

**Diet of taxation
Central criminal lawyers**

**21st February 2002
Linlithgow Sheriff Court**

Present – [REDACTED] Scottish Legal Aid Board
- Mr Robertson, Solicitor, Central Criminal Lawyers

I tax the account submitted to the Scottish Legal Aid Board in the name of the accused person [REDACTED] reference number SM/8067516298, by Central Criminal Lawyers in the sum of £749.41, the sum of £134.30 having been deducted after arguments were heard. These arguments are detailed below.

1. Transcribing taped interview – 7/8/98 - £120.00 – abate £98.80

This entry was objected to by [REDACTED] on behalf of the Scottish Legal Aid Board, on the basis that the transcription was charged at £6.00 per sheet, which is based on the fee which chargeable by a solicitor in drawing up a legal document. A person who was not legally qualified carried out the transcription. It was also submitted that the fee charged did not have "due regard to economy" or "was not carried out by a prudent man of business" as is required by Regulation 7 CLA (Scotland) reffs regulations 1999. [REDACTED] indicated that he would be prepared to concede a charge of £21.90, which allowed for perusal of the transcription.

In reply Mr Robertson explained that the tape contained special knowledge admissions which were taken when the accused was interviewed, such as reference to "a spade at fence" at the locus of the crime. These admissions were pertinent to the defence in the case and therefor the transcription was required.

On the basis that the transcription was not prepared by a legally qualified person I allowed a perusal rate of £21.90 and abated £98.80.

2. The waiting time claimed for the court appearance, by Mr Robertson on 17th February 1999 was reduced by ½ an hour. £21.10

[REDACTED] argued on behalf of the Scottish Legal Aid Board that the current legal aid regulations prescribe a fixed fee, which is inclusive of lunch. A decision by another Auditor of court was referred to in the argument and produced for my use. [REDACTED] indicated that he was prepared to meet a payment of ½ an hour.

In reply Mr Robertson stated that he was unable to return to his office which is in Livingston and was not attending his home court on behalf of his client therefor the time was properly charged in full. Additionally he stated that it would not be unusual for him to take no lunch.

This decision was taken on the basis that whilst it would not have been possible for Mr Robertson to return to his office, the court would have taken a break for lunch and would not have sat all day, and Mr Robertson would have been afforded the opportunity to take lunch even if he chose not to do so.

3. The letter charged on 12/6/98 to PWSU – allowed at £6.00.

[REDACTED] argued on behalf of the Scottish Legal Aid Board that this letter should be charged on a formal basis.

In reply Mr Robertson stated that there had been problems in the past regarding police statements, which had been framed by civilians and had not been signed by the police officer, which was the basis for the content of the letter.

I allowed the letter at the rate charged, on the basis of the arguments provided.

4. The letter charged on 29/6/99 to the PF – allowed at £6.00.

██████████ argued on behalf of the Scottish Legal Aid Board that this letter should be charged on a formal basis.

In reply Mr Robertson provided me with sight of the letter.

I allowed the letter at the rate charged, on the basis of the arguments provided.

5. The letter charged on 24/7/99 to the client – allowed at £6.00.

██████████ argued on behalf of the Scottish Legal Aid Board that this letter should be charged on a formal basis.

In reply Mr Robertson argued that the letter was required and was drawn on the basis that the client had not been seen since the 19th May 1998

I allowed the letter at the rate charged on the basis of the arguments provided.

6. The letter charged on 4/8/99 to the client disallowed – allowed at £2.40 abate £3.60

██████████ argued on behalf of the Scottish Legal Aid Board that this letter was not required since a letter in similar terms had been sent on the 24th July 1999.

In reply Mr Robertson argued that the letter was required and the Sheriff would have asked him in court whether such a letter had been sent to the accused.

I abated the charge on the basis that only 11 days had elapsed since the last reminder was sent.

7. The letter charged on 4/8/99 to the PF – allowed at £2.40 abate £3.60

██████████ argued on behalf of the Scottish Legal Aid Board that this letter should be charged on a formal basis.

In reply Mr Robertson argued that the letter was required and necessary.

I allowed the letter at the formal rate, on the basis of the arguments provided and abated the charge by £3.60.

8. The letter charged on 13/1/99 to the client £6.00 – abate £3.60

██████████ argued on behalf of the Scottish Legal Aid Board that this letter should not be charged at all.

In reply Mr Robertson argued that the letter was required and necessary and solicitors are expected to send such a letter to their clients prior to an appearance by the Sheriffs at Linlithgow.

I allowed the letter at the formal rate, on the basis of the arguments provided and abated the charge by £3.60.

9. The letter charged on 22/3/99 to the client £6.00 – abate £3.60

██████████ argued on behalf of the Scottish Legal Aid Board that this letter should not be charged at all on the basis that a short period of time had passed since the last calling of the case.

In reply Mr Robertson argued that the letter was required and necessary and Sheriffs at Linlithgow expect to be sent by solicitors to their clients prior to an appearance by the.

I allowed the letter at the formal rate, on the basis of the arguments provided and abated the charge by £3.60.



O McShane
Depute Auditor of Court
16th July 2002