

DECISION OF AUDITOR – COUNSELS' FEES – CRIMINAL

**DATE OF DECISION**

11.12.95 E R

**NAME OF CASE**

HMA –V- [REDACTED]

**CASE TYPE**

Fraud, Glasgow & Edinburgh High Court

**AUDITOR**

J Haldane Tait, Court of Session

**COUNSEL/SOLICITOR ADVOCATE**

SC

**AMOUNT(S) AWARDED**

£318 per day – conduct of preliminary diet  
£250 per consultation (x4)  
£300 per consultation (x1) (held on Sunday evening at urgent request of accused)

**FEATURES**

The accused did not use this counsel for his trial. The main issue was therefore pre-trial preparation.

During the course of the taxation, counsel and the Board reached agreement on the number of hours to be allowed for preparation and that the fees should be similar to those allowed by the Auditor in other cases before him (the exact number of hours and amount agreed is not known).

The Schedule to the Indictment comprised 4 pages detailing 35 alleged instances of fraud. There were 71 Crown witnesses, 223 productions and 3 labelled productions.

Despite the relatively short timescale of the alleged fraud (approximately 6 months) the nature of the defence required the ingathering and consideration of all the accused's trading records for a period longer than specified in the Indictment.

The defence only received the Crown provisional list of witnesses on 21.09.93 and the Indictment was served on 06.10.93.

The Preliminary Diet was to seek the desertion of the trial pro loco et tempore and to seek transfer of the trial from Glasgow to outwith. Counsel claimed £375. Auditor allowed prescribed daily rate fee of £318.