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Justice Committee Convener  
By email:

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*Dear Margaret,*

## LEGAL AID UPDATE

As the new Parliamentary session is now underway, I would like to provide the Justice Committee with an update on a number of legal aid issues that will be raised with the Committee over the coming months.

### Background

The committee might find it helpful to have a briefing on the legal aid system. A guide to Legal Aid is provided at **Annex A** which I hope will be useful. My officials will be happy to provide further oral or written briefing as required.

### Update on Criminal Legal Aid in the Sheriff Appeal Court

Firstly, by way of an update on the letter sent by my predecessor Paul Wheelhouse on 21 March 2016 to the Committee, I can report on a review of legal aid arrangements for criminal legal aid in the Sheriff Appeal Court.

The current fee structure for access to legal aid for representation in the Sheriff Appeal Court (criminal) continued on the same basis as previously existed when appeal cases were heard in the High Court. While the new Court is operating well, the automatic availability of counsel or solicitor advocates under the current legal aid arrangements may be contributing to them continuing to present appeals in the Sheriff Appeal Court. The Board is not aware of any publicly funded cases where a solicitor has presented an appeal. As at 28 September 2016, 129 cases have submitted accounts to the Scottish Legal Aid Board ("the Board"). In 127 of those cases, either an advocate or solicitor advocate was instructed to present the case. The remaining two cases did not proceed to an appeal hearing.



As a result, the Board has no data on which to monitor the solicitor fee arrangements and it has been impossible to undertake any evidence-based review of the fee model put in place. We will continue to receive monitoring reports from the Board and will update the Committee in due course.

Moving forward, there are three elements of improvement planned for the legal aid system. In the shorter term, work will continue to adapt the legal aid system to ensure it is fit for today's purpose as courts and tribunal reforms are implemented, within the budget constraints we are facing. In the medium term we will work with stakeholders to streamline the system, making it more efficient and user friendly, for both solicitor and client, less bureaucratic and identify opportunities to restructure fees, again working within the budget constraints. Finally, a longer term review of the legal aid system will be undertaken. Further detail is below.

### **Adjustments to Legal Aid Scheme – Short Term**

There are a number of adjustments that need to be made to the existing scheme for legal aid which will require subordinate legislation over the next few months. These instruments are required in order to ensure that the legal aid system adapts to new legislation and processes. The first of these - concerning the establishment of the Upper Tribunal (as part of the new Scottish Tribunals) on 1 December were considered by the Committee in their meeting on Tuesday 4 October.

The next set of legal aid regulations relate to the introduction of new Simple Procedure Rules on 28 November. These were laid in Parliament on 16 September and further details can be found at **Annex B** to this paper.

### **Adjustments to Legal Aid Scheme – Mid Term**

We are anticipating further regulations will be required over the coming months to make adjustments to the legal aid system. For example, a sustainable arrangement to protect the interest of individuals whose sensitive documents and records are requested in criminal proceedings. This availability of legal aid is currently being delivered through a Ministerial determination. I will write to the Committee again as further regulations are to be laid.

### **Solicitor Fees**

I know that the issue of the level of fees available to solicitors who undertake legal aid work is regularly raised with the Justice Committee, and I expect this will again be raised as subordinate legislation is being considered. Simple Procedure and Upper Tribunal rates of fees have been developed within a context of on-going commitment to maintaining a wide scope of access to publicly funded legal assistance. Significant constraints on public finances have impacted on the Justice budget. In spite of these constraints, we have maintained our resourcing of legal aid and have not cut its availability; it is a demand-led budget and all who are eligible will benefit from it. This is in stark contrast to England and Wales where there have been significant cuts to legal aid expenditure with the result that legal aid is no longer available for certain types of family, housing and welfare benefits problems. We have avoided doing this and in their paper 'Legal Assistance in Scotland – Fit for the 21<sup>st</sup> Century', the Law Society of Scotland (LSS) support this position and do not recommend pursuing any suggestion to restrict the scope of legal assistance.



Prior to the economic downturn, solicitors' civil legal aid fees have benefited from three increases, in 2003, 2007 and 2009. Detail on this is provided at **Annex C** alongside information on children's legal assistance.

Details regarding changes to criminal legal assistance fees are at **Annex D**.

In addition to concerns around the level of fees, the Law Society of Scotland, in their consultation around their paper on Legal Assistance in Scotland, explored harmonising and streamlining funding arrangements in relation to summary crime. My predecessor asked the Board to conduct a strategic review of legal aid, and focus on three strands:

- Identifying opportunities to streamline, simplify and modernise the legal aid system
- Updating the Code of Practice for Criminal Legal Assistance
- Reviewing the operation of policy and court duty schemes, in particular the delivery of police station advice

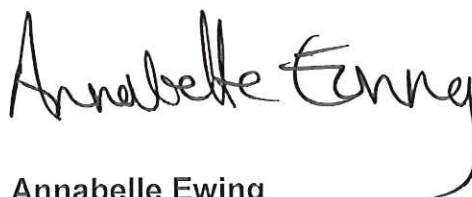
The Board has recently submitted its proposals and these are currently being reviewed and analysed. Following this, I will discuss these with the Board and Law Society after which I will provide an update to the Justice Committee.

### **Adjustments to Legal Aid Scheme – Long Term**

Finally, in keeping with our manifesto and Programme for Government commitments the time is right to conduct a comprehensive review of the legal aid system in Scotland. The legislation dates from 1986 and requires regular adaptation to deal with developments in domestic and ECHR law. A review would inform our approach to modernisation of the legal aid system. I will discuss this intention with stakeholders and a review group will be established shortly. I will keep the Justice Committee informed on plans and timescales for the review process.

I believe this approach will allow us to both maintain a cost effective legal aid system of which Scotland should be proud and protect its future sustainability. By taking a strategic approach to considering how best we might address the challenges we face given budget constraints, we will be able to ensure that the resultant system delivers the best possible support to those who rely upon it.

I hope that the Justice Committee members will support me in these plans.



**Annabelle Ewing**

## GUIDE TO LEGAL AID

### Legislation

The Legal Aid (Scotland) Act 1986 Act ("the 1986 Act") makes publicly-funded legal assistance available to people to pursue or defend their rights or pay for their defence where they could not otherwise do so. It is not restricted in any way by nationality or residence. It can be provided for criminal or civil matters, or in relation to children's hearings and associated court proceedings. The costs are demand led and paid from the Legal Aid Fund ("the Fund"), which is not cash-limited and is administered by the Scottish Legal Aid Board ("the Board").

The 1986 Act defines the different types of legal assistance and sets out the eligibility tests for each. It confers powers to Scottish Ministers to make regulations. Regulations provide additional detail on the handling of applications, the fees to be paid and, to some extent, to modify eligibility (e.g. alter financial thresholds, or what is included in the definitions of disposable income and disposable capital). Further, section 4(2)(c) allows for Scottish Ministers to make determination to provide funding for proceedings, or elements of proceedings, that cannot otherwise be paid for under the Act.

Most publicly-funded legal assistance is provided through independent members of the legal profession who are registered to do so. However, the 1986 Act includes provisions that allow the Board to employ solicitors directly to provide legal advice and representation in criminal or civil matters, and to make grants to organisations to help provide legal assistance on civil matters. The Board employs solicitors to provide legal assistance through the Solicitor Contact Line (SCL), the Public Defence Solicitors' Office (PDSO) and the Civil Legal Assistance Office (CLAO).

### Types of legal assistance

Although "legal aid" is commonly used as an umbrella term, it is only one type of publicly-funded legal assistance that is available in criminal, civil and "children's" matters (i.e. matters relating to children's **hearings** NOT matters relating to children). This document therefore uses "legal assistance" as the umbrella term.

Legal assistance is usually subject to some kind of financial eligibility test based on the "disposable income" and "disposable capital" of the applicant. This test is different depending on the type of legal assistance. However, where a person receives certain means-tested benefits (such as income support and job seeker's allowance) they will be automatically eligible for legal assistance. Certain other benefits, such as Personal Independence Payment, are not considered to be part of a person's disposable income.

### *Advice and Assistance*

Advice and Assistance (A&A) is available, subject to a financial eligibility test, on any matter of Scots law (whether civil, criminal or children's) for various forms of legal advice and assistance short of representation. It can include advice on whether there is a legal case to take forward, negotiating a settlement, and writing letters on the applicant's behalf. A&A will not usually cover representation in court (although see below on 'Assistance By Way of Representation').



Currently, a person is eligible if their disposable income does not exceed £245 a week and their disposable capital does not exceed £1,716. A person qualifying for A&A will have to pay a contribution if their disposable income exceeds £105 a week. This is paid directly to the solicitor. Eligibility for A&A is assessed and granted by the solicitor, not the Board, and the calculation is therefore less complex than for legal aid.

### ***Assistance by Way of Representation***

In some circumstances, the solicitor may grant a type of A&A called Assistance by Way of Representation (ABWOR) in order to represent their client in proceedings. Again, the client may have to pay a contribution directly to the solicitor.

In criminal matters, it is normally used in summary cases for less serious offences and is available subject to the usual A&A financial eligibility test and an “interests of justice” test.

Where it is available for civil matters, this is subject to the usual A&A financial eligibility test but may also be subject to a test of “reasonableness” (as with civil legal aid) and whether the person can participate effectively in proceedings without publicly-funded legal representation.

For children’s hearings and associated court proceedings, ABWOR is usually subject to an interests of justice test and an effective participation test (as with children’s legal aid), as well as the usual A&A financial eligibility test.

### ***Criminal legal aid***

An application for criminal legal aid is assessed and granted by the Board. It can be granted for summary cases (i.e. those tried without a jury) or solemn cases (i.e. those heard before a jury).

In summary cases, the Board will grant legal aid only if satisfied both that the expenses of the case could not be met without undue hardship to the applicant or their dependants and that in all of the circumstances of the case it is in the interests of justice that legal aid should be made available to the applicant. The interests of justice test looks at whether it would be unfair to the accused, the court or someone else, for an accused not to be represented.

For solemn cases (murder, rape, robbery, serious drugs cases, etc.) criminal legal aid is automatic if an accused is held in custody, until a decision is made on whether they are eligible for legal aid under the usual tests or the accused is released on bail. Otherwise, it is subject to the same undue hardship test as applies in relation to summary criminal legal aid. Because of the serious nature of these cases, there is no interests of justice test applied.

## ***Civil legal aid***

Civil legal aid can cover circumstances where an applicant's case is going to court. It can help pay for the costs involved with this, including all legal preparation work, the gathering of any evidence necessary for their case, representation in court and so on. It is assessed and granted by the Board. It is available subject to three tests: whether they are financially eligible; whether they have probable cause (i.e. there is a sound legal basis for the proposed action); and whether it is reasonable in the circumstances to make legal aid available (which can, where appropriate, include consideration of whether attempts have been made to resolve the dispute without litigation). It is available in relation to proceedings on almost any subject in the Sheriff Court, Sheriff Appeal Court, the Court of Session, the Employment Appeals Tribunal, Land Tribunals, Scottish Land Court and appeals to the UK Supreme Court.

A person is financially eligible if their disposable income does not exceed £26,239 a year and their disposable capital does not exceed £13,017. If the person has more than £3,521 disposable income a year or more than £7,853 disposable capital, they will have to pay a contribution. The Board can also "claw back" costs of legal advice and representation from expenses awarded to the person receiving civil legal aid.

For defamation and verbal injury proceedings additional criteria must be met. These additional criteria are that the case must have a wider public interest or convincing evidence that there are other specific "exceptional" circumstances (in line with previous Court of Session, Supreme Court and European Court of Human Rights case law).

Civil legal aid is not available for election petitions, simplified divorce applications, small claim processes at first instance, or petitions by a debtor for his own sequestration.

## ***Children's legal aid***

A new children's hearings system was implemented in June 2013, along with children's legal aid to support it.

Children's legal aid extends to representation by a solicitor (and where appropriate counsel) in sheriff court proceedings and children's hearing, and includes all such assistance as is usually given by a solicitor (or counsel) in the steps preliminary or incidental to those proceedings. Those that can be granted this type of legal aid are the child involved in the hearing, the parents of the child and some other adults involved in the upbringing of the child. Again, this is assessed and granted by the Board. The statutory eligibility tests are whether it is reasonable in the circumstances of the case to make it available and whether the expenses of the case would cause undue financial hardship. The Board must also be satisfied that the child has substantial grounds for making or responding to an appeal. Where the applicant is a child, the Board must also be satisfied that the grant of legal aid is in the child's best interests.

## ***Legal aid for contempt of court***

The court has the power to grant legal aid for somebody it is taking action against for contempt of court during, or in connection with, any proceedings e.g. failure to appear as witness. The court may arrange for the person to be legally represented.



## **Fees for legal assistance**

Fees for the various types of legal assistance are set out in regulations. Changes to regulations are usually applied to new cases from the date they come into force, so there tends to be a delay in such changes making a noticeable change to spend from the Legal Aid Fund. Broadly, legal assistance fees split into two types: “detailed fees”/“time and line fees” and “fixed payments”/“block fees”.

Detailed fees allow a solicitor to be paid for each individual item of work. Some of these are based on the amount of time spent doing the work, e.g. where they are advocating for their client in court proceedings. This remunerates the solicitor for the work actually done but is administratively burdensome for both the solicitor and the Board.

Block fees group work together and make a fee payable for a bundle of work. This may be for getting the proceedings to a certain stage. Generally, they do not take account of the amount of time actually spent doing the work. This remunerates the solicitor on a “swings and roundabouts” basis – while they may be overpaid in some cases and underpaid in others, this should work out in the round. It is also generally easier to administer accounts, both for the solicitor and for the Board.

However, there are individual cases for which the work will go well beyond the usual tolerance envisaged by the block fees. For this reason, block fee regimes tend to have an “exceptional case status” provision. Where a solicitor can demonstrate that an unusually large volume of work is required in the particular circumstances of the case, they can apply to the Board to “break out” of the block fee scheme and receive detailed fees instead. This provides protection for vulnerable groups, who may require greater than average support, and more general protection of people’s ECHR rights in complex cases.

## **STATISTICS**

### **What is legal assistance being spent on?**

The Board publishes a range of statistics about the use and cost of legal assistance alongside its annual report and accounts each year. A selection of data is included at Annex A(i).

Due to the demand-led nature of legal aid, many factors can affect the number of applications and the cost of cases: on criminal legal aid the biggest factor is the numbers of cases going through the criminal courts and for civil legal assistance we have seen in recent years that demand is directly linked to the health of the economy. Costs can also be affected by the types of cases being funded, and a small number of very high cost cases in any year can have a significant impact on expenditure.

The numbers of applications and grants within certain legal aid types has changed significantly since 2006/07. This is not necessarily due to a shift in demand but can be linked to changes to the operation of the legal aid system. This has been seen most notably as a result of the major changes to summary justice that were introduced in 2008.

Of the £138.6 million cost to the taxpayer for legal assistance in 2014/15, well over half was for criminal legal assistance (61%). Civil legal assistance accounted for around 32% of total expenditure. For civil legal aid, family issues such as divorce/separation and child contact/residence disputes account for just over half of all grants. Grants for cases involving

managing the welfare and finances of adults with incapacity have seen a significant rise in recent years and now account for just over 30% of all civil legal aid grants.

### **Who is legal assistance being spent on?**

The Board also carries out other research on people receiving and solicitors providing legal assistance. Its last survey of civil legal aid applicants was published in 2013 and its last survey of criminal legal aid applicants was published in 2012.

#### ***Civil legal aid demographics***

- A greater number of respondents were women (60%) than men, and 96% were of a white ethnic group.
- Three quarters of respondents were aged between 25 and 54 (24% were 25-34, 31% were 35-44, and 22% were 45-54).
- Almost a quarter of respondents said they had a long-standing illness, health problem or disability that limits their daily activity or the kind of work they do.
- 57% were of no religion, 14% Roman Catholic, 10% Church of Scotland, and 11% other Christian.
- 94% of respondents identified as heterosexual/straight, 1% as gay/lesbian and 1% as bisexual.

#### ***Criminal legal aid demographics***

- The majority of respondents were male (74%) and white Scottish (88%)
- 43% had been charged once with a criminal offence, 33% had been charged two to five times, and 21% had been charged with an offence six or more times.
- 62% were aged between 17 and 31 (23.2% were 17-21, 21.7% were 22-26, and 17.1% were 27-31).
- A little over a third (36.6%) said they had a long-standing illness, health problem or disability that limits their daily activity or the kind of work they do.
- 38% were of no religion, 31% Church of Scotland, and 20% Roman Catholic.
- 96% identified as heterosexual/straight, 1% as gay/lesbian and 1% as bisexual.

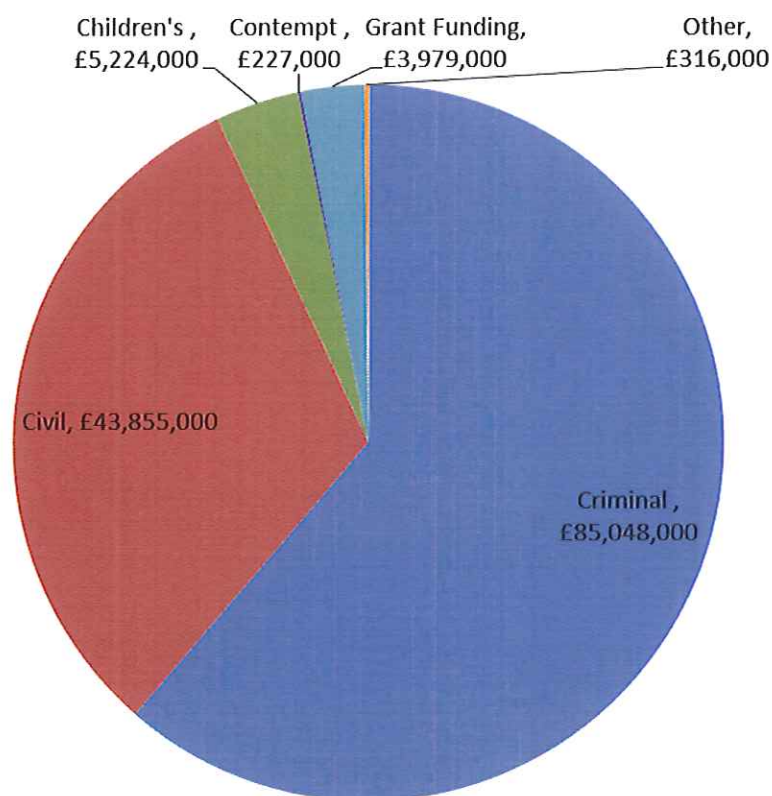


## SUPPORTING DATA

Table 1 – Total legal assistance grants and expenditure

	Grants of legal assistance	Expenditure on legal assistance	Legal Aid Fund Budget allocation
2006/07	409,943	£150.2 million	£142.2 million
2007/08	360,276	£155.1 million	£155.6 million
2008/09	312,913	£150.2 million	£151.3 million
2009/10	291,882	£150.5 million	£153.4 million
2010/11	271,989	£161.4 million	£154.7 million
2011/12	262,744	£157.7 million	£142.3 million
2012/13	246,162	£150.2 million	£145.8 million
2013/14	246,284	£150.5 million	£148.6 million
2014/15	230,359	£138.6 million	£132.1 million

Chart 1 - Cost of legal assistance to the taxpayer in 2014-15



**Table 2a – Average case costs by aid type**

	Civil			Children's		Contempt of court	
	A&A	ABWOR	Legal aid	A&A	Legal aid	A&A	Legal aid
2006/07	£186	£694	£2,643	£89	£1,126	-	£295
2007/08	£200	£875	£2,612	£94	£1,092	£83	£346
2008/09	£207	£1,176	£2,488	£99	£1,016	£79	£310
2009/10	£213	£1,222	£2,665	£103	£1,107	£117	£278
2010/11	£229	£1,220	£2,727	£111	£1,143	£156	£259
2011/12	£241	£1,123	£3,067	£113	£1,075	£142	£287
2012/13	£247	£1,011	£2,813	£131	£1,112	£126	£270
2013/14	£247	£952	£2,647	£147	£1,027	£152	£270
2014/15	£248	£927	£2,443	£141	£1,227	£189	£225
% change between 2006/07 and 2014/15	33.3%	33.6%	-7.6%	58.4%	9.0%	127.7%*	-23.7%

\*change since 2007-08

**Table 2b - Average case costs by aid type (cont)**

	Criminal				
	A&A	ABWOR	Summary legal aid	Solemn legal aid	Appeals
2006/07	£69	£225	£645	£3,232	£1,523
2007/08	£69	£234	£646	£3,007	£1,615
2008/09	£67	£389	£659	£3,001	£1,579
2009/10	£52	£463	£642	£3,194	£1,765
2010/11	£55	£499	£653	£3,507	£2,084
2011/12	£60	£506	£632	£3,454	£2,290
2012/13	£67	£477	£611	£3,751	£2,016
2013/14	£77	£476	£606	£3,719	£1,638
2014/15	£76	£469	£596	£3,340	£1,596
% change between 2006/07 and 2014/15	10.1%	108.4%	-7.6%	3.3%	4.8%



## Simple Procedure

The Courts Reform (Scotland) Act 2014 makes provision for Simple Procedure to replace summary cause and small claims procedures. The Act makes provision for legal aid to be available for the new procedure.

The Civil Legal Aid (Scotland) (Fees) Amendment Regulations 2016 make provision for the fees available to solicitors for Simple Procedure cases. These regulations provide for detailed fees at a rate equivalent to those presently allowable to solicitors for assistance by way of representation ('ABWOR') in civil cases. We consider this arrangement will be an improvement on the current summary cause fee arrangement, which is based on a block fee structure and resulted in very few solicitors undertaking this work. Many people who require publicly funded legal assistance have accessed this at law centres and the Civil Legal Assistance Office (directly funded from the Legal Aid Fund).

The use of a detailed fee structure allows solicitors to be able to charge on a detailed basis to reflect the work actually done and we consider the rate for Simple Procedure work is appropriately set. ABWOR rates are currently used for work before the Mental Health Tribunal and Immigration Tribunal and the level of work for Simple Procedure is considered likely to be equivalent. There will also be provision for 'exceptional case' status which means that those cases that are particularly unusual or complex can be paid at a higher rate – equivalent to ordinary cause rates. Overall, we expect this new provision to incur modest costs on the Legal Aid Fund in the payment of increased fees to solicitors.

Legal advisers for the DPLRC highlighted minor drafting errors in the Regulations. Amending Regulations (The Civil Legal Aid (Scotland) (Fees) Amendment (No. 2) Regulations 2016) will therefore be laid to come into force for the introduction of Simple Procedure on 28 November.

## **SIGNIFICANT FEE REFORMS FOR CIVIL & CHILDREN'S LEGAL ASSISTANCE**

### **Legal Aid**

Payment of fees to solicitors for civil and children's legal aid work is covered in the Civil Legal Aid (Scotland) (Fees) Regulations 1989. For civil legal aid these provide for fees to be paid on a block fee or detailed fee basis (depending on the circumstances and type of case). For children's legal aid, all work is chargeable by way of detailed fees.

### **Block fees**

A revised block fee structure was introduced in 2003 following development with the Law Society of Scotland. There was a 21% increase in fees following the introduction of the revised structure. A feature of this was that a solicitor could no longer opt to charge block fees in a case where there had been little work or detailed fees when there had been a lot of work.

In 2007 further changes were made to the block fee structures, increasing solicitor fees by an estimated £1 million. This was through an increase of 21% in solicitors' fees for summary cause and an increase for undefended divorce actions.

In 2009 the block fee unit increased from £19 to £21 (backdated to work done after 1 April 2008). Fees are paid for blocks of work and each block is made up of a number of units.

### **Detailed fees**

In 2003 there was a 21% increase in detailed fees for solicitors.

In 2009 there was a further 10% increase in detailed fees, backdated to 1 April 2008.

### **Civil Advice and Assistance and ABWOR**

In 2005 A&A/ABWOR fees were increased by approximately 15%

### **Children's Advice and Assistance and ABWOR**

In 2005 A&A fees were increased by approximately 15%

(Children's ABWOR was first made available in 2013 at the same rates as civil ABWOR.)



## SIGNIFICANT FEE REFORMS FOR CRIMINAL LEGAL ASSISTANCE

### BACKGROUND

Payment of legal assistance in criminal cases depends on the circumstances and type of case and falls under one of the following headings:

- Criminal Advice and Assistance
- Criminal ABWOR
- Summary Criminal Legal Aid
- Solemn Criminal Legal Aid

There has been some discussion in relation to '1992 rates' of fees for criminal legal assistance indicating that fees for criminal business have remained static for 25 years. This relates to a small subset of fees which are paid in specific circumstances - for *some* summary criminal legal aid work (covered in the Criminal Legal Aid (Scotland) (Fees) Regulations 1989, Schedule 1 Part 1) and for *some* Criminal ABWOR work (covered in the Advice And Assistance (Scotland) Regulations 1996, Schedule 3, Part 1). The '1992 rates' are also used for contempt of court proceedings.

The '1992 rates' have not been uprated since 1992 as a result of negotiations with the Law Society of Scotland in 2008. Those negotiating on behalf of the Law Society of Scotland in 2008 proposed that, in order to boost the level of fixed payments and fund an increase of the ABWOR fee (from £70 to £515), the table of fees referred to as the '1992 rates' would remain at 1992 levels. This table of fees is rarely used. In 2015/2016 the 1992 fees cost the legal aid fund £2.83 million or **5.2% of the total expenditure of solicitors fees for criminal legal assistance**.

The remaining 94.8% of solicitors' earnings from criminal business (which in 2015/2016 amounted to £54.9 million) comes from other fee tables. Changes to the rates in those tables are detailed below.

### CHANGES TO CRIMINAL FEES

#### Criminal Advice and Assistance

- In 2008 fees were increased by 10%
- In 2010, solicitors were paid a minimum 30 minutes (£30.94) for police station advice and £15.47 which are fees per subsequent quarter hour for police station advice between 10pm and 7am. Fees were increased by one-third.

#### Criminal ABWOR

- In 2008 the fee for guilty pleas in the Justice of the Peace Court was increased from £70 to £150.
- In 2008 the fee for guilty pleas in the Sheriff Court was increased from £70 to £515 and in 2011 it was reduced from £515 to £485.
- In 2008 the fee for guilty pleas in the Stipendiary Magistrate Court were increased from £70 to £515 and reduced in 2011 from £515 to £390.<sup>1</sup>

<sup>1</sup> Stipendiary Magistrate Court no longer exists as a result of the Courts Reform (Scotland) Act 2014.

The 2008 summary criminal legal assistance reform measures harmonised the fixed payments for a guilty plea under criminal ABWOR and a not guilty plea under summary criminal legal aid, introducing a new case disposal fee in the sheriff court and stipendiary magistrate courts.

The 2011 reductions in the guilty fee pleas in Sheriff Court and Stipendiary Magistrate Court were a savings measure, agreed in consultation with the Law Society of Scotland. It was agreed by them on condition that PDSO would handle a limited share of the court duty scheme.

### **Summary Criminal Legal Aid**

- In 2008 the fee for not guilty pleas in the Justice of the Peace Court was increased from £300 to £315 and reduced in 2011 from £315 to £295.
- In 2008 the fee for not guilty pleas in the Sheriff Court was increased from £500 to £515 and in 2011 it was reduced from £515 to £485.
- The fee for not guilty pleas in the Stipendiary Magistrate Court was increased in 2008 from £500 to £515 and reduced in 2011 from £515 to £390.

The fee was enhanced at the Justice of the Peace Court as solicitors would be required to cover more work, for example, the first two deferred sentences. The 2011 reductions were under the same savings measure as Criminal ABWOR.

### **Solemn Criminal Legal Aid**

- In 2004 fees were increased by 15% for advocacy work and 5% in respect of waiting time and meetings with the client.
- In 2005 fees were increased by 8% for advocacy work and 12% for other work backdated for all work done on or after 1 December 2005.
- In 2010 there was a new fee structure and increase in solicitors' designed to deliver 7% increase.