custody locations and not for the 54 further locations.
- That two further members of staff will be required per shift
- That each location operates a rotating five shift pattern
- That 30% of the resource required would be at the rank of Sergeant, reflecting the current split of staff and 70% would be at constable/custody support officer grade

This would indicate that up to 480 custody staff would be required. (Number of Main Custody Facilities = 48 x 10 members of staff = 480)

53. Based on a total requirement of up to 480 staff the split would be as follows:-

- 144 Sergeants (30% of 480 = 144)
- 336 Constables or PCSO’s (70% of 480 = 336)

54. Using the indicative staff costing figures supplied in paragraph 14 total annual costs would be up to £14,880,000, if based on a model of using Police Sergeant and Custody Support Officers, or up to £19,920,000 if based on an approach using Police Sergeant and Police Constable costs on a recurring basis. A more detailed breakdown of these figures is provided below:-
Sergeant cost per year = £45,000 x 144 officers = £6,480,000 per year
Constables cost per year = £40,000 x 336 officers = £13,440,000 per year
Total Cost = £19,920,000

or

Sergeant cost per year = £45,000 x 144 officers = £6,480,000 per year
Police Custody Support Officer costs per year = £25,000 x 336 officers = £8,400,000
Total Cost = £14,880,000

55. The police have been working in accordance with the Lord Advocate’s interim guidance\(^4\) in recent months without a significant increase in custody suites. It is expected that uptake will grow over time but it is difficult to predict at what rate and to what level. If the rate of increase or overall level of uptake is lower than predicted, then costs will be reduced accordingly. Once a longer term scheme is in place to provide legal advice to suspects in police detention, the mechanism involved in arranging such advice should be significantly simpler. This should also have the effect of limiting the additional demands on police time.

**Upgrading of Police IT systems**

56. There is currently no single national system for the purpose of recording custody information. ACPOS advises that it is difficult to provide detailed figures for costs in terms of updating the various police IT systems. ACPOS proposes that a broad estimate of £100,000 as a one off cost informed by an early cost estimate would be appropriate.

**Summary of Police Costs**

<table>
<thead>
<tr>
<th>Cost Area</th>
<th>Non-Recurring Costs (2010-11)</th>
<th>Non-Recurring Costs (2011-12)</th>
<th>Recurring Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultation Rooms</td>
<td>£495,000 - £3,465,000</td>
<td>£495,000 - £3,465,000</td>
<td>-</td>
</tr>
<tr>
<td>Telephone equipment</td>
<td>£59,000</td>
<td>£59,000</td>
<td>-</td>
</tr>
<tr>
<td>Additional Requirements</td>
<td><strong>Staff</strong></td>
<td>-</td>
<td>£14,880,000 to £19,920,000</td>
</tr>
<tr>
<td>Training</td>
<td>£200,000</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>IT systems upgrade</td>
<td>£100,000</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>£854,000 - £3,824,000</strong></td>
<td><strong>£554,000 - £3,524,000</strong></td>
<td><strong>£14,880,000 - £19,920,000</strong></td>
</tr>
</tbody>
</table>

57. It is anticipated that the overall cost to the police would be up to £21,328,000 or £27,268,000, depending on the assumptions used. Between £1,408,000 - £7,348,000 would represent non recurring costs and up to £14,880,000 - £19,920,000 would be recurring costs. These additional costs will be taken in account in forthcoming spending decisions, alongside a range of other factors.

COSTS ON LOCAL AUTHORITIES

58. There are no anticipated costs for local authorities.

COSTS ON OTHER BODIES, INDIVIDUALS AND BUSINESSES

Scottish Legal Aid Board

59. Creating a right of access to legal advice during detention and enabling changes to eligibility criteria will incur additional costs to the Legal Aid budget. It is difficult to provide exact figures for this since these will be dependent on a number of factors including the number of suspects detained by the police, the proportion of accused persons who request access to legal advice, the manner in which that advice is provided; whether it is by face to face contact or over the telephone and the duration of the advice.

60. The experience in England and Wales, 10 years after introduction of the Police and Criminal Evidence Act 1984 (PACE), suggests that in the order of 38% of accused detained by the police requested access to legal advice. Entry into the criminal justice system: a survey of police arrests and their outcome. Home Office Research Study 185 1998. Available at: http://rds.homeoffice.gov.uk/rds/pdfs/hors185.pdf

More recent data suggests that the current rate may be higher still, in the order of 54%. Transforming Legal Aid: Access to criminal defence services, Legal Services Research Centre 2010. Available at http://lsrc.org.uk/publications/TransformingCrimDefenceServices_29092010.pdf

There are of course notable differences between the system in Scotland from the PACE regime, nevertheless the figures provide a helpful indication of possible uptake rates and highlight the potential for this to increase further over time.

61. Early data gathered internally by ACPOS indicates that currently approximately 22% of detained suspects in Scotland request access to legal advice, following implementation of Lord Advocate’s guidelines to the police dealing with detention of suspects, that came into effect for Solemn cases in June 2010 and for Summary cases in July. However, it is anticipated that the creation of a statutory right of access will increase uptake rates.

62. In preparing cost figures the following assumptions and scenarios have been used:-

- Cost figures are based on the current remuneration rules
- A national annual detention figure of 55,000 per year and a higher end assumption of 65,000.
- That there will not be 100% take up of the opportunity to access legal advice. A low end 25% uptake rate, which matches early experience in Scotland, 38% reflecting the uptake rate in England and Wales 10 years following implementation of PACE, 50%, which approximates the current uptake rate reported under PACE and a high end assumption of 75% have all been modelled.
- A range of scenarios for the proportion of advice provided in person and via telephone contact. Scenarios using 22%, 50% and 75% face to face contact have been modelled.
63. Current data from the police indicates that the proportion of face to face interviews is very low. However, it is anticipated that by creating a legal right of access, allied to any changes to eligibility criteria may result in more interviews being conducted on a personal consultation basis.

**Summary of Legal Aid Costs**

64. A summary of the potential costs based on these scenarios is provided in the table below. Based on this costs in the order of £0.5m - £1.7m would appear realistic. The lower range cost of £0.5m is based on an annual detention volume of 55,000 per annum, with a 38% uptake of legal advice and a relatively low proportion of personal consultations, 22%. The £1.7m figure is based on a higher annual detention figure of 65,000, with a 50% take up rate of legal advice, as is currently the case under the PACE regime and a higher proportion of personal consultations at 70%. It should be noted that these figures are based on a model of employed solicitors. It is anticipated that using an alternative model would cost significantly more but the Scottish Government, regardless of the approach used will seek to minimise costs and the figures in the table therefore provide a sensible indication of the likely outcome.

<table>
<thead>
<tr>
<th>No. of Detentions</th>
<th>Proportion of Face to Face / Telephone Consultations</th>
<th>75% Take Up Legal Advice</th>
<th>50% Take Up Legal Advice</th>
<th>38% Take Up Legal Advice</th>
<th>25% Take Up Legal Advice</th>
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<tbody>
<tr>
<td>55,500</td>
<td>22/78</td>
<td>£950,596.20</td>
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<td>£502,007.40</td>
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<td>£1,687,836.60</td>
<td>£1,677,216.60</td>
<td>£822,519.00</td>
</tr>
</tbody>
</table>

**Others**

65. We do not anticipate any further costs for other bodies, individuals or businesses arising from this legislation.
### SUMMARY OF COSTS

66. The following table summarises the overall financial impact of the Bill.

<table>
<thead>
<tr>
<th>Cost Area</th>
<th>Non-Recurring Costs (2010-11)</th>
<th>Non-Recurring Costs (2011-12)</th>
<th>Recurring Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police - Consultation Rooms</td>
<td>£495,000 - £3,465,000</td>
<td>£495,000 - £3,465,000</td>
<td>-</td>
</tr>
<tr>
<td>Police - Telephone equipment</td>
<td>£59,000</td>
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<td>-</td>
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<tr>
<td>Police - Additional Staff Requirements</td>
<td>-</td>
<td>-</td>
<td>£14,880,000 - £19,920,000</td>
</tr>
<tr>
<td>Police - Training</td>
<td>£200,000</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Police - IT systems upgrade</td>
<td>£100,000</td>
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<tr>
<td>Legal Aid Costs</td>
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<td>£500,000 - £1,700,000</td>
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<tr>
<td><strong>TOTALS</strong></td>
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<td>£554,000 - £3,524,000</td>
<td>£15,380,000 - £21,620,000</td>
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</tbody>
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### SCOTTISH GOVERNMENT STATEMENT ON LEGISLATIVE COMPETENCE

67. On 26 October 2010, the Cabinet Secretary for Justice (Kenny MacAskill MSP) made the following statement:

“In my view, the provisions of the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Bill would be within the legislative competence of the Scottish Parliament.”

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### PRESIDING OFFICER’S STATEMENT ON LEGISLATIVE COMPETENCE

68. On 26 October 2010, the Presiding Officer (Rt Hon Alex Fergusson MSP) made the following statement:

“In my view, the provisions of the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Bill would be within the legislative competence of the Scottish Parliament.”