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THE SCOTTISH LEGAL AID BOARD 44, Drumsheugh Gardens, Edinburgh, EH3 7SW
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PRESS STATEMENT Friday 24 September 1999



The Board does not recognise that there is a crisis with legal aid payments to advocates as suggested by today's Scottish Mirror article. There has been some delay as a result of the slowdown in payments to solicitors, however the interim payments made to advocates have been paid as normal since June and the balance payable on advocates' accounts is around four to five weeks behind our normal payment time. As we have said to solicitors and to the Faculty of Advocates, this will be cleared by 25 October. Over recent months payments are approaching normal levels.

We have discussed the effects of the slowdown in payment of accounts with the Faculty of Advocates and informed them of the measures we have taken to resolve the situation. However, the Board is not aware of the scale or the effects alleged in the article. We are unclear where the figure of 300 arrestments made against advocates comes from, as our records show that there are only eight arrestments lodged with the Board against advocates. This would fit with our experience of the average number of arrestments at any one time. We have only received direct representation from one advocate about the difficulties, and we are working with that person. If any other advocates have significant difficulties in relation to legal aid we would be happy to discuss these with them as no doubt would the Faculty of Advocates.

Throughout the last few months, we have kept the profession fully up to date with developments and we have taken a range of practical measures to resolve the slowdown in payments. The measures we have taken are working and we made a commitment last week that criminal legal aid accounts will be paid within 30 calendar days from 25 October, a move which has been welcomed by the profession.

The Mirror suggests the slowdown in payments is a result of a "go-slow" at the Board, when in fact staff are working extensive overtime to address the delay in payments. The paper further suggests that the introduction of fixed payments for summary criminal legal aid has caused discontent among staff. This could not be further from the truth and staff have responded to the changes required quickly and efficiently. Fixed payments do not affect advocates and it is not a cause of the slowdown in payment of accounts. In fact, one of the purposes of the fixed payments regulations was to introduce a system which was easier and quicker to administer and this is now proving to be the case. Decisions on issues such as the introduction of fixed payments and the rates paid to advocates and solicitors rest with the Scottish Executive; the Board's role is to administer these.

The Board has a statutory obligation to taxpayers and the Scottish Parliament to carefully scrutinise all accounts from solicitors and advocates within the framework of the regulations set down by Parliament, to ensure that all payments are reasonable for the work done - and we are doing this. The Board is accountable to the Scottish Executive, and officials and Ministers have been kept fully informed of the situation throughout.

It is likely however that the recent changes in VAT arrangements for advocates, combined with a reduction in the amount of criminal legal aid work, will have adversely affected the income of some advocates.