

Consultation on Legal Aid Reform Regulations

As part of the Scottish Government's work on legal aid reform, and following the publication of the [Legal Aid Reform: A Discussion Paper](#), the Government is inviting views on proposals for four draft Scottish Statutory Instruments (SSIs).

- [Read an overview of the proposals](#)
- [Summary of Proposed Payment Models for AWI Proceedings](#)
 - [Option 1: Block Fee with Separately Chargeable Court Work](#)
 - [Option 2: Enhanced Inclusive Fee Incorporating Initial Court Time, Travel, and Waiting](#)

An overview of the proposals follows below

Criminal Legal Aid

Proposes updates to criminal legal aid, including revised fee structures and eligibility thresholds. For summary criminal cases, the legal aid arrangements are simplified by making provision for all cases under summary criminal legal aid, irrespective of plea and abolishing Assistance by Way of Representation (ABWOR) – other than for post-conviction work, where ABWOR is retained.

For solemn cases, the proposal is to align the preparation fee for cases resolved by a guilty plea at the Preliminary Hearing or First Diet with the s76 preparation fee.

Civil Legal Aid

Proposes the introduction of block fees for adults with incapacity (AWI) cases. The proposed regulations contain two policy options. [Please refer to the draft fee tables below to read these in full alongside the consultation form](#). We would be particularly grateful for your assessment of these in your consultation response.

Children's Legal Aid

Proposes changes to the provision and applications for children's legal assistance in children's hearings proceedings.

You can submit your feedback on any or all the draft proposals via the link below.

[**Scottish Government Consultation on Legal Aid Reform Regulations**](#)

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Summary of Proposed Payment Models for AWI Proceedings

The following outlines two proposed models—Option 1 and Option 2—for introducing block fee payments for solicitors undertaking adults with incapacity (AWI) proceedings.

Option 1: Block Fee with Separately Chargeable Court Work

Option 1 introduces a block fee structure for adults with incapacity (AWI) cases, covering all preparatory and procedural work up to the point of obtaining final orders. Court-related activities—including time spent conducting hearings, travelling, and waiting—would remain separately chargeable under existing Schedule 5 rates.

Table 1. An overview of the block fees available for option 1.

1	Where no action raised the fee for all work from the taking of instructions to the conclusion of all necessary advice	£297.71
2	Where a guardianship application in terms of section 53 (or any corresponding intervention order) is raised the fee for all work, except as specified in paragraph 4 below, up to and including the obtaining of any final orders for disposal, and where appropriate, the registration of any order with the office of the public guardian, the Registers of Scotland and all necessary work to find caution	£840.92
3	Where a renewal application in terms of section 60 (or any corresponding intervention order) or any application for replacement, removal, recall or variation of a guardianship order the fee for all work, except as specified in paragraph 4 below, up to and including the obtaining of any final orders for disposal, and where appropriate, the registration of any order with the office of the public guardian, the Registers of Scotland and all necessary work to find caution	£692.63
4	In addition to paragraph 2 or 3 above, an additional fee shall be payable to the solicitor in respect of time engaged at court for:-	
(a)	The fee for any time up to the first half hour spent by a solicitor conducting a proof or hearing	£47.05
(b)	Each quarter hour (or part thereof) subsequent to the first half hour	£23.53
(c1)	The fee for each quarter of an hour spent by a solicitor waiting at court or where counsel conducts the hearing	£18.20
(c2)	The fee for each quarter of an hour spent by a solicitor's clerk waiting at court or where counsel conducts the hearing	£9.00
(d)	The fee for each quarter of an hour (or part thereof) spent by a solicitor travelling	£9.12
(e)	The fee for each quarter of an hour (or part thereof) spent by a solicitor's clerk travelling	£4.51

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Option 2: Enhanced Inclusive Fee Incorporating Initial Court Time, Travel, and Waiting

Option 2 builds on Option 1 by incorporating the first 30 minutes of court conduct time, along with associated travel and waiting, into the core block fee. Additional court time beyond the initial 30 minutes would be remunerated through an enhanced conduct fee.

Table 2. An overview of the block fee available for option 2.

1	Where no action raised the fee for all work from the taking of instructions to the conclusion of all necessary advice	£291.71
2	Where a guardianship application in terms of section 53 (or any corresponding intervention order) is raised the fee for all work, except as specified in paragraph 4 below, up to and including the obtaining of any final orders for disposal, and where appropriate, the registration of any order with the office of the public guardian, the Registers of Scotland and all necessary work to find caution	£895.37
3	Where a renewal application in terms of section 60 (or any corresponding intervention order) or any application for replacement, removal, recall or variation a of guardianship order the fee for all work, except as specified in paragraph 4 below, up to and including the obtaining of any final orders for disposal, and where appropriate, the registration of any order with the office of the public guardian, the Registers of Scotland and all necessary work to find caution	£748.06
4	In addition to paragraph 2 or 3 above, an additional fee shall be payable to the solicitor in respect of conduct time engaged at court for:-	
	a. any time up to the first half hour spent by a solicitor conducting a proof or hearing after the initial hearing	£65.20
	b. each quarter hour (or part thereof) subsequent to the first half hour to include any additional time engaged in conduct after the first 30 minutes of the initial hearing	£32.60

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