

Auditor of the Court of Session

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HMA v [REDACTED]

Donald Findlay QC

Legal Aid Reference SL/7154357607

EDINBURGH 7 December 2009

At a diet of taxation on 16 November 2009, the Auditor heard representations on behalf of Donald Findlay QC and the Scottish Legal Aid Board in respect of a fee of £15,000.00 claimed by Mr Findlay as part of his fee note dated 7 August 2009. Having considered the information provided and the submissions made, the Auditor now taxes the said fee at SIX THOUSAND SIX HUNDRED POUNDS (£6,600.00). To the said sum there falls to be added VAT at 15%, £990.00, and the Auditor's fee, inclusive of VAT, £303.60.



AUDITOR OF THE COURT OF SESSION

NOTE/

The Auditor
Kenneth M. Cumming, W.S.

Principal Clerk
Ms Frances Delaney

NOTE

1. The Auditor has concluded that, on a strict reading of the Criminal Legal Aid (Scotland) (Fees) Regulations 1989, the analysis of them presented to him on behalf of the Legal Aid Board is correct.
2. In particular, the Auditor accepts the submission made on behalf of the Board to the effect that, "*on a very strict interpretation*", the Board would have been entitled to make an offer of 2.5 days for each 2,500 sheets (over 7,500).
3. Given the terms of paragraph 15(e) of the Notes on the operation of Schedule 2, however, the Auditor considers that the sum of £6,600.00 proposed by the Board and based on a total of 11 days is reasonable "*having regard to all the circumstances, including the general level of fees prescribed in this paragraph [15]*".