

3. Criminal legal assistance

Appendix notes

- Figures for grants and refusals do not necessarily equal numbers received, since decisions on applications received towards the end of one year may not be reached until the following year.
- Unless otherwise stated, the figures for accounts paid include VAT and were prepared on a cash basis.
- Outlays include all non-fee payments to solicitors and advocates - for example the cost of expert witnesses.

3.1 Intimations of criminal advice and assistance

Subject matter	2023-2024	2022-2023
Appeals	130	111
Assault	815	987
Bail (including breach of bail)	113	101
Breach proceedings	157	143
Contempt of court	17	24
Criminal Law (Consolidation) (Scotland) Act	41	27
Drugs	273	278
Embezzlement/fraud	67	57
Extradition	5	2
Means enquiries/fines	74	48
Murder/attempted murder/culpable homicide	22	22
Offensive behaviour	624	647
Road traffic	684	852
Robbery	34	34
Sexual offences	262	289
Theft/housebreaking	272	256
Other	2,164	2,138
Total	5,754	6,016

3.2 Intimations of criminal ABWOR

Subject matter	2023-2024	2022-2023
Assault	2,679	2,080
Bail (including breach of bail)	3,604	2,867
Breach proceedings	6,941	6,391
Criminal Law (Consolidation) (Scotland) Act	208	172
Drugs	943	842
Embezzlement/fraud	149	97
Offensive behaviour	3,180	2,571
Road traffic	2,096	1,898
Robbery	7	6
Sexual offences	289	234
Theft/housebreaking	2,916	2,273
Other	2,296	1,831
Total	25,308	21,262

3.3 Intimations of advice and assistance under Criminal Justice (Scotland) Act

Offence	Domestic	Non-Domestic	Total	
			2023-2024	2022-2023
Assault	1,060	1,732	2,792	3,303
Bail (including breach of bail)	405	1,619	2,024	1,775
Communications Act	100	174	274	239
Drugs	-	656	656	851
Embezzlement/fraud	-	117	117	172
Murder/attempted murder/culpable homicide	-	228	228	209
Offensive behaviour	399	1,637	2,036	1,923
Road traffic	-	356	356	357
Robbery	-	238	238	228
Sexual offences	-	1,741	1,741	2,103
Theft/housebreaking	-	658	658	693
Other	-	2,031	2,031	1,831
Sub Total	1,964	11,187	13,151	13,684
SCL	-	-	4,776	4,785
Total	1,964	11,187	17,927	18,469

Note. Following a review figures from the SCL are being provided separately but without the subject matter split.

3.4 Intimations of ABWOR under Criminal Justice (Scotland) Act

	2023-2024	2022-2023
CJA ABWOR	115	122

3.5 Applications to SLAB for summary criminal legal aid

Offence	JP court		Sheriff court		Total	
	2023-2024	2022-2023	2023-2024	2022-2023	2023-2024	2022-2023
Assault	534	458	13,217	12,470	13,751	12,928
Bail (including breach of bail)	5	6	2,213	1,899	2,218	1,905
Drugs	160	207	2,472	2,523	2,632	2,730
Embezzlement/fraud	39	46	498	399	537	445
Extradition	0	0	52	65	52	65
Offensive behaviour	783	784	9,068	8,934	9,851	9,718
Road traffic	2,029	1,955	3,595	3,425	5,624	5,380
Robbery	0	0	119	93	119	93
Sexual offences	0	1	877	960	877	961
Theft/housebreaking	662	517	3,971	3,546	4,633	4,063
Other	227	179	2,927	2,494	3,154	2,673
Total	4,439	4,153	39,009	36,808	43,448	40,961

3.6 Grants by SLAB of summary criminal legal aid

Offence	JP court		Sheriff court		Total	
	2023-2024	2022-2023	2023-2024	2022-2023	2023-2024	2022-2023
Assault	464	412	11,858	10,880	12,322	11,292
Bail (including breach of bail)	2	3	2,059	1,734	2,061	1,737
Drugs	150	188	2,266	2,252	2,416	2,440
Embezzlement/fraud	38	40	438	362	476	402
Extradition	0	0	49	55	49	55
Offensive behaviour	721	709	8,214	7,874	8,935	8,583
Road traffic	1,688	1,520	2,952	2,689	4,640	4,209
Robbery	0	0	111	82	111	82
Sexual offences	0	1	757	789	757	790
Theft/housebreaking	624	490	3,717	3,309	4,341	3,799
Other	196	153	2,669	2,233	2,865	2,386
Total	3,883	3,516	35,090	32,259	38,973	35,775

Note

1. Grants include granted at first instance, granted on review and granted after being initially not considered.

3.7 Refusals of summary criminal legal aid at first instance by reason for refusal

Highest Ranked Reason	JP court		Sheriff court		Total	
	2023-2024	2022-2023	2023-2024	2022-2023	2023-2024	2022-2023
1. Not in the interests of justice	113	264	0	0	113	264
2. Means	179	136	1,681	1,722	1,860	1,858
3. Other rights and facilities	0	0	0	0	0	0
4. Non-timeous	0	1	0	1	0	2
Total	292	401	1,681	1,723	1,973	2,124

Note

1. There can be multiple refusal reasons on a case. Here only the highest ranked reason is shown, with 1 being high.

3.8 Disposal of applications for review of decision to refuse summary criminal legal aid

	Received	Granted	Refused
Total 2023-2024	935	475	332
Total 2022-2023	1,037	504	374

3.9 Court granted legal aid

Type of intimation	2023-2024	2022-2023
Contempt of Court	732	790
Glasgow domestic abuse court	661	657
Glasgow, Kirkcaldy and Dunfermline drug courts	9	1
Granted under section 22 (1)(da-de)	249	193
Granted under section 23 (1)(b)	6	13
Total	1,657	1,654

Note

- Under section 23(1)(b) the court may grant summary criminal legal aid when considering a custodial sentence for a convicted person who has not previously been sentenced to imprisonment.

3.10 Applications to SLAB for solemn criminal legal aid

Offence	2023-2024	2022-2023
Assault	4,662	5,116
Bail (including breach of bail)	570	679
Drugs	1,440	1,273
Embezzlement/fraud	222	170
Murder/attempted murder/culpable homicide	360	366
Offensive behaviour	1,765	1,725
Road traffic	170	162
Robbery	708	696
Sexual offences	1,788	1,747
Theft/housebreaking	720	692
Other	808	806
Total	13,213	13,432

3.11 Grants of solemn criminal legal aid

Offence type	2023-2024	2022-2023
Assault	4,248	4,635
Bail (including breach of bail)	542	640
Drugs	1,314	1,120
Embezzlement/fraud	194	149
Murder/attempted murder/culpable homicide	341	345
Offensive behaviour	1,619	1,566
Road traffic	138	135
Robbery	685	650
Sexual offences	1,548	1,468
Theft/housebreaking	706	654
Other	720	725
Total	12,055	12,087

3.12 Grants under regulation 15 of the Criminal Legal Aid (Scotland) Regulations 1996 (matters of special urgency)

Type	Applications granted	
	2023-2024	2022-2023
Summary criminal	0	1
Criminal appeals	903	776
Total	903	777

3.13 Criminal appeals - full legal aid applications

Appeal Court	2023-2024			2022-2023		
	Received	Granted	Refused	Received	Granted	Refused
Sheriff Appeal Court	150	138	5	136	126	8
High Court	179	163	4	176	165	4
Total appeal applications	329	301	9	312	291	12

3.14 Applications for prior approval (sanctions) in criminal legal aid cases

Type	2023-2024			2022-2023		
	Received	Granted	Refused	Received	Granted	Refused
Summary criminal						
Expert witness	1,559	1,388	79	1,585	1,441	90
Unusual expenditure	62	5	51	75	16	58
Counsel	128	78	35	148	89	51
Total summary criminal	1,749	1,471	165	1,808	1,546	199
Solemn criminal and others						
Expert witness	1,996	1,815	73	2,024	1,830	86
Unusual expenditure	167	53	89	208	71	125
Counsel	3,410	2,928	378	3,154	2,678	376
Total solemn criminal and others	5,573	4,796	540	5,386	4,579	587
Criminal appeals						
Expert witness	9	7	0	10	9	0
Unusual expenditure	7	5	1	5	3	2
Counsel	37	27	6	58	49	7
Total criminal appeals	53	39	7	73	61	9
Total applications for sanctions	7,375	6,306	712	7,267	6,186	795

Note

1. Solemn figures also include sanctions on these other case types: Section 23(1)(b), contempt, domestic abuse, drugs court and section 22(1)(da-de) cases.

3.15 Applications for exceptional status in summary criminal and ABWOR fixed payment cases

	Received	Granted	Refused
Total 2023-2024	199	137	49
Total 2022-2023	264	172	87

3.16 Requests for change of solicitor in criminal legal aid cases

Type	2023-2024			2022-2023		
	Received	Granted	Refused	Received	Granted	Refused
ABWOR	62	52	4	67	47	5
Summary criminal	1,009	939	39	1,540	1,399	83
Solemn criminal and others	1,311	1,236	49	1,350	1,236	82
Criminal appeals	2	2	0	1	0	0
Total requests	2,384	2,229	92	2,958	2,682	170

Note

1. Solemn figures also include transfers on these other case types: Section 23(1)(b), contempt, domestic abuse, drugs court and section 22(1)(da-de) cases.

3.17 Accounts paid and average case costs - criminal advice and assistance and ABWOR

Aid Type	Number of cases	Solicitor outlays		Counsel outlays		Total outlays £000	Total paid		Average case cost	
		2023-2024 £000	2022-2023 £000	2023-2024 £000	2022-2023 £000		2023-2024 £000	2022-2023 £000	2023-2024 £	2022-2023 £
Criminal advice and assistance	2,834	257	14	12	26	283	284	284	100	94
Criminal ABWOR	20,132	12,115	307	40	347	12,462	9,382	619	534	
Total criminal advice and assistance and ABWOR 2023-2024	22,966	12,372	322	52	374	12,746	-	555	-	
Total criminal advice and assistance and ABWOR 2022-2023	20,622	9,398	209	59	268	-	9,666	-	-	469

Note

1. In this table, payments to advocates and solicitor advocates are included under counsel outlays, as regulation 17(1) of the Advice and Assistance (Scotland) Regulations 1996 only provides for payments to the solicitor, of fees and outlays.

3.18 Accounts paid criminal ABWOR - split between fixed fee and time and line

Fee Type	Number of cases	Solicitor outlays		Counsel outlays		Total outlays £000	Total paid		Average case cost	
		2023-2024 £000	2022-2023 £000	2023-2024 £000	2022-2023 £000		2023-2024 £000	2022-2023 £000	2023-2024 £	2022-2023 £
Fixed	13,890	9,805	112	4	116	9,921	7,266	714	610	
Time and line	6,242	2,309	196	36	232	2,541	2,116	407	374	
Total	20,132	12,115	307	40	347	12,462	9,382	555	534	

3.19 Criminal Justice (Scotland) Act - advice and assistance

	Solicitor £000	Solicitor outlays £000	Total paid		Total number	Cost (£) per	
			2023-2024 £000	2022-2023 £000		2023-2024 £	2022-2023 £
Domestic							
Assault	92	3	95	88	885	107	95
Bail (including breach of bail)	32	1	33	25	373	88	84
Communications Act	10	0	10	8	81	127	128
Offensive behaviour	35	1	36	31	363	100	87
Total domestic	170	5	174	152	1,702	102	92
Non-domestic							
Assault	187	7	194	178	1,561	124	113
Bail (including breach of bail)	136	3	139	109	1,541	90	81
Communications Act	20	1	20	14	156	131	129
Drugs related matter	68	2	70	67	586	119	114
Embezzlement/fraud	19	1	20	28	108	186	197
Murder/attempted murder/culpable homicide	57	4	60	46	212	283	252
Offensive behaviour	151	4	156	109	1,552	100	84
Road traffic	33	1	34	28	333	104	86
Robbery	23	0	23	22	222	105	111
Sexual offences	269	11	280	297	1,438	195	193
Theft/housebreaking	66	2	68	55	634	106	95
Other	190	7	197	140	1,865	106	90
Total non-domestic	1,219	42	1,261	1,093	10,208	124	116
Total Criminal Justice (Scotland) Act - advice and assistance	1,389	46	1,435	1,245	11,910	120	112

3.20 Criminal Justice (Scotland) Act - ABWOR

	Solicitor £000	Solicitor outlays £000	Total paid £000	Total number	Cost (£) per
Total 2023-2024	8	0	8	80	105
Total 2022-2023	8	0	8	83	101

3.21 Duty solicitor - accounts

Type	Solicitor £000	Advocate £000	Solicitor advocate £000	Total outlays £000	Duty solicitor appearances			PDSO Number of appearances
					Total paid £000	Total number	Cost (£) per	
Duty appearances	375	0	0	3	378	4,559	83	1,949
Total 2023-2024	375	0	0	3	378	4,559	83	1,949
Total 2022-2023	212	0	0	4	217	2,714	80	3,451

Note

1. PDSO appearances are not included in the total number and are not used in 'Cost per appearance' calculations.

3.22 Cases requiring ID/VIPER Parades

	Solicitor £000	Advocate £000	Solicitor advocate £000	Total outlays £000	ID/VIPER appearances			
					Total paid £000	Total number	Cost (£) per	
Total 2023-2024	142	0	0	12	154	662	233	
Total 2022-2023	157	0	0	12	169	789	214	

3.23 Accounts paid and average case costs - summary criminal legal aid

Court	Number of cases	Solicitor £000	Advocate £000	Solicitor advocate £000	Total outlays £000	Total paid		Average case cost	
						2023-2024 £000	2022-2023 £000	2023-2024 £	2022-2023 £
JP Court	3,527	1,595	0	0	30	1,624	1,585	460	430
Sheriff court	29,074	22,660	103	5	1,108	23,876	25,051	821	735
Total summary criminal legal aid 2023-2024	32,601	24,255	103	5	1,137	25,500	-	782	-
Total summary criminal legal aid 2022-2023	37,767	25,500	79	8	1,049	-	26,635	-	705

Note

1. These figures exclude payments for contempt of court and duty.

3.24 Accounts paid summary criminal legal aid - split between fixed fee and time and line

Fee Type	Number of cases	Solicitor £000	Advocate £000	Solicitor advocate £000	Total outlays £000	Total paid		Average case cost	
						2023-2024 £000	2022-2023 £000	2023-2024 £	2022-2023 £
Fixed	31,214	23,036	34	4	880	23,954	25,650	767	702
Time and line	1,387	1,219	69	1	258	1,547	985	1,115	803
Total summary criminal legal aid 2023-2024	32,601	24,255	103	5	1,137	25,500	-	782	-
Total summary criminal legal aid 2022-2023	37,767	25,500	79	8	1,049	-	26,635	-	705

3.25 Criminal Appeals

Type	Number of cases	Solicitor £000	Advocate £000	Solicitor advocate £000	Total outlays £000	Total paid		Average case cost	
						2023-2024 £000	2022-2023 £000	2023-2024 £	2022-2023 £
Appeals - special urgency under regulation 15	439	154	124	87	9	374	352	853	990
Appeals - full legal aid	241	121	249	92	29	491	416	2,039	2,037
Total criminal legal aid appeals 2023-2024	680	275	373	179	38	866	-	1,273	-
Total criminal legal aid appeals 2022-2023	560	247	297	199	25	-	768	-	1,372

3.26 Accounts paid and average case costs - solemn criminal legal aid

Offence	Number of cases	Current Year Cost ¹								Actual Case Cost ²			
		Solicitor £000	Advocate £000	Solicitor advocate £000	Total outlays £000	Total paid		Average case cost		Average case cost 2023-2024 £	2022-2023 £	Median case cost 2023-2024 £	2022-2023 £
						2023-2024 £000	2022-2023 £000	2023-2024 £	2022-2023 £				
Assault	4,813	9,430	676	200	463	10,768	7,373	2,237	1,830	2,182	1,482	1,763	1,059
Bail (including breach of bail)	577	484	16	0	10	511	255	886	571	867	458	834	314
Drugs	1,121	2,546	742	236	185	3,709	2,770	3,309	2,903	3,347	2,184	1,870	1,090
Embezzlement/fraud	156	444	127	10	62	644	470	4,128	3,332	4,489	3,057	2,117	1,225
Murder/attempted murder/culpable homicide	290	1,625	1,864	653	255	4,397	4,576	15,162	17,805	12,056	13,916	8,502	8,388
Offensive behaviour	1,599	3,037	665	153	170	4,025	2,536	2,517	2,016	2,380	1,455	1,541	904
Road traffic	139	323	131	34	57	544	373	3,911	3,107	3,352	2,420	2,041	1,097
Robbery	672	1,492	123	76	61	1,752	1,403	2,607	2,263	2,510	1,999	2,101	1,400
Sexual offences	1,458	5,209	5,817	2,102	855	13,983	10,804	9,591	8,914	8,538	6,701	2,874	2,254
Theft/housebreaking	694	1,204	23	1	53	1,280	813	1,845	1,421	1,831	1,142	1,583	906
Other	710	1,658	453	145	149	2,406	2,407	3,389	4,039	3,315	2,680	1,667	1,017
Total all proceedings 2023-2024	12,229	27,452	10,637	3,609	2,321	44,019	-	3,600	-	3,351	-	1,788	-
Total all proceedings 2022-2023	10,207	19,058	9,286	3,329	2,107	-	33,779	-	3,309	-	2,547	-	1,074

Notes

1. Current Year Cost is the total cost of all payments made in the financial year.

2. Actual Case Cost statistics are based on the lifetime cost of cases (payments to 31 October 2024), for cases with a main solicitor payment in the financial year.

3. These figures exclude payments for contempt of court and duty.

3.27 Accounts paid and average case costs - court granted legal aid

Court	Number of cases	Solicitor £000	Advocate £000	Solicitor advocate £000	Total outlays £000	Total paid		Average case cost	
						2023-2024 £000	2022-2023 £000	2023-2024 £	2022-2023 £
Contempt of court	624	175	8	12	3	198	168	318	268
Glasgow domestic abuse court	418	77	3	0	1	81	78	193	168
Glasgow, Kirkcaldy and Dunfermline drug courts	4	2	0	0	0	2	4	494	705
Granted under section 22 (1)(da-de) of the Legal Aid (Scotland) Act 1986	126	150	100	9	23	281	303	2,232	2,048
Total all proceedings 2023-2024	1,172	404	111	20	28	562	-	480	-
Total all proceedings 2022-2023	1,244	363	115	42	32	552	-	444	-