

**SCOTTISH LEGAL AID BOARD**  
**MEMORANDUM**



Date: 16 January 2006

Ref: PS/lw

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ALS

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For your information, I attach a copy of the order made by the Privy Council on 6 December 2005 regarding taxation in this case. You will see that the three month period for taxation will run from the date of submission of the account.

  
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## AT THE COUNCIL CHAMBER WHITEHALL

The 6<sup>th</sup> day of December 2005

BY THE RIGHT HONOURABLE THE LORDS OF THE  
JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

**WHEREAS** by virtue of paragraph 13(a) of Schedule 6 to the Scotland Act 1998 Petitions of Appeal were presented to this Committee by [REDACTED] Appellant in the matter of an Appeal from the High Court of Justiciary Appeal Court between the Appellant and Her Majesty's Advocate Respondent (Privy Council DRA No. 2 of 2004) and likewise the humble Petition of the Appellant setting forth that on 5th February 2002 at the High Court of Justiciary sitting at Glasgow the Appellant was found guilty of a charge of assault to severe injury permanent disfigurement and permanent impairment and on 19th March 2002 was sentenced to eight years' imprisonment: that the Appellant appealed and also lodged a Minute raising a devolution issue within the meaning of Schedule 6 paragraph 1(a) to the Scotland Act 1998 submitting *inter alia* that the Respondent had acted incompatibly with the Appellant's right to a fair trial guaranteed by Article 6(1) of the European Convention on Human Rights: that on 1st July 2004 the High Court of Justiciary refused the Appeal and dismissed the devolution minute: that on 7th July 2004 the High Court of Justiciary refused the Appellant leave to appeal to the Judicial Committee of the Privy Council: that on 11th October 2004 the Appellant was granted special leave to appeal to the Judicial Committee of the Privy Council: And humbly praying Their Lordships of the Judicial Committee of the Privy Council to take this Appeal into consideration and that the Judgment of the Appeal Court of the High Court of Justiciary dated 1st July 2004 may be reversed altered or varied and for further or other relief. And on the 11<sup>th</sup> day of May 2005 the Lords of the Committee having taken the Appeal and Petition into consideration and having heard Counsel on behalf of the Parties on both sides allowed the Appeal.

**THE LORDS OF THE COMMITTEE** then having taken the question of the costs of the Appeal and of the hearing of today's date into consideration, having heard counsel on behalf of the parties and the Scottish Legal Aid Board and in respect that counsel for the appellant and counsel for the Scottish Legal Aid Board were in agreement that an order in the following terms should be made, direct (1) that no order for costs be made in favour of either party to the appeal to the Judicial Committee or any of the parties to today's hearing, (2) that accounts of the fees and outlays of the appellant's solicitors and accounts of the fees of the appellant's counsel in respect of

legal aid in connection with the appeal to the Judicial Committee, the hearing of 24<sup>th</sup> May 2005 and today's hearing be submitted to the Scottish Legal Aid Board as provided for by the Criminal Legal Aid (Scotland) (Fees) Regulations 1989, (3) that failing agreement between the Scottish Legal Aid Board and the appellant's solicitors or counsel as to the amount of the fees or outlays that are allowable from the Scottish Legal Aid Fund in terms of the Criminal Legal Aid (Scotland) (Fees) Regulations 1989 within three months of the submission of the accounts, the matter shall be referred to the Registrar for taxation and (4) that any party who is dissatisfied with all or part of the taxation may within 14 days after the taxation appeal to the Judicial Committee in the manner provided for by rule 5.39B of the Judicial Committee (Devolution Issues) Rules 1994, as amended by the Judicial Committee (Devolution Issues) Rules (Amendment) Order 2005.

M.E. Macdonald,  
*Registrar of the Privy Council*