



ANNUAL REPORT
DELIVERING OUR OBJECTIVES

01/
02

MISSION STATEMENT:

To develop and deliver appropriate access to quality legal assistance for those eligible, in a cost effective manner.

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STRATEGIC OBJECTIVES:

- to achieve consistent, timely and sound decision making at all stages of an application for legal assistance
- to achieve consistent, timely and sound decision making at all stages of assessing and paying accounts
- to achieve effective financial management of the Legal Aid Fund
- to improve the effectiveness of the delivery of our service while achieving a reasonable balance between cost and quality
- to communicate effectively with applicants, opponents, their advisors and other stakeholders in a clear, concise, timely, informative and pro-active manner
- to provide sound advice to Ministers and Parliament on the current operation and development of the provision of legal aid.

CHAIRMAN'S STATEMENT



Year on year the Board aims to improve the quality of its service to customers and to see positive developments in the provision of legal aid. This annual report, I believe, demonstrates good progress on both counts.

Legal aid exists to provide access to solicitors and advocates for those who could not otherwise afford such help with their legal problems. Last year our workload grew by 3%. Each working day we received nearly 2,500 applications, intimations and increase requests – totalling over 620,000 in the year. That is a large number by any standards! Yet it is critical that we do not focus only on 'the numbers' but remember that each application represents a member of the public who wants help. For many the problems will be urgent and indeed may be the source of physical, psychological or financial hardship. The prompt and appropriate determination of the application is therefore a key stage in the possible resolution of their problem.

Rightly, therefore much of the focus last year was on improving the timeliness and consistency of our decision making and, working with the Scottish Executive, looking to address the principal barriers which prevent some of those most vulnerable from qualifying and accepting offers of legal aid.

Legal Aid has been subject to scrutiny and debate by the Justice 1 Committee of the Scottish Parliament; this can only be viewed as helpful.

The Board is pleased that the thrust of the Committee's recommendations is aligned with some of the key policy and research initiatives being pursued by the Board in conjunction with the Scottish Executive.

The improvements in our service coupled with the proposed changes to the special urgency provisions and contribution payment plus the uprating of some elements of the financial tests have all been welcomed by the profession and advice sector. The changes are well targeted and will make a real difference to many – that is good progress.

A key tenet of the Board's strategy is to work in consultation and collaboration with others. This takes time and energy and occasionally is far from easy; but the Board working in partnership delivers fundamentally better solutions than the Board working in isolation.

The legal profession are key to the delivery of effective legal aid services so it is appropriate that we have worked particularly hard with the Law Society of Scotland and Faculty of Advocates on a range of subjects including quality assurance and fee levels for their members.

For the first time the Board is now working in partnership with the not for profit sector and local government. The launch of four Part V pilots, where solicitors employed by the Board are working within the advice sector is a welcome development. These projects aim to meet local needs and will be

valuable in the development of proposals for a community legal service. I am pleased too that in a number of areas we have begun to reduce the bureaucracy involved in legal aid and have adapted procedures and policies in response to issues raised with us.

Kay Blair, Brian Adair and Derek O'Carroll retired from the Board in March. Each gave generously of their time and skills and I appreciate their substantial contribution. Graeme McKinstry and David Nicol, both highly regarded practising solicitors, have joined the Board and will be of great assistance.

Throughout the year our staff have worked tirelessly and been quick to adapt to new structures, policies and systems; I thank them all.

Much has been achieved but there is much more to be done – we are far from complacent! Our objectives for the coming year are demanding and wide ranging. We will adopt higher targets for our performance and work with others to seek further developments in the delivery of legal aid.

The Board faces many new challenges but with the skills and commitment of our Members and staff, coupled with the co-operation of the profession, advice sector and others we look forward with confidence.

Jean Couper

Jean Couper
CHAIRMAN

THE BOARD AND LEGAL AID

Legal aid allows people who would not otherwise be able to afford it to get the help of a solicitor, and sometimes an advocate, for their legal problems.

The Scottish Legal Aid Board was set up in 1987 to manage legal aid in Scotland. It is a non-departmental public body responsible to Scottish Ministers through the Scottish Executive.

The Board is situated in Edinburgh and employs around 330 full-time staff. Twelve Board members, appointed by Scottish Ministers, oversee the work. To provide a balanced range of knowledge and experience, they include people from the wider community as well as solicitors and advocates.

The main functions of the Board are to:

- consider whether to grant or refuse applications for civil and summary criminal legal aid
- examine solicitors' and advocates' accounts for legal aid work, and pay them for the work they have done (based on fee rates set by Parliament)
- collect contributions and expenses for civil legal aid
- register firms and solicitors under the Board's *Code of Practice in relation to criminal legal assistance* and monitor their ongoing compliance
- investigate and pursue abuse of legal aid
- advise Scottish Ministers on legal aid matters
- manage the Legal Aid Fund.

The Scottish Parliament determines the framework and legislation within which the legal aid system operates.

There are three main types of assistance available under legal aid:

- advice and assistance, which is advice on any matter of Scots law
- civil legal aid, which allows a solicitor to take a civil case to court
- criminal legal aid, which allows a solicitor to defend a criminal prosecution.

The criteria for granting advice and assistance, and civil and criminal legal aid (both on merits and financial eligibility) are set down in legislation. Decisions on applications are made by:

- the Board for civil and summary criminal legal aid, increases in the level of authorised expenditure for advice and assistance and sanction for counsel, expert witnesses or to incur unusual costs
- the courts for criminal legal aid in solemn cases – i.e. the more serious criminal cases, such as murder, serious assault or fraud
- solicitors in the case of initial grants of advice and assistance.

Ministers are precluded by legislation from involvement in decisions on specific applications.

People who are granted civil legal aid or advice and assistance may have to pay something towards the cost through:

- paying contributions: in civil cases the Board determines the amount payable; for advice and assistance



Lindsay Montgomery, Chief Executive

- solicitors apply contribution levels set down in legislation
- paying some or all of their own costs from any money or property that they receive or manage to keep as a result of their case (often known as “clawback”).

If the legally aided person is successful in his or her case, the opponent in the case may be required by the court to pay the costs.

CONFIDENTIALITY

Our aim is to be open and transparent in our dealings with all stakeholders, including applicants, assisted persons, opponents, the legal profession, Scottish Ministers, MSPs and the public.

Whenever possible we supply full information on our operations and objectives.

However, the Board is entrusted with both sensitive personal information and details about cases. Section 34 of the Legal Aid (Scotland) Act 1986 provides that, subject to certain limited exceptions, we may not supply information provided to us under the Act (including, for example, information contained in legal aid applications) without the consent of the person who supplied that information. A Board member or employee who supplies information in breach of this section may be guilty of a summary criminal offence.

DELIVERING AGAINST OUR PERFORMANCE TARGETS

Our performance against the targets agreed with Scottish Ministers has improved significantly during the year.

We met or exceeded all our headline performance indicators for 2001/2002:

	TARGET	ACTUAL		TARGET	ACTUAL
Civil applications			Civil accounts		
Timeliness	84%	86%	Timeliness	83%	87%
Accuracy/consistency	87%	90%	Accuracy/consistency	92%	96%
Headline indicator	85%	88%	Headline indicator	88%	92%
Criminal applications			Criminal accounts		
Timeliness	95%	99%	Timeliness	97%	95%
Accuracy/consistency	90%	99%	Accuracy/consistency	92%	96%
Headline indicator	93%	99%	Headline indicator	95%	95%
Advice and assistance applications			Advice and assistance accounts		
Timeliness	92%	94%	Timeliness	95%	95%
Accuracy/consistency	90%	99%	Accuracy/consistency	92%	97%
Headline indicator	91%	97%	Headline indicator	94%	96%

Our headline indicators combine the individual timeliness and accuracy targets for each aid type, so that we achieve an appropriate balance between the measures for speed of processing and quality of decision. The weighting between timeliness and accuracy is 50:50.

In addition, we met or exceeded 33 of our individual timeliness and accuracy targets. Of the six individual targets where we did not meet the targets, two were within 1%, three within 2% and one within 3%. Where we did not meet targets we are actively working to improve our performance.

Full details of our performance can be found at Appendix 1 on pages 16-17. In particular:

- we improved the consistency of our decision making on civil applications throughout the year
- in criminal applications, all 13 individual targets were exceeded
- in advice and assistance, all 7 individual targets were met or exceeded
- we achieved a consistently good performance in respect of civil, criminal and advice and assistance accounts, meeting five out of six targets. Although we narrowly failed, by 2%, to meet the timeliness target (set at 97%) for criminal accounts, the target was met each month from September onwards.

IMPROVING THE QUALITY OF OUR SERVICE

STRATEGIC OBJECTIVES:

To achieve consistent, timely and sound decision making at all stages of an application for legal assistance

To achieve consistent, timely and sound decision making at all stages of assessing and paying accounts

The Board's Corporate Plan for 2001/2002 set out what we intended to achieve during the year. In this chapter we outline what we have achieved under each strategic objective.

STRATEGIC OBJECTIVE:
TO ACHIEVE CONSISTENT, TIMELY AND SOUND DECISION MAKING AT ALL STAGES OF AN APPLICATION FOR LEGAL ASSISTANCE

CONSISTENCY AND TIMELINESS OF DECISIONS

Significant improvement in the consistency and timeliness of our decisions was achieved through:

- a major restructuring and integration of our Legal Services and Applications Departments
- a move to all merits decisions on civil legal aid applications being made by legally qualified staff
- greater specialisation by staff
- a substantial programme of training, including paralegal training for non legally qualified staff.

Steps taken to streamline administration and reduce the bureaucracy of the legal aid system, such as amending procedures and issuing guidance to solicitors, reduced the number of civil applications returned to solicitors as incomplete.

We also extended the remit of our Independent Checking and Quality Unit to review decisions on all aspects of applications.

SPECIAL URGENCY PROVISIONS

Special urgency provisions in civil legal aid allow solicitors to act for clients before full legal aid applications have been determined. Many people are asked by their solicitor to pay a "notional contribution" in an advance lump sum for this work and, if unable to do so, may not be able to proceed with their legal action.

Ministers accepted the Board's recommendation that these applicants be allowed to pay the contribution by instalments to the Board. We will implement the changes as soon as the necessary regulations are put in place by the Scottish Executive.

CONTRIBUTIONS

From January 2002 we extended the payment period to 20 months for all civil cases where the contribution is over £50.

We now issue, with all offers of legal aid subject to a contribution, a detailed breakdown showing how the contribution was assessed, accompanied by a note on how assessments are calculated.

These complementary measures will:

- provide applicants with a more affordable payment schedule
- provide applicants with better information on the calculation of their contribution
- allow more applicants to accept offers of legal aid subject to a contribution.

- Significant improvement in the consistency and timeliness of our decisions.

- Extension to 20 months in nearly all cases of the instalment period for contributions towards civil legal aid.



PROVIDING BETTER GUIDANCE FOR SOLICITORS AND STAFF

Better guidance helps solicitors to give the Board the information we need when considering applications, and helps our staff to make consistent decisions.

We have issued through *The Recorder*, (our newsletter for the profession), guidance on various aspects of the applications process including:

- supporting documentation (corroboration) with civil legal aid applications
- applications to the Scottish Criminal Cases Review Commission
- matrimonial cases
- divorce
- pension splitting
- paternity.

STRATEGIC OBJECTIVE: TO ACHIEVE CONSISTENT, TIMELY AND SOUND DECISION MAKING AT ALL STAGES OF ASSESSING AND PAYING ACCOUNTS

We have improved our service delivery in payment of accounts through:

- issuing guidelines to staff on fixed payments in criminal cases, and advice and assistance and civil legal aid accounts
- publication of the fixed payment guidelines on our website for the profession
- improvement and extension of the processes for checking our assessment of accounts
- further development of the checks undertaken by the Independent Checking and Quality Unit
- making available to solicitors and advocates more detailed information on abatements to their accounts
- significant improvement in the control and reporting of solicitors' credits (i.e. money returned to the Board by solicitors and advocates following payment of their accounts)
- continued liaison with the Law Society and Faculty of Advocates on accounts issues.

IMPROVING THE QUALITY OF OUR SERVICE (cont'd)

STRATEGIC OBJECTIVES:

To achieve effective financial management of the Legal Aid Fund

To improve the effectiveness of the delivery of our service while achieving a reasonable balance between cost and quality

STRATEGIC OBJECTIVE: TO ACHIEVE EFFECTIVE FINANCIAL MANAGEMENT OF THE LEGAL AID FUND

FINANCIAL AND MANAGEMENT SYSTEMS

We implemented, on time and on budget, a major new financial accounting and management system for processing payments to solicitors and advocates. It is a key element in the Board's move to e-business, which in due course will enable accounts to be submitted electronically. The system brings a range of benefits to both the profession and the Board including the ability to monitor trends in legal aid expenditure and to plan better for the future.

DEBT RECOVERY

Steps taken to increase the effectiveness of our debt recovery include:

- improved contact with debtors, through extended working hours and increased use of the telephone
- provision of improved information for debtors.

INVESTIGATIONS

We have increased our investigations capability to check whether applicants and assisted persons are eligible for legal aid.

If an opponent in a civil case submits objections to an application for legal aid, these objections are fully considered.

During the year, the Board investigated 1,370 cases where it appeared that an applicant or assisted person had not made a full disclosure at the time of application or, in civil cases, had not told us of a change in circumstances.

As a result of these investigations, 119 applications were refused and legal aid was terminated in 210 cases. In addition, seven cases were referred to the procurator fiscal for possible prosecution.

Within the same period, we carried out 118 investigations into the conduct of solicitors. Two formal complaints were referred to the Law Society of Scotland and two cases were referred to the police for further investigation.

Savings to the Legal Aid Fund of over £1 million resulted from investigations into applicants, assisted persons and solicitors.

CODE OF PRACTICE IN RELATION TO CRIMINAL LEGAL ASSISTANCE

Since October 1998 all solicitors wishing to provide criminal legal assistance have had to show that they comply with the Board's *Code of Practice in relation to criminal legal assistance*. In 2001 we moved from a two-year to a three-year audit cycle. We also introduced a system of more detailed reports for solicitors, which has been well received.

During the year we carried out 161 compliance audits. We found serious breaches of the Code in 30 cases and very serious breaches in 5 cases. Where we find such breaches, we provide assistance to the firms concerned to amend and/or implement procedures to enable them to comply with the Code. One firm and one solicitor were removed from the Criminal Legal Assistance Register for very serious non-compliance with the Code.

- Substantial progress in the development of systems to introduce e-commerce between the Board and the legal profession.
- Successful reassessment against the Investors in People standard.



CORPORATE GOVERNANCE ARRANGEMENTS

Following the Turnbull report, we established a corporate governance working group and have:

- incorporated a statement of internal control for the annual accounts for 2001/2002
- implemented a risk management framework to identify and address potential risks
- continued to work with the Scottish Executive on the revised Financial Memorandum
- reviewed our internal financial delegation procedure.

TREND ANALYSIS AND FORECASTING

We have increased our ability to analyse past trends in legal aid and to forecast more accurately future trends in volumes and expenditure. Such analysis also helps us identify areas for investigation or further detailed review.

STRATEGIC OBJECTIVE: TO IMPROVE THE EFFECTIVENESS OF THE DELIVERY OF OUR SERVICE WHILE ACHIEVING A REASONABLE BALANCE BETWEEN COST AND QUALITY

E-BUSINESS

We have made substantial progress with developing the systems to introduce e-commerce between the Board and the legal profession and have 15 advice and assistance pilots in operation. The full roll-out of e-business for advice and assistance will start in the coming year, as will the establishment of pilots for criminal legal aid.

INVESTING IN PEOPLE

Our commitment to developing and motivating staff was recognised in our successful reassessment against the Investors in People standard.

The Board is one of only 15 Scottish based organisations which have been awarded funding support from the Government's Work-Life Balance Challenge Fund. Some 50% of our staff are now involved in pilot projects to identify better work patterns for jobs within the Board. This will benefit the staff, the organisation and those we serve.

Other improvements in this area are:

- the introduction of new payroll systems
- implementation of a revised appraisal system
- commencement of a review of pay and grades.

BEST PRACTICE

We have used the Business Excellence Model to benchmark our work and help us to use best practice. We are working towards applying for Charter Mark.

We are also developing an efficiency model to complement our existing performance reporting system, and pilot projects have been in place since February.

GREENING GOVERNMENT POLICIES

In line with government policies we aim to use resources and energy as efficiently and effectively as possible. Our combined gas and electricity usage was 53% less than the maximum target recommended by the Scottish Executive.

DUTY SOLICITORS' ROTA

The Board is responsible for maintaining a duty solicitors' rota to allow those in custody charged with a criminal offence access to a solicitor. Following discussion with the profession, we introduced revised criteria for solicitors to be eligible for inclusion on the rota.

IMPROVING THE QUALITY OF OUR SERVICE (cont'd)

STRATEGIC OBJECTIVES:

To communicate with applicants, opponents, their advisors and other stakeholders in a clear, concise, timely, informative and proactive manner

To provide sound advice to Ministers and Parliament on the current operation and development of the provision of legal aid

STRATEGIC OBJECTIVE:

TO COMMUNICATE WITH APPLICANTS, OPPONENTS, THEIR ADVISORS AND OTHER STAKEHOLDERS IN A CLEAR, CONCISE, TIMELY, INFORMATIVE AND PROACTIVE MANNER

MEETING WITH THE PUBLIC AND THE LEGAL PROFESSION

We have continued our programme of meetings, holding public meetings in Edinburgh, Glasgow and Inverness, seeking the views of the public on the operation of legal aid. We included a “surgery” element where people could speak to a Board solicitor on a one-to-one basis about any aspect of legal aid.

We also held a range of meetings with the legal profession and others with an interest in legal aid and access to justice.

IMPROVING OUR CORRESPONDENCE

We have revised many of our standard letters and provided more training to staff in letter writing skills.

We have also installed equipment for scanning incoming mail – giving us a digital record of all documents and thereby reducing the risks of lost, and consequently unanswered, correspondence.

COMPLAINTS PROCEDURE

We operate a complaints procedure to allow members of the public and legal profession to raise problems with us.

In total, we received 240 formal complaints during the year. Of these 68% were considered justified.

We used the information obtained to identify problem areas and to take appropriate action to prevent similar problems recurring.

During the year, the Scottish Parliamentary Commissioner (the Ombudsman) received 8 complaints relating to the Board and a further 8 were carried forward from the previous year. The Ombudsman cleared 14 of these cases, of which 3 were statutory investigations. In one of those he concluded that the complaint was justified.

STRATEGIC OBJECTIVE:

TO PROVIDE SOUND ADVICE TO MINISTERS AND PARLIAMENT ON THE CURRENT OPERATION AND DEVELOPMENT OF THE PROVISION OF LEGAL AID

During the year we were active in providing advice to Ministers on legislative matters, and in working with the Scottish Executive and others to develop and implement some innovative proposals.

INQUIRY INTO LEGAL AID AND ACCESS TO JUSTICE

The Board submitted written and oral evidence to the Scottish Parliament's Justice 1 Committee Inquiry into Legal Aid and Access to Justice. We have already made progress on some of the issues which both the Committee and the Board identified as areas of concern, such as special urgency cases and the repayment period for contributions. We will continue to work with the Scottish Executive on the agreed proposals.

COMMUNITY LEGAL SERVICE

The Board is a member of the working group set up by Jim Wallace, Deputy First Minister, to look at how a joined-up community legal service might be developed to improve access to civil justice.

- Implementation of four innovative pilot projects – new approaches to delivering legal services.
- Development of our research capacity to provide better information about the operation of the legal aid system.



The Launch of the West Lothian Advice Partnership Part V pilot.

The group reported in November and concluded that there are some barriers to effective access to justice. Key recommendations included:

- mapping the supply of existing advice provision in Scotland against the demand for services
- research on the use of innovative methods of delivery of services
- a detailed audit of existing quality standards and assurance schemes in use by the advice sector.

PART V PROJECTS

The commencement during the year of Part V of the Legal Aid (Scotland) Act 1986 allows the Board to employ solicitors to give advice and assistance under the Act, to act for persons receiving legal aid, or to work with local organisations.

Following a robust selection process, four projects were selected for implementation as the start of a programme of developing new approaches to delivering legal advice:

- **Citizens Advice Bureaux Service** – the solicitor serves six bureaux in 13 locations throughout the Highlands and Islands, providing greater access to legal services for people in rural areas.
- **Streetwork** – the solicitor provides legal advice to young people and rough sleepers in Edinburgh in informal surroundings, such as on the streets and in drop in centres.
- **West Lothian Advice Partnership** – brings together the expertise of all the major advice providers in West Lothian, and the solicitor provides

advice and support to socially excluded people.

- **Castlemilk Law and Money Advice Centre and Ethnic Minorities Law Centre in Glasgow** – two solicitors provide advice and representation to clients throughout the asylum process at outreach surgeries in the north and southside of Glasgow. Additional Scottish Executive funding has enabled this service to be extended to asylum seekers in Sighthill.

REFORM OF FEES

We have assisted the Law Society of Scotland to develop proposals which the Society will submit to Ministers for a revised system for civil fees, allied to improvements to the operation of the system and the introduction of quality assurance arrangements.

We have also worked with the Faculty of Advocates on a proposed graduated fee scheme for criminal work.

RESEARCH

The Board has developed its research capacity to provide to the public, policy makers and other stakeholders, better information about the operation of the legal aid system. Research conducted or commissioned by the Board informed decisions on the extension of the contribution repayment period and the changes to special urgency announced late last year. The report of research into the fall in applications for civil legal aid and its relationship with eligibility criteria and contributions was published in December.

PUBLIC DEFENCE SOLICITORS' OFFICE

The Public Defence Solicitors' Office (PDSO) opened in 1998 in Edinburgh as a five year pilot to compare the provision of criminal legal aid by private solicitors with salaried solicitors employed by the Board.

The Scottish Executive's independent research report into the PDSO was published in September 2001. We welcomed Scottish Ministers' announcement that they intend to open one or two further PDSO pilot schemes.

PARTICIPATION IN ADVISORY AND REVIEW GROUPS

In the past year our staff contributed, where appropriate, to a number of advisory groups, including the High Court Review Group, the Glasgow High Court Users' Group and the Glasgow Drug Court Pilot Working Group.

COSTS, VOLUMES AND TRENDS IN LEGAL AID

This chapter outlines the costs of and recent trends in legal aid.

CHANGES IN LEGAL AID DURING 2001/2002

The instalment period for contributions towards civil legal aid has been increased to 20 months in nearly all cases.

In addition, Ministers have extended:

- assistance by way of representation (ABWOR) to those appearing from custody following breach of interdict
- advice and assistance to life prisoners to challenge their tariffs.

LEGAL AID FUND AND GRANT-IN-AID

- Gross payments from the Legal Aid Fund (including end of year accruals) were £135.9 million compared to £130.5 million in the previous year. The increase is due to an increase in expenditure on criminal legal aid.
- Taking account of contributions towards civil legal aid and advice and assistance, expenses paid to the Board, and amounts recovered from assisted persons following the successful outcome of their civil cases, the net cost to the taxpayer of legal aid was £127.4 million. This compares with a net cost of £121.2 million for 2000/2001.

Of the total paid out

- £109.5 million was paid to solicitors in fees, an increase of 3% compared with the previous year
- £11.0 million was paid to counsel, a rise of 11%
- £1.2 million was paid to solicitor advocates, a rise of 75%
- £13.8 million was paid in outlays, a rise of 5%.

The above figures include VAT.

- Grant-in-Aid expenditure (the cost of the administration of the Board) was £9.5 million, a planned increase of £0.4 million on the previous year. Much of the increase was to fund capital expenditure and “invest to save” initiatives.
- Overall, the volume of activity in legal aid work increased by 3%.

ADVICE AND ASSISTANCE – RISES IN INTIMATIONS, INCREASES AND COSTS INTIMATIONS AND INCREASES

- Overall, the number of intimations of advice and assistance rose by 1% to 331,890. The percentage increase is lower than in previous years, but the upward trend continues. Within this, there are, however, significant variations.
- Civil advice and assistance cases fell by 4%, from 164,177 intimations in 2000/2001 to 157,904 in 2001/2002. The largest reduction was in reparation and social welfare areas, such as housing and debt.
- Criminal advice and assistance rose by 5%, from 140,058 intimations in 2000/2001 to 147,465 in 2001/2002.

- Increase in number of applications for criminal legal aid.

- Slowdown in reduction in numbers of civil legal aid applications.



- ABWOR cases rose by 5%, from 25,177 intimations in 2000/2001 to 26,521 intimations in 2001/2002. These are cases where a solicitor can represent a client in court, in limited circumstances such as to present a plea in mitigation. The increase is almost entirely accounted for by employment tribunals and immigration tribunals and hearings, for which ABWOR was introduced during the previous year.
- Applications for increases in authorised expenditure rose again, by 7%. The greatest rises in requests for increases have been in ABWOR (25%) and criminal advice and assistance (21%).
- There has also been a 49% increase in applications for reconsideration of increase requests, but the grant rate for reconsideration requests remains broadly similar to the previous year at 70%.

COSTS

- Expenditure on advice and assistance rose very slightly from £30.2 million in the previous year to £30.3 million.
- The average case cost has risen from £105 in 2000/2001 to £110.

CIVIL LEGAL AID – FEWER APPLICATIONS AND FALLING COSTS

APPLICATIONS AND GRANTS

- Civil applications fell by 5% to 19,994. This continues the downward trend of previous years, but shows a slowdown in the rate of decrease from the previous year when applications fell by 9%. The largest decrease is in family and matrimonial cases.
- The number of civil applications granted also fell, from 13,577 in 2000/2001 to 11,167 in 2001/2002.
- A higher proportion of people now accept offers of legal aid where a contribution is payable. We believe that this is, at least in part, because of the increased repayment period.
- The proportion of grants subject to contributions has remained constant for the last four years, at around 20%.
- The average contribution, where payable, rose from £777 to £848.
- The number of cases where legal aid was provided for matters of special urgency dropped by 3% compared to the previous year.

COSTS

- Gross expenditure on civil legal aid fell, by £0.4 million, to £28.3 million.
- The net cost to the taxpayer, allowing for amounts paid to the Board by assisted persons and opponents, was £19.8 million, compared to a net cost of £19.5 million in the previous year. The amount of expenses recovered and paid to the Fund is £0.7 million less than in the previous year.
- Average case costs also rose by 10% from £2,005 to £2,197. However, these figures do not take into account the amounts recovered.
- The proportion of civil legal aid expenditure paid to solicitors in fees remained the same at 62%, but the proportion has dropped slowly since 1992, when it was 74%.
- The proportion paid in outlays is 27% of the total, compared to 26% in the previous year.

COSTS, VOLUMES AND TRENDS IN LEGAL AID (cont'd)



CRIMINAL LEGAL AID – MORE APPLICATIONS AND HIGHER COSTS APPLICATIONS

- The number of applications for summary criminal legal aid rose by 11% to 76,527 and is the highest number received by the Board during any one year.
- The level of first instance grants of summary criminal legal aid has remained fairly constant over the past four years, at around 90%.
- Applications to the courts in solemn proceedings have increased by 5%.
- Grants of summary criminal legal aid by the courts under section 23(1)(b) of the Act have risen by 18% compared to the previous year, reversing the downwards trend of the previous two years. These are cases where the court is considering a prison sentence for a convicted person who has not previously been sentenced to imprisonment.
- The number of criminal appeal applications dropped by 10%.
- The number of requests for sanction (for expert witnesses, unusual expenditure or counsel) has increased by 12%. The grant rate rose, from 85% in the previous year to 88%.

COSTS

- The cost of criminal legal aid (including appeals and payments to duty solicitors) increased by 8%, from £68.6 million to £74 million.
- The cost of the PDSO fell by 14% from £416,000 in 2000/2001 to £357,000 in 2001/2002.
- Summary criminal legal aid cost £42 million, compared with £40.4 million in 2000/2001.
- Solemn criminal legal aid cost £31.2 million, compared with £27.3 million in 2000/2001.
- The average cost of a summary case was £639, a reduction of 2% on the previous year.
- The average cost of a solemn case increased by 19% to £2,537.

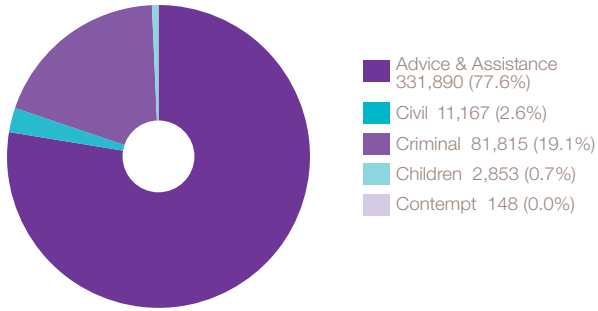
LEGAL AID FOR CHILDREN APPLICATIONS

- There has been a 1% increase, to 2,830, in grants by the courts under the Children (Scotland) Act 1995.

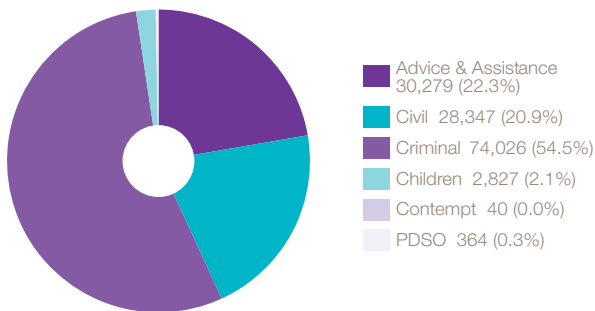
COSTS

- There has been a 13% increase, to £2.8 million, in the amount paid out for legal aid for children.

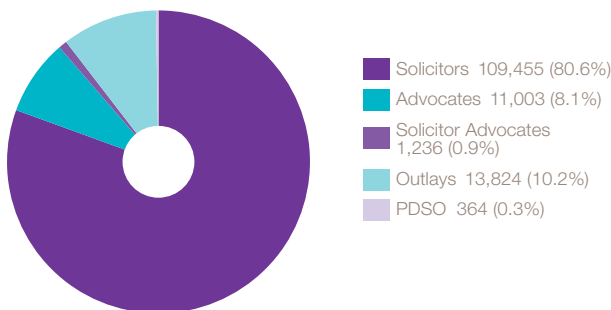
NUMBER OF GRANTS



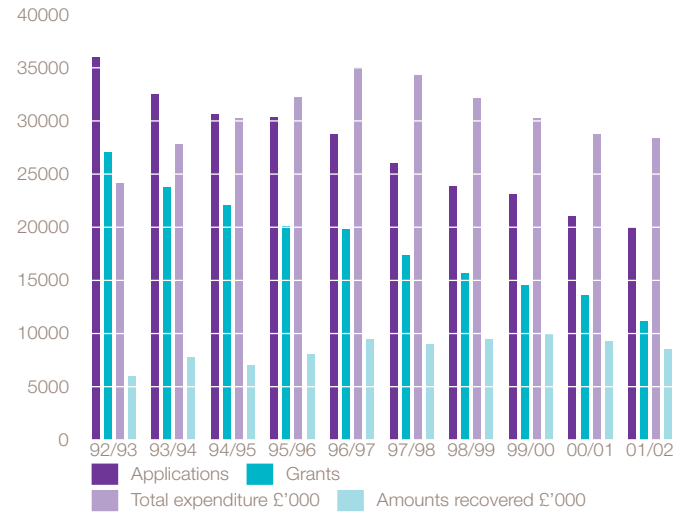
EXPENDITURE FROM THE LEGAL AID FUND £'000



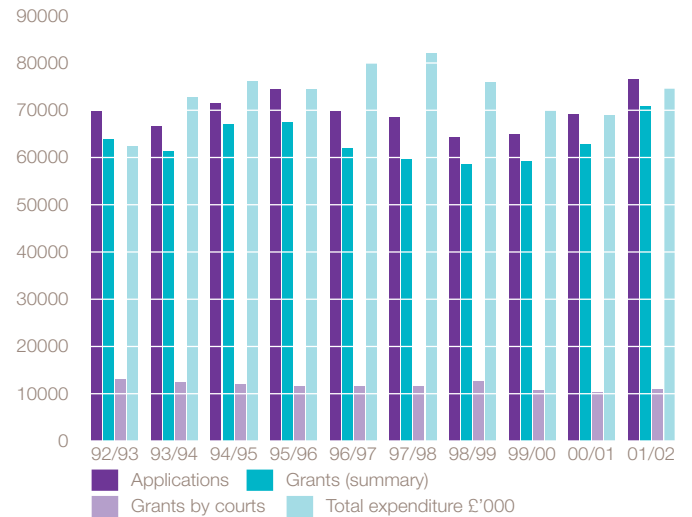
TYPES OF PAYMENT £'000



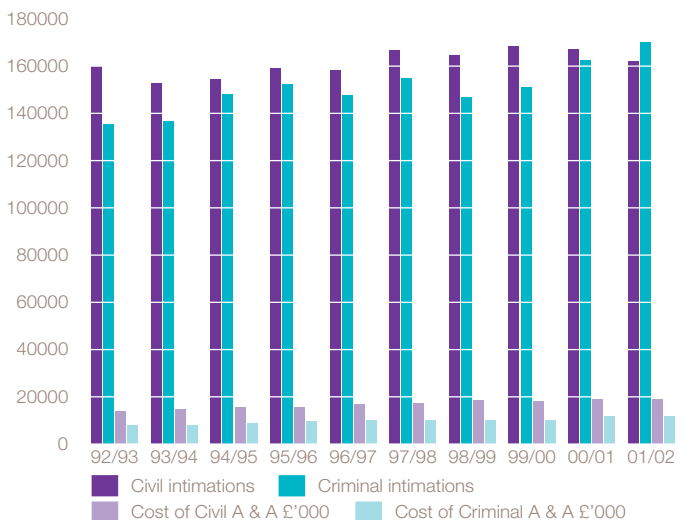
CIVIL LEGAL AID



CRIMINAL LEGAL AID



ADVICE AND ASSISTANCE



THE WAY FORWARD

In the coming year, we will develop our corporate strategy for 2003-2006.

In the coming year, we will develop our corporate strategy for 2003-2006. We will consult widely with representatives of those with an interest in legal aid and access to justice to establish the needs of the various groups affected by the work of the Board, including applicants, assisted persons, opponents in civil cases, solicitors and advocates.

We will:

- implement systems to deliver e-business between the Board and the legal profession for advice and assistance and criminal legal aid
- implement further changes to the special urgency provisions and arrangements for contributions, including considering requests from solicitors to initially restrict contributions to an amount assessed by the solicitor as the likely cost of the case. We will issue guidance on this matter shortly
- work with the Scottish Executive and others to implement the recommendations of the community legal services working group. In particular, we will review the operation of the advice and assistance scheme and support the Scottish Executive in establishing pilot partnerships with other funders of legal advice services
- continue to work with the Scottish Executive to address the issues raised by the Justice 1 Committee in its Legal Aid Inquiry
- continue our review of policies and procedures using Business Excellence Model and Charter Mark principles to guide us
- review our granting of criminal legal aid, particularly in relation to initial applications in summary cases
- introduce improved application forms for advice and assistance and civil legal aid
- issue to the legal profession guidance on exceptional cases – that is, where a solicitor will be paid on a detailed rather than a fixed payment basis for conducting summary criminal proceedings
- continue to assist the Law Society of Scotland to develop and submit to Scottish Ministers its proposals for a revised system of civil fees, allied to improvements in the operation of the system and the introduction of quality assurance arrangements
- continue to work with the Faculty of Advocates to develop proposals to submit to Ministers for a system of graduated fees in criminal cases
- work with the Scottish Executive to plan the opening of the additional PDSO pilot schemes, subject to the necessary legislation being put in place.

BOARD MEMBERS AND SENIOR STAFF

BOARD MEMBERS

CHAIRMAN-JEAN COUPER

(APPOINTED APRIL 1994,
APPOINTED CHAIRMAN APRIL 1998)

Director of Catalyst Consulting;
member of the Police Advisory
Board for Scotland.

ALEXANDER WYLIE, QC

(APPOINTED APRIL 1994,
DEPUTY CHAIRMAN FROM APRIL 1998)

Member of the Scottish Bar since
1978; Queen's Counsel since 1991;
member of the Faculty of Advocates;
part-time sheriff; part-time Chairman
of the Discipline Committee of the
Institute of Chartered Accountants
of Scotland and The Police Appeal
Tribunal; member of the Association
of Mediators and the Scottish Council
of Law Reporting; former standing
junior counsel to Accountant of Court;
former Advocate Depute.

BRIAN ADAIR

(APPOINTED APRIL 1998)

Practising solicitor; Governor of the
High School of Glasgow; part-time
sheriff; past President of the Council
of the Law Society of Scotland

KAY BLAIR

(APPOINTED APRIL 1994)

Director of Business Perceptions;
Non-Executive Director of the Scottish
Ambulance Service; member of the
Sick Kids Friends Foundation.

WILLIAM GALLAGHER

(APPOINTED APRIL 2000)

Director of WG Gallagher &
Associates and Touchdown Services;
Non-Executive Board member of the
Strategic Railway Authority; Non-
Executive Director of Lothian Buses plc.

SHERIFF ALEXANDER JESSOP

(APPOINTED APRIL 1996)

Sheriff of Grampian, Highland and
Islands at Aberdeen; former Procurator
Fiscal for Glasgow (1987-1990).

NICK KUENSSBERG

(APPOINTED APRIL 1996)

Chairman of GAP Group Ltd, iomart
Group plc, Canmore Partnership Ltd,
Stac Affinity Services plc; ScotlandIS;
Connect Communications (Scotland)
Ltd; Scotland The Brand; Scottish
Networks International; Deputy
Chairman of Sanmex International plc;
Non-Executive Director of Chamberlin
& Hill plc; RingProp plc; board
member, Scottish Environment
Protection Agency.

DEREK O'CARROLL

(APPOINTED APRIL 1998)

Part-time Chairman of Appeals
Tribunal (Social Security); member of
Faculty of Advocates; Convenor of
Scottish Legal Action Group; part-time
Chairman of Rent Assessment Panel
for Scotland; Observer of CAS Legal
Services Committee.

YVONNE OSMAN

(APPOINTED APRIL 1996)

Complaints Officer with the Mental
Welfare Commission.

PROFESSOR IAN PERCY CBE

(APPOINTED APRIL 2000)

Non-Executive Director of William
Wilson Holdings Limited; The Weir
Group plc; Kiln plc; Ricardo plc;
Cala Group Limited; Honorary
Professor of Accounting at Aberdeen
University; Member of the Coordinating
Committee of the Treasury and
Department of Trade and Industry on
accounting and auditing issues; past
President of the Institute of Chartered
Accountants of Scotland.

MARGARET SCANLAN

(APPOINTED SEPTEMBER 1997)

Practising solicitor.

MALCOLM THOMSON, QC

(APPOINTED APRIL 1998)

Member of the Scottish Bar since
1974; Queen's Counsel since 1987;
member of the Faculty of Advocates;
Chairman of the NHS Tribunal Scotland;
former standing junior counsel to
the Department of Agriculture and
Fisheries for Scotland and to the
Forestry Commission in Scotland.

SENIOR STAFF

CHIEF EXECUTIVE

LINDSAY MONTGOMERY

(APPOINTED TO POST JULY 1999)

DIRECTOR OF AUDIT & COMPLIANCE

IAN MIDDLETON

(APPOINTED TO POST MAY 1987)

DIRECTOR OF CORPORATE SERVICES & ACCOUNTS

JIM EDGAR

(APPOINTED TO POST JULY 1998)

DIRECTOR OF LEGAL SERVICES & APPLICATIONS

TOM MURRAY

(APPOINTED TO POST MAY 1999)

The Board operates a register of
Board Members' Interests in line
with the Code of Best Practice for
Board Members of Public Bodies.
This requires members to register
all relevant interests. The register is
updated on a quarterly basis and is
available for inspection upon request.

Related party transactions for any
Board member who is engaged in
legal aid work or whose spouse or
relative is engaged in legal aid work are
disclosed in the full annual accounts.

In preparation for the requirement
to produce a Statement on Internal
Control for this year, the Board
undertook a comprehensive review
of corporate governance, taking
into account guidance issued by
the Scottish Executive. In particular,
a working group, comprising Board
members and senior staff, has been
set up.

OUR PERFORMANCE

CIVIL LEGAL AID APPLICATIONS

APPENDIX 1

TIMELINESS	TARGET	ACTUAL	STANDARD
% of applications actioned within service standard time			
Initial applications	85%	85%	within 42 days
Sanction to employ counsel, expert witnesses or incur unusual costs	75%	83%	within 14 days
Requests to change solicitor	90%	88%	within 14 days
Reviews of refusal of initial application	80%	81%	within 42 days
Requests to extend the scope of the case	80%	89%	within 35 days
Reassessments of financial eligibility	95%	94%	within 28 days
Special urgency cases	95%	94%	within 5 days
All application types	84%	86%	

ACCURACY	TARGET	ACTUAL
% decisions that are free of material errors		
Initial applications	87%	89%
Sanction to employ counsel, expert witnesses or incur unusual costs	87%	98%
Requests to change solicitor	87%	93%
Reviews of refusal of initial application	87%	89%
Requests to extend the scope of the case	87%	85%
Reassessments of financial eligibility	87%	84%
All application types	87%	90%

CRIMINAL LEGAL AID APPLICATIONS

TIMELINESS	TARGET	ACTUAL	STANDARD
% of applications actioned within service standard time			
Initial applications in summary cases	95%	99%	within 12 days
Sanction to employ counsel, expert witnesses or incur unusual costs	95%	97%	within 7 days
Requests to change solicitor	95%	99%	within 7 days
Reviews of refusal of initial application	95%	99%	within 21 days
Application to make an appeal in court (including children's appeal)	95%	98%	within 7 days
Request to reconsider a decision by the Board	95%	99%	within 21 days
Special urgency cases (summary first instance and appeals)	95%	99%	within 3 days
All application types	95%	99%	

ACCURACY	TARGET	ACTUAL
% decisions that are free of material errors		
Initial applications in summary cases	90%	99%
Sanction to employ counsel, expert witnesses or incur unusual costs	90%	95%
Requests to change solicitor	90%	99%
Reviews of refusal of initial application	90%	99%
Application to make an appeal in court (including children's appeal)	90%	99%
Request to reconsider a decision by the Board	90%	99%
All application types	90%	99%

Accuracy figures are based on a sample, extrapolated to the whole population.

ADVICE AND ASSISTANCE

APPENDIX 1 CONT'D

TIMELINESS	TARGET	ACTUAL	STANDARD
% of applications actioned within service standard time			
Intimations of a grant of advice and assistance by a solicitor	95%	95%	within 10 days
Request for increase in authorised expenditure	85%	92%	within 7 days
Request for change of nominated solicitor	90%	99%	within 14 days
Request to reconsider a decision by the Board	80%	83%	within 7 days
All application types	92%	94%	

ACCURACY	TARGET	ACTUAL
% decisions that are free of material errors		
Intimations of a grant of advice and assistance	90%	99%
Request for increase in authorised expenditure	90%	98%
Request for change of nominated solicitor	90%	99%
All application types	90%	99%

ACCOUNTS ASSESSMENT

TIMELINESS	TARGET	ACTUAL	STANDARD
% of accounts assessed within service standard time			
Civil legal aid	83%	87%	within 30 days
Criminal legal aid	97%	95%	within 30 days
Advice and assistance	95%	95%	within 30 days

ACCURACY	TARGET	ACTUAL
% accounts that are free of material errors		
Civil legal aid	92%	96%
Criminal legal aid	92%	96%
Advice and assistance	92%	97%

Accuracy figures are based on a sample, extrapolated to the whole population.

NOTES – advice and assistance

1. Performance for requests for increase in authorised expenditure (urgent), as referred to in the Corporate Plan 2001-2003, is not shown and cannot be measured because agreement has not been reached on what constitutes an urgent increase application.
2. Accuracy performance for requests to reconsider a decision by the Board, as referred to in the Corporate Plan 2001-2003, is included within requests for increase in authorised expenditure.

ADVICE AND ASSISTANCE

APPENDIX 2

2(i) INCOMPLETE INTIMATIONS RETURNED UNREGISTERED

	2001/2002	2000/2001
TOTAL	8,910	10,482

2(ii) INTIMATIONS

SUBJECT MATTER	2001/2002	2000/2001
Divorce	15,186	14,987
Separation	7,970	8,002
Other family/matrimonial	6,206	6,531
Contact	12,793	12,999
Residence	2,949	2,900
Aliment/Child Support Agency	2,152	2,409
Hire purchase/debt	15,916	16,631
Housing	14,193	14,600
Reparation	14,905	16,413
Employment	4,061	4,698
State benefit	9,685	10,743
Interdict/harrassment/non-harrassment	10,681	11,315
Immigration	3,783	3,216
Human rights	911	352
Criminal Injuries Compensation Agency	4,876	5,031
Wills/executry	4,437	4,022
Mental health	754	834
Complaints against professional bodies	3,482	3,458
Judicial review	693	622
Other	22,271	24,414
TOTAL CIVIL ADVICE AND ASSISTANCE	157,904	164,177
Murder/attempted murder/culpable homicide	670	570
Assault	15,677	15,232
Theft/housebreaking/robbery	25,321	24,609
Road traffic	16,735	16,238
Offensive weapons/vandalism/breach of the peace	21,098	19,951
Drugs	7,587	6,784
Embezzlement/fraud	2,027	2,285
Sexual offences	897	904
Appeals	6,131	5,782
Children (Scotland) Act 1995	5,065	4,776
Criminal Procedure (Scotland) Act	11,322	9,955
Means enquiries/fines	17,166	17,040
Prison rules	3,361	2,400
Other	14,408	13,532
TOTAL CRIMINAL ADVICE AND ASSISTANCE	147,465	140,058
Civil ABWOR		
– employment tribunals	176	56
– immigration	1,854	774
– mental health	1,072	887
– bankruptcy/petition by debtor	65	67
– restoration of driving licence	376	439
– other	490	588
TOTAL CIVIL ABWOR	4,033	2,811
Criminal ABWOR		
– assault	1,036	1,221
– theft/housebreaking/robbery	2,640	3,188
– road traffic	6,662	5,896
– offensive weapons/vandalism/breach of the peace	2,158	2,375
– drugs	901	1,011
– embezzlement/fraud	371	540
– sexual offences	61	57
– other	8,659	8,078
TOTAL CRIMINAL ABWOR	22,488	22,366
TOTAL ASSISTANCE BY WAY OF REPRESENTATION (ABWOR)	26,521	25,177
TOTAL	331,890	329,412

NOTE:

1. ABWOR refers to assistance by way of representation.

Throughout these appendices:

- figures for grants and refusals of applications do not necessarily equal numbers of applications, since decisions on applications received towards the end of one year may not be reached until the following year
- unless otherwise stated, figures for accounts paid include VAT. Where outlays are shown, these included payments to people other than solicitors and advocates – for example, expert witnesses
- figures for accounts are shown rounded to the nearest £1,000, but unrounded figures are used for calculation purposes
- new categories have been added to some tables and last year's figures are not, therefore, in all categories the same as those shown in the last annual report. Some figures have been restated.

ADVICE AND ASSISTANCE

APPENDIX 2 CONT'D

2(iii) INTIMATIONS BY GENDER						
	MALE APPLICANT		FEMALE APPLICANT		TOTAL	
Civil	70,927	45%	86,977	55%	157,904	
Criminal	121,020	82%	26,445	18%	147,465	
ABWOR	21,386	81%	5,135	19%	26,521	
TOTAL 2001/2002	213,333	64%	118,557	36%	331,890	
TOTAL 2000/2001	209,024	63%	120,388	37%	329,412	

2(iv) INCREASES IN LIMIT OF AUTHORISED EXPENDITURE						
	APPLICATIONS FOR INCREASE		INCREASES GRANTED		INCREASES REFUSED	
	2001/2002	2000/2001	2001/2002	2000/2001	2001/2002	2000/2001
Civil advice and assistance	98,763	96,795	85,436	85,932	8,019	7,059
Criminal advice and assistance	19,872	16,422	17,725	14,615	1,145	1,125
ABWOR	20,014	16,016	18,595	15,090	616	473
TOTAL	138,649	129,233	121,756	115,637	9,780	8,657

NOTE:

1. Decisions above do not include decisions after reconsideration which are reported separately in table 2(vi)

2(v) DISPOSAL OF APPLICATIONS UNDER REGULATION 16(3) (HARDSHIP PROVISIONS) OF THE ADVICE AND ASSISTANCE (SCOTLAND) REGULATIONS 1996			
	APPLICATIONS	GRANTED	TOTAL PAYMENTS £000
TOTAL 2001/2002	2,166	1,742	652
TOTAL 2000/2001	2,247	1,943	N/A ¹

NOTE:

1. This figure is not available for 2000/2001

2(vi) RECONSIDERATION OF AN APPLICATION FOR AN INCREASE IN LIMIT OF AUTHORISED EXPENDITURE						
	APPLICATIONS FOR RECONSIDERATION		INCREASES GRANTED		INCREASES REFUSED	
	2001/2002	2000/2001	2001/2002	2000/2001	2001/2002	2000/2001
Civil	3,900	2,602	2,762	1,873	916	634
Criminal	574	437	359	277	185	123
ABWOR	383	225	285	147	83	60
TOTAL	4,857	3,264	3,406	2,297	1,184	817

ADVICE AND ASSISTANCE

APPENDIX 2 CONT'D

2(vii) ACCOUNTS PAID AND AVERAGE COSTS

SUBJECT MATTER	MINIMUM FEE CASES		DETAILED ACCOUNTS						TOTAL NO OF ACCOUNTS PAID 2001/2002	TOTAL AMOUNT PAID 2001/2002 £'000	AVERAGE CASE COST	
	NO OF MINIMUM FEE CASES ¹	TOTAL VALUE OF MINIMUM FEE CASES ² £'000	NO OF DETAILED ACCOUNTS	TOTAL VALUE OF DETAILED ACCOUNTS £'000	SOLICITOR £'000	COUNSEL £'000	SOLICITOR ADVOCATE £'000	OUTLAYS £'000			2001/2002 £	2000/2001 £
Divorce	954	28	11,031	2,554	2,437	1	0	115	11,985	2,582	215	215
Separation	516	15	5,387	1,654	1,561	1	0	93	5,903	1,669	283	256
Other family/matrimonial	827	24	4,426	909	845	1	0	63	5,253	933	178	152
Contact	1,308	38	9,418	1,584	1,557	0	0	27	10,726	1,622	151	159
Residence	295	9	2,164	447	435	0	0	11	2,459	456	185	193
Aliment/Child Support Agency	444	13	1,379	203	189	1	0	13	1,823	216	118	143
Hire purchase/debt	2,940	85	10,489	1,056	1,007	2	0	47	13,429	1,141	85	83
Housing	2,754	80	9,422	1,037	1,005	1	0	31	12,176	1,117	92	82
Reparation	1,084	32	8,206	2,188	1,623	4	0	561	9,290	2,219	239	218
Employment	598	17	2,763	579	552	13	0	15	3,361	597	178	130
State benefit	2,630	76	5,067	668	556	0	0	111	7,697	744	97	84
Interdict/harrassment/non-harrassment	2,092	61	7,313	992	975	0	0	16	9,405	1,053	112	112
Immigration	198	6	2,079	545	466	3	0	76	2,277	551	242	N/A
Human rights	99	3	226	25	22	0	0	3	325	28	87	N/A
Criminal Injuries Compensation Agency	465	14	2,763	444	404	0	0	40	3,228	457	142	154
Wills/executry	538	16	2,719	225	221	0	0	4	3,257	241	74	76
Mental health	133	4	574	249	175	0	0	74	707	253	358	321
Complaints about professional bodies	933	27	1,960	173	166	1	0	7	2,893	201	69	N/A
Judicial review	87	3	410	77	66	3	0	8	497	80	161	N/A
Other	6,689	195	13,007	1,457	1,360	9	0	88	19,696	1,651	84	104
TOTAL CIVIL ADVICE AND ASSISTANCE	25,584	743	100,803	17,067	15,623	41	0	1,403	126,387	17,810	141	133
Murder/attempted murder/culpable homicide	130	4	352	53	46	1	0	6	482	56	117	84
Assault	3,521	102	10,004	803	785	0	0	18	13,525	905	67	64
Theft/housebreaking/robbery	6,677	195	15,848	1,338	1,299	0	0	39	22,525	1,534	68	63
Road traffic	4,062	118	10,373	910	893	1	0	16	14,435	1,028	71	65
Offensive weapons/vandalism/breach of the peace	5,047	147	13,299	1,076	1,053	0	0	23	18,346	1,222	67	64
Drugs	1,977	58	4,667	398	387	0	0	11	6,644	456	69	66
Embezzlement/fraud	569	17	1,339	128	124	0	0	4	1,908	145	76	68
Sexual offences	173	5	593	64	60	0	0	4	766	69	90	80
Appeals	3,027	89	2,524	313	270	3	0	41	5,551	402	72	58
Children (Scotland) Act 1995	1,199	35	3,139	336	323	0	0	13	4,338	371	85	102
Criminal Procedure (Scotland) Act	5,665	165	4,228	380	369	0	0	12	9,893	546	55	N/A
Means enquiries/fines	12,475	364	3,421	220	215	0	0	5	15,896	584	37	N/A
Prison rules	532	16	2,031	295	246	0	0	49	2,563	311	121	N/A
Other	4,531	132	6,932	822	771	1	0	50	11,463	955	83	60
TOTAL CRIMINAL ADVICE AND ASSISTANCE	49,585	1,446	78,750	7,137	6,840	7	0	290	128,335	8,583	67	63
Civil ABWOR												
– employment tribunals	3	0	62	26	26	0	0	0	65	26	405	N/A
– immigration	21	1	630	304	258	0	0	46	651	304	468	N/A
– mental health	16	0	920	555	407	0	0	148	936	556	594	631
– bankruptcy/petition by debtor	5	0	52	6	4	0	0	2	57	6	100	N/A
– restoration of driving licence	27	1	307	73	60	0	0	13	334	74	221	N/A
– Other	28	1	225	39	32	0	0	7	253	40	159	233
TOTAL CIVIL ABWOR	100	3	2,196	1,003	787	0	0	216	2,296	1,006	438	488
Criminal ABWOR												
– assault	146	4	759	106	103	0	0	3	905	110	122	167
– theft/housebreaking/robbery	407	12	2,044	321	315	0	0	6	2,451	333	136	169
– road traffic	670	19	4,865	658	646	0	0	12	5,535	678	122	149
– offensive weapons/vandalism/breach of the peace	289	8	1,662	224	219	0	0	5	1,951	232	119	163
– drugs	106	3	689	90	88	0	0	2	795	93	117	151
– embezzlement/fraud	34	1	361	72	71	0	0	1	395	73	186	187
– sexual offences	8	0	47	9	9	0	0	0	55	9	171	158
– other	1,048	31	5,969	1,321	1,248	20	1	53	7,017	1,352	193	221
TOTAL CRIMINAL ABWOR	2,708	78	16,396	2,802	2,699	20	1	82	19,104	2,880	151	181
TOTAL ABWOR	2,808	82	18,592	3,805	3,485	21	1	297	21,400	3,886	182	199
TOTAL 2001/2002	77,977	2270	198,145	28,008	25,947	70	2	1,989	276,122	30,279	110	
TOTAL 2000/2001									288,029	30,199		105

NOTE:

1. Where minimum fees are paid under ABWOR, this is because solicitors have intimated the case as ABWOR, but have either not proceeded with the case or dealt with it under advice and assistance.

2. The fee paid in minimum fee cases is £25 plus VAT.

CIVIL LEGAL AID

APPENDIX 3

3(i) APPLICATIONS

PROCEEDINGS	SHERIFF COURT		COURT OF SESSION		OTHER COURTS		TOTAL	
	2001/2002	2000/2001	2001/2002	2000/2001	2001/2002	2000/2001	2001/2002	2000/2001
Family/matrimonial	13,734	14,570	141	158	1	0	13,876	14,728
Debt	798	738	45	43	0	0	843	781
Reparation	2,438	2,497	575	676	0	1	3,013	3,174
Judicial review	0	N/A	295	245	0	0	295	245
Appeals	270	233	69	97	29	19	368	349
Recovery of heritable property	521	567	4	2	0	0	525	569
Other	874	945	185	212	15	15	1,074	1,172
TOTAL	18,635	19,550	1,314	1,433	45	35	19,994	21,018

3(ii) GRANTS (INCLUDING GRANTS ON REVIEW)

PROCEEDINGS	SHERIFF COURT		COURT OF SESSION		OTHER COURTS		TOTAL	
	2001/2002	2000/2001	2001/2002	2000/2001	2001/2002	2000/2001	2001/2002	2000/2001
Family/matrimonial	8,327	10,143	67	110	0	0	8,394	10,253
Debt	309	338	28	14	0	0	337	352
Reparation	1,075	1,209	324	416	0	1	1,399	1,626
Judicial review	0	N/A	82	84	0	0	82	84
Appeals	108	126	34	64	14	11	156	201
Recovery of heritable property	219	327	1	2	0	0	220	329
Other	470	569	98	151	11	12	579	732
TOTAL	10,508	12,712	634	841	25	24	11,167	13,577
Grants with contribution							2,238	2,797
Grants with no contribution							8,929	10,780
TOTAL							11,167	13,577
Average value of contribution, where payable							848	777

3(iii) INTIMATIONS OF STEPS TAKEN UNDER REGULATION 18(1)(A) AND CERTIFICATES GRANTED UNDER REGULATION 18(1)(B) OF THE CIVIL LEGAL AID (SCOTLAND) REGULATIONS 1996 (LEGAL AID IN MATTERS OF SPECIAL URGENCY)

	2001/2002	2000/2001
Intimations under regulation 18(1)(a)	12,166	12,776
Certifications under regulation 18(1)(b)	2,425	2,323
TOTAL	14,591	15,099

3(iv) ANALYSIS OF FULL APPLICATIONS WHERE LEGAL AID WAS REFUSED OR ABANDONED AT FIRST INSTANCE

COURT	REFUSED ON MERITS		REFUSED ON MEANS		ABANDONED BEFORE OFFER OF LEGAL AID		REFUSED AFTER APPLICANT DECLINED OFFER		TOTAL	
	2001/2002	2000/2001	2001/2002	2000/2001	2001/2002	2000/2001	2001/2002	2000/2001	2001/2002	2000/2001
Court of Session	477	439	75	73	155	150	18	36	725	698
Sheriff court	5,066	4,988	897	738	2,079	1,944	839	1,291	8,881	8,961
Other	14	19	0	2	4	1	1	0	19	22
TOTAL	5,557	5,446	972	813	2,238	2,095	858	1,327	9,625	9,681

NOTE:

1. In this table and in table 3(v), "Refused on merits" includes applications refused on the basis of no probable cause or unreasonableness, or where the proceedings are statutorily excluded from civil legal aid.

3(v) DISPOSAL OF APPLICATIONS FOR REVIEW OF DECISION TO REFUSE LEGAL AID

APPLICATIONS	RECEIVED	2001/2002	REFUSED	RECEIVED	2000/2001	REFUSED
		ALLOWED			ALLOWED	
Family/matrimonial	1,872	1,009	620	1,711	823	859
Debt	240	74	140	270	79	178
Reparation	1,007	361	572	1,083	360	715
Judicial review	93	25	45	60	18	37
Other	382	164	200	465	180	277
TOTAL	3,594	1,633	1,577	3,589	1,460	2,066

NOTE:

1. This table does not include 239 review applications that were refused on means, without consideration of the merits.

Throughout these appendices:

- figures for grants and refusals of applications do not necessarily equal numbers of applications, since decisions on applications received towards the end of one year may not be reached until the following year
- unless otherwise stated, figures for accounts paid include VAT. Where outlays are shown, these included payments to people other than solicitors and advocates – for example, expert witnesses
- figures for accounts are shown rounded to the nearest £1,000, but unrounded figures are used for calculation purposes
- new categories have been added to some tables and last year's figures are not, therefore, in all categories the same as those shown in the last annual report. Some figures have been restated.

CIVIL LEGAL AID

APPENDIX 3 CONT'D

3(vi) APPLICATIONS AND DECISIONS BY GENDER

	MALE APPLICANT 2001/2002			FEMALE APPLICANT 2001/2002			TOTAL BY GENDER				TOTAL BY PURSUER/DEFENDER					
	PURSUER	DEFENDER	OTHER	PURSUER	DEFENDER	OTHER	2001/2002 MALE	2001/2002 FEMALE	2000/2001 MALE	2000/2001 FEMALE	PURSUER	DEFENDER	OTHER	PURSUER	DEFENDER	OTHER
Applications	5,293	2,048	711	8,822	2,566	554	40%	60%	40%	60%	14,115	4,614	1,265	14,757	4,902	1,359
Total grants	2,838	1,005	342	5,075	1,570	337	37%	63%	38%	62%	7,913	2,575	679	9,349	3,327	901
Refused on merits	1,657	661	245	2,310	540	144	46%	54%	44%	56%	3,967	1,201	389	3,939	1,107	400
Refused on means	244	127	18	447	123	13	40%	60%	45%	55%	691	250	31	541	241	31
Abandoned before offer	598	307	77	917	280	59	44%	56%	46%	54%	1,515	587	136	1,361	604	130
Refused after applicant declined offer	206	64	13	487	72	16	33%	67%	35%	65%	693	136	29	1,024	269	34

3(vii) ANALYSIS OF CONTRIBUTIONS PAYABLE BY ASSISTED PERSONS

	NIL	UP TO £50	OVER £50 AND UP TO £100	OVER £100 AND UP TO £250	OVER £250 AND UP TO £500	OVER £500 AND UP TO £800	OVER £800 AND UP TO £1200	OVER £1200 AND UP TO £1700	OVER £1,700
Court of Session	494	1	5	14	29	27	31	17	16
Sheriff court	8,417	64	76	218	395	405	412	321	200
Other courts	18	0	0	2	0	3	0	2	0
TOTAL 2001/2002	(80%) 8,929	(0.6%) 65	(0.7%) 81	(2.1%) 234	(3.8%) 424	(3.9%) 435	(4%) 443	(3%) 340	(1.9%) 216
TOTAL 2000/2001	(79.4%) 10,780	(0.9%) 116	(0.9%) 123	(2.5%) 336	(4.2%) 576	(4.1%) 553	(3.5%) 479	(3.2%) 429	(1.4%) 185

3(viii) SANCTIONS

	APPLICATIONS RECEIVED	APPLICATIONS GRANTED	APPLICATIONS REFUSED
Expert witness/unusual expense	4,150	3,495	529
Counsel	1,232	789	441
TOTAL 2001/2002	5,382	4,284	970
TOTAL 2000/2001	5,996	4,181	954

3(ix) APPLICATIONS FOR EXTENSIONS OF GRANTS

	APPLICATIONS RECEIVED	APPLICATIONS GRANTED	APPLICATIONS REFUSED
Family/matrimonial	508	362	108
Debt	4	2	2
Reparation	40	34	5
Judicial review	1	0	1
Other	638	434	151
TOTAL 2001/2002	1,191	832	267
TOTAL 2000/2001	1,372	1,082	190

3(x) REDETERMINATIONS OF MEANS AFTER GRANT

	NO. OF APPLICATIONS RECEIVED	NO CHANGE	EFFECT ON CONTRIBUTION LEVELS NIL TO CONTRIBUTION	CONTRIBUTION TO NIL	CHANGE IN CONTRIBUTION LEVEL	INELIGIBLE FOR LEGAL AID
Family/matrimonial	1,529	584	221	112	343	42
Debt	40	16	1	3	5	3
Reparation	184	71	25	12	40	8
Judicial review	0	0	0	0	0	0
Other	106	46	17	7	14	7
TOTAL 2001/2002	1,859	717	264	134	402	60
TOTAL 2000/2001	2,025	622	298	156	516	52

3(xi) APPLICATIONS FOR CHANGE OF SOLICITOR

	APPLICATIONS RECEIVED	APPLICATIONS GRANTED	APPLICATIONS REFUSED
TOTAL 2001/2002	1,331	1,160	122
TOTAL 2000/2001	1,436	1,158	78

CIVIL LEGAL AID

APPENDIX 3 CONT'D

3(xii) ACCOUNTS	TOTAL PAID	SOLICITOR	COUNSEL	SOLICITOR ADVOCATE	OUTLAYS	NO. OF CASES	AVERAGE COST PER CASE 2001/2002	AVERAGE COST PER CASE 2000/2001
PROCEEDINGS	£ '000	£ '000	£ '000	£ '000	£ '000		£	£
SHERIFF COURT								
Family/matrimonial	17,029	12,015	572	0	4,441	9,704	1,755	1,624
Debt	441	314	64	0	62	325	1,355	1,716
Reparation	3,443	2,249	357	0	836	953	3,613	4,155
Appeals	207	112	59	0	36	123	1,682	N/A
Recovery of heritable property	135	105	9	0	20	265	508	N/A
Other	1,328	765	315	2	247	718	1,849	1,378
TOTAL SHERIFF COURT	22,581	15,561	1,376	2	5,643	12,088	1,868	1,726
COURT OF SESSION								
Family/matrimonial	629	256	189	0	184	124	5,073	5,705
Debt	151	70	49	0	32	17	8,894	4,000
Reparation	3,422	1,196	899	0	1,328	268	12,770	14,393
Judicial review	244	72	115	0	58	95	2,573	2,400
Appeals	373	98	196	0	79	86	4,330	N/A
Other	946	352	275	6	313	225	4,206	5,069
TOTAL COURT OF SESSION	5,766	2,042	1,723	6	1,994	815	7,075	8,338
TOTAL OTHER COURTS	0	0	0	0	0	0	0	N/A
ALL COURTS								
Family/matrimonial	17,658	12,271	761	0	4,626	9,828	1,797	1,662
Debt	592	384	113	0	94	342	1,730	1,845
Reparation	6,865	3,445	1,256	0	2,164	1,221	5,622	5,989
Judicial review	244	72	115	0	58	95	2,573	2,400
Appeals	579	209	255	0	115	209	2,771	N/A
Recovery of heritable property	135	105	9	0	20	265	508	N/A
Other	2,274	1,116	590	8	560	943	2,412	1,623
TOTAL ALL COURTS 2001/2002	28,347	17,603	3,099	8	7,637	12,903	2,197	
TOTAL ALL COURTS 2000/2001	28,755	17,925	3,482	5	7,343	14,339		2,005

NOTE:

1. Reparation cases include those paid in terms of the extra statutory concession where the legal representatives have elected to accept the private party and party expenses that have been recovered from the opponent.

3(xiii) AMOUNTS RECOVERED BY THE LEGAL AID FUND

	2001/2002 £'000	2000/2001 £'000
Contributions from assisted persons	1,152	1,113
Expenses from opponents	6,282	7,029
Amounts awarded to assisted persons	1,106	1,138
TOTAL RECOVERIES	8,540	9,280

NOTE:

1. These are actual amounts received by the Board, not amounts due to it.

2. A breakdown of total amounts recovered is shown in the Analysis of Spend on page 31.

3(xiv) ACCOUNTS PAID UNDER DETERMINATIONS BY THE SECRETARY OF STATE (WHEREBY IN CERTAIN CIRCUMSTANCES WORK CARRIED OUT UNDER SPECIAL URGENCY, WHERE LEGAL AID IS NOT SUBSEQUENTLY GRANTED, IS PAID FOR OUT OF THE FUND)

	TOTAL PAID	SOLICITOR	COUNSEL	SOLICITOR ADVOCATE	OUTLAYS	NO. OF CASES	AVERAGE COST PER CASE
	£ '000	£ '000	£ '000	£ '000	£ '000		£
TOTAL 2001/2002	426	223	42	0	162	766	556
TOTAL 2000/2001	360	231	19	0	110	1,021	353

NOTE:

1. The amounts shown in this table are also included in the figures in table 3(xii).

CRIMINAL LEGAL AID

APPENDIX 4

4(i) APPLICATIONS TO THE BOARD FOR SUMMARY CRIMINAL LEGAL AID

OFFENCE	DISTRICT COURT*		SHERIFF COURT		2001/2002	TOTAL	2000/2001
	2001/2002	2000/2001	2001/2002	2000/2001			
Assault	2,967	2,899	11,797	11,240	14,764	14,139	
Theft/housebreaking/robbery	5,055	4,090	11,299	11,014	16,354	15,104	
Road traffic offences	1,434	1,004	11,082	9,292	12,516	10,296	
Offensive weapons/vandalism/breach of the peace	6,236	5,964	11,565	10,108	17,801	16,072	
Drugs	754	630	4,971	4,269	5,725	4,899	
Embezzlement/fraud	179	208	1,371	1,367	1,550	1,575	
Sexual offences	5	13	225	201	230	214	
Other	1,698	1,740	5,889	5,098	7,587	6,838	
TOTAL	18,328	16,548	58,199	52,589	76,527	69,137	

NOTE:

1. District court includes cases heard by stipendiary magistrates

4(ii) GRANTS BY THE BOARD OF SUMMARY CRIMINAL LEGAL AID

OFFENCE	GRANTED AT FIRST INSTANCE				GRANTED AFTER REVIEW				TOTAL	
	DISTRICT COURT		SHERIFF COURT		DISTRICT COURT		SHERIFF COURT		2001/2002	2000/2001
	2001/2002	2000/2001	2001/2002	2000/2001	2001/2002	2000/2001	2001/2002	2000/2001		
Assault	2,829	2,727	11,107	10,616	95	68	344	261	14,375	13,672
Theft/housebreaking/robbery	4,550	3,406	10,853	10,460	223	277	231	205	15,857	14,348
Road traffic offences	542	388	8,604	7,111	159	69	789	679	10,094	8,247
Offensive weapons/vandalism/ breach of the peace	4,954	4,534	10,860	9,475	521	545	354	282	16,689	14,836
Drugs	689	580	4,827	4,075	30	24	94	70	5,640	4,749
Embezzlement/fraud	132	155	1,273	1,273	11	17	54	38	1,470	1,483
Sexual offences	3	6	214	192	1	1	3	1	221	200
Other	1,074	844	5,033	3,939	136	153	243	330	6,486	5,266
TOTAL	14,773	12,640	52,771	47,141	1,176	1,154	2,112	1,866	70,832	62,801

4(iii) REFUSALS OF SUMMARY CRIMINAL LEGAL AID AT FIRST INSTANCE BY REASON FOR REFUSAL

REASON	DISTRICT COURT		SHERIFF COURT		2001/2002	TOTAL	2000/2001
	2001/2002	2000/2001	2001/2002	2000/2001			
Not in the interests of justice	2,994	3,225	2,732	2,750	5,726	5,975	
Means	92	62	476	241	568	303	
Other rights and facilities	1	0	0	3	1	3	
Non-timeous	32	74	29	80	61	154	
Abandoned	18	14	74	38	92	52	
Lack of information	442	328	2,136	1,591	2,578	1,919	
TOTAL	3,579	3,703	5,447	4,703	9,026	8,406	

4(iv) DISPOSAL OF APPLICATIONS FOR REVIEW OF DECISION TO REFUSE SUMMARY CRIMINAL LEGAL AID

	2001/2002	2000/2001
Granted	3,288	3,020
Refused	2,296	2,438
TOTAL	5,584	5,458

4(v) GRANTS OF LEGAL AID BY THE COURTS IN SOLEMN PROCEEDINGS AND IN SUMMARY PROCEEDINGS UNDER LEGAL AID (SCOTLAND) ACT 1986 SECTION 23(1)(b)

OFFENCE	DISTRICT COURT		SHERIFF COURT		HIGH COURT		TOTAL			
	2001/2002	2000/2001	2001/2002	2000/2001	2001/2002	2000/2001	2001/2002	2000/2001		
Murder/attempted murder/culpable homicide			0	0	821	684	18	17	839	701
Assault			2	0	3,134	2,997	9	5	3,145	3,002
Theft/housebreaking/robbery			16	17	2,173	2,237	7	8	2,196	2,262
Road traffic offences			2	0	734	716	2	2	738	718
Offensive weapons/vandalism/breach of the peace			8	3	477	445	1	1	486	449
Drugs			0	0	1,788	1,580	17	8	1,805	1,588
Embezzlement/fraud			0	0	259	248	0	5	259	253
Sexual offences			0	0	506	516	7	7	513	523
Other			11	10	979	816	12	9	1,002	835
TOTAL			39	30	10,871	10,239	73	62	10,983	10,331
Solemn 23(1)(b)									9,966	9,471
TOTAL									10,983	10,331

NOTE:

1. In addition to these figures, there were 76 intimations to the Board of automatic legal aid for the Glasgow Drug Court Pilot.

Throughout these appendices:

- figures for grants and refusals of applications do not necessarily equal numbers of applications, since decisions on applications received towards the end of one year may not be reached until the following year
- unless otherwise stated, figures for accounts paid include VAT. Where outlays are shown, these included payments to people other than solicitors and advocates – for example, expert witnesses
- figures for accounts are shown rounded to the nearest £1,000, but unrounded figures are used for calculation purposes
- new categories have been added to some tables and last year's figures are not, therefore, in all categories the same as those shown in the last annual report. Some figures have been restated.

CRIMINAL LEGAL AID

APPENDIX 4 CONT'D

4(vi) APPLICATIONS AND DECISIONS BY GENDER	MALE APPLICANT				FEMALE APPLICANT			
	2001/2002	86%	2000/2001	86%	2001/2002	14%	2000/2001	14%
Applications (summary)	65,537	86%	59,251	86%	10,990	14%	9,886	14%
Grants (summary)	60,690	86%	53,907	86%	10,142	14%	8,894	14%
Refusals (summary)	7,700	85%	7,118	85%	1,326	15%	1,288	15%
Grants by the courts	9,659	88%	9,252	90%	1,324	12%	1,079	10%

4(vii) CRIMINAL APPEALS – APPLICATIONS	APPLICATIONS RECEIVED	APPLICATIONS GRANTED	APPLICATIONS REFUSED
Leave to appeal			
– against conviction	322	309	1
– against conviction and sentence	264	255	0
– against sentence only	2,350	2,328	4
Total leave to appeal	2,936	2,892	5
Other appeals			
Petition to Nobile Officium etc.	60	42	5
Crown appeals	21	24	0
Appeal against other disposal	57	38	14
Reference by the Scottish Criminal Cases Review Commission to the High Court	3	3	0
Appeals to the Judicial Committee of the Privy Council	3	3	0
Applications for special leave to appeal to the Judicial Committee of the Privy Council	0	0	0
Total other appeals	144	110	19
TOTAL 2001/2002	3,080	3,002	24
TOTAL 2000/2001	3,410	3,242	56

NOTE:

1. This table does not include applications or grants made under regulation 15 of the Criminal Legal Aid (Scotland) Regulations 1996 (matters of special urgency) since special urgency grants do not in all cases lead to a full certificate being granted.

4(viii) SANCTIONS	APPLICATIONS RECEIVED	APPLICATIONS PART GRANTED	APPLICATIONS GRANTED	APPLICATIONS REFUSED
Summary criminal				
– expert witness	2,215	235	1,589	31
– unusual expenses	173	21	63	23
– counsel	175	2	81	67
TOTAL SUMMARY CRIMINAL	2,563	258	1,733	121
Solemn and section 23(1) (b)				
– expert witness	2,847	461	2,017	33
– unusual expenses	812	58	535	97
– counsel	1,982	101	779	594
TOTAL SOLEMN AND SECTION 23(1)(b)	5,641	620	3,331	724
TOTAL 2001/2002	8,204	878	5,064	845
TOTAL 2000/2001	7,327	908	4,295	894

NOTE:

1. In this table and in tables 4(ix) and 4(x), "Summary criminal" means summary criminal applications granted by the Board.

4(ix) REQUESTS FOR CHANGE OF SOLICITOR	APPLICATIONS RECEIVED	APPLICATIONS GRANTED	APPLICATIONS REFUSED
Summary criminal	3,063	2,472	283
Court granted legal aid	1,613	1,334	130
Criminal appeals	144	114	7
TOTAL 2001/2002	4,820	3,920	420
TOTAL 2000/2001	4,587	3,956	987

4(x) APPLICATIONS UNDER REGULATION 15 OF THE CRIMINAL LEGAL AID (SCOTLAND) REGULATIONS 1996 (MATTERS OF SPECIAL URGENCY)	APPLICATIONS GRANTED 2001/2002	APPLICATIONS GRANTED 2000/2001
Summary criminal	139	111
Criminal appeals	2,627	2,801
TOTAL	2,766	2,912

CRIMINAL LEGAL AID

APPENDIX 4 CONT'D

4(xi) DUTY SOLICITOR – ACCOUNTS

	TOTAL PAID £ '000	NO. OF ACCUSED PERSONS	COST PER ACCUSED PERSON £
TOTAL 2001/2002	813	22,141	37
TOTAL 2000/2001	835	23,885	35

4(xii) ACCOUNTS PAID BY PROCEEDINGS

PROCEEDINGS	TOTAL PAID £ '000	SOLICITOR £ '000	COUNSEL £ '000	SOLICITOR ADVOCATE £ '000	OUTLAYS £ '000	NO OF CASES	AVERAGE COST PER CASE £
TOTAL DISTRICT COURT	4,731	4,614	4	1	111	11,822	400
Sheriff court – summary (fixed payments)	36,522	35,359	80	41	1,042	53,283	685
Sheriff court – summary (detailed charges)	763	673	13	2	75	650	1,174
Total sheriff court summary	37,285	36,032	93	43	1,117	53,933	691
Total sheriff court solemn (detailed charges)	14,051	11,487	1,293	12	1,258	7,522	1,868
TOTAL SHERIFF COURT	51,336	47,519	1,386	55	2,375	61,455	835
Non Appeals	14,686	7,343	5,041	1,042	1,260	1,667	8,810
Appeals	2,460	1,412	755	123	170	3,106	792
TOTAL HIGH COURT	17,146	8,756	5,796	1,165	1,430	4,773	3,592
TOTAL SUMMARY 2001/2002	42,016	40,647	97	45	1,228	65,755	639
TOTAL SUMMARY 2000/2001	40,407	38,581	198	34	1,594	62,009	652
TOTAL SOLEMN (INCL APPEALS) 2001/2002	31,197	20,243	7,089	1,177	2,688	12,295	2,537
TOTAL SOLEMN (INCL APPEALS) 2000/2001	27,342	18,589	5,952	666	2,135	12,792	2,137
TOTAL ALL PROCEEDINGS 2001/2002	73,213	60,889	7,186	1,222	3,916	78,050	938
TOTAL ALL PROCEEDINGS 2000/2001	67,749	57,170	6,150	700	3,729	74,801	906

NOTE:

1. This table shows fees for solicitor advocates in the district and sheriff courts. These charges are for bail appeals which are heard in the High Court but are costed against the court of the originating proceedings.
2. Although less detail is shown for High Court cases, following review we expect to be able to provide more detail in future years.

4(xiii) NUMBERS OF CASES AND AVERAGE CASE COSTS BY TYPE OF CASE AND COURT

OFFENCE	DISTRICT COURT		SHERIFF COURT		HIGH COURT		NO. OF CASES	ALL COURTS	
	NO. OF CASES	AVERAGE COST PER CASE £	NO. OF CASES	AVERAGE COST PER CASE £	NO. OF CASES	AVERAGE COST PER CASE £		AVERAGE COST PER CASE 2001/2002 £	AVERAGE COST PER CASE 2000/2001 £
Murder/attempted murder/culpable homicide	N/A	N/A	361	2,618	369	12,472	730	7,599	6,416
Assault	2,389	404	13,684	908	214	6,433	16,287	906	906
Theft/housebreaking/robbery	3,128	405	13,730	808	237	5,773	17,095	803	747
Road traffic offences	317	474	8,545	725	25	2,152	8,887	720	711
Offensive weapons/vandalism/breach of the peace	4,455	389	11,371	700	22	4,650	15,848	618	783
Drugs	582	385	5,769	970	436	7,143	6,787	1,316	1,296
Embezzlement/fraud	95	403	1,634	1,148	8	28,947	1,737	1,235	1,649
Sexual offences	5	434	513	1,634	226	10,092	744	4,195	3,441
Other	851	413	5,848	754	130	11,975	6,829	925	905
Appeals	0	0	0	0	3,106	792	3,106	792	672
TOTAL 2001/2002	11,822	400	61,455	835	4,773	3,592	78,050	938	
TOTAL 2000/2001	14,236	435	55,775	849	4,790	2,967	74,801		906

LEGAL AID FOR CHILDREN

APPENDIX 5

5(i) GRANTS OF LEGAL AID BY THE COURTS UNDER THE CHILDREN (SCOTLAND) ACT 1995							
	2001/2002			2000/2001			
TOTAL	2,830			2,795			

5(ii) SANCTIONS				
	APPLICATIONS RECEIVED	APPLICATIONS PART GRANTED	APPLICATIONS GRANTED	APPLICATIONS REFUSED
Children				
– expert witness	209	34	140	9
– unusual expenses	51	3	35	7
– counsel	139	4	81	33
TOTAL 2001/2002	399	41	256	49
TOTAL 2000/2001	332	24	184	47

5(iii) APPLICATIONS TO THE BOARD IN RESPECT OF APPEALS TO THE COURT OF SESSION AND THE SHERIFF PRINCIPAL		
	APPLICATIONS RECEIVED	APPLICATIONS GRANTED
TOTAL 2001/2002	45	23
TOTAL 2000/2001	42	46

5(iv) SANCTIONS				
	APPLICATIONS RECEIVED	APPLICATIONS PART GRANTED	APPLICATIONS GRANTED	APPLICATIONS REFUSED
Children's appeals				
– expert witness	1	0	0	0
– unusual expenses	4	0	3	1
– counsel	16	1	12	2
TOTAL 2001/2002	21	1	15	3
TOTAL 2000/2001	25	0	12	8

5(v) ANALYSIS OF ACCOUNTS PAID							
	TOTAL PAID	SOLICITOR	COUNSEL	SOLICITOR ADVOCATE	OUTLAYS	NO. OF CASES	AVERAGE COST PER CASE
	£'000	£'000	£'000	£'000	£'000		£
TOTAL 2001/2002	2,827	1,922	644	0	261	2,080	1,359
TOTAL 2000/2001	2,501	2,060	255	3	183	2,375	1,053

CONTEMPT OF COURT

APPENDIX 6

6(i) GRANTS OF LEGAL AID BY THE COURTS UNDER SECTION 30 (CONTEMPT) OF THE LEGAL AID (SCOTLAND) ACT 1986				
	DISTRICT COURT	SHERIFF COURT	HIGH COURT	TOTAL
TOTAL 2001/2002	10	124	14	148
TOTAL 2000/2001	10	145	10	165

6(ii) ANALYSIS OF ACCOUNTS PAID							
	TOTAL PAID	SOLICITOR	COUNSEL	SOLICITOR ADVOCATE	OUTLAYS	NO. OF CASES	AVERAGE COST PER CASE
	£'000	£'000	£'000	£'000	£'000		£
TOTAL 2001/2002	40	33	2	4	1	131	302
TOTAL 2000/2001	41	40	0	0	1	153	268

Throughout these appendices:

- figures for grants and refusals of applications do not necessarily equal numbers of applications, since decisions on applications received towards the end of one year may not be reached until the following year
- unless otherwise stated, figures for accounts paid include VAT. Where outlays are shown, these included payments to people other than solicitors and advocates – for example, expert witnesses
- figures for accounts are shown rounded to the nearest £1,000, but unrounded figures are used for calculation purposes
- new categories have been added to some tables and last year's figures are not, therefore, in all categories the same as those shown in the last annual report. Some figures have been restated.

ANALYSIS OF PAYMENTS

APPENDIX 7

7(i) TOTAL EXPENDITURE ON CIVIL AND CRIMINAL LEGAL ASSISTANCE (EXCLUDING DUTY SCHEME, LEGAL AID FOR CHILDREN AND CONTEMPT OF COURT)				
	LEGAL AID £ '000	ADVICE AND ASSISTANCE £ '000	ABWOR £ '000	TOTAL £ '000
CIVIL				
Family/matrimonial	17,658	7,478	N/A	25,136
Debt	592	1,141	6	1,739
Reparation	6,865	2,220	N/A	9,085
Judicial review	244	80	N/A	324
Other	2,988	6,891	1,000	10,879
TOTAL CIVIL	28,347	17,810	1,006	47,163
CRIMINAL				
Murder/attempted murder/culpable homicide	5,547	56	N/A	5,603
Assault	14,763	905	110	15,778
Theft/housebreaking/robbery	13,724	1,534	333	15,591
Road traffic offences	6,402	1,028	678	8,108
Offensive weapons/vandalism/breach of the peace	9,796	1,222	232	11,250
Drugs	8,935	456	93	9,484
Embezzlement/fraud	2,146	145	73	2,364
Sexual offences	3,121	69	9	3,199
Other	6,320	2,766	1,352	10,438
Appeals	2,460	402	1	2,863
TOTAL CRIMINAL	73,213	8,583	2,880	84,676
TOTAL 2001/02	101,560	26,393	3,886	131,839
TOTAL 2000/01	96,504	26,929	3,270	126,703

7(ii) ANALYSIS OF PAYMENTS FOR ALL CATEGORIES

TYPE	NO OF CASES	FEES (INCL VAT)			TOTAL FEES		OUTLAYS		TOTAL 2001/2002		TOTAL 2000/2001
		SOLICITOR £ '000	COUNSEL £ '000	SOLICITOR ADVOCATE £ '000	INCL VAT £ '000	EXCL VAT £ '000	INCL VAT £ '000	EXCL VAT £ '000	INCL VAT £ '000	EXCL VAT £ '000	INCL VAT £ '000
Advice and assistance	276,122	28,217	70	2	28,289	24,048	1,989	1,988	30,279	26,036	30,199
Civil	12,903	17,603	3,099	8	20,709	17,677	7,637	7,632	28,347	25,309	28,755
Criminal	78,050	60,889	7,186	1,222	69,297	59,098	3,916	3,652	73,213	62,750	67,749
Duty	***	792	2	0	794	679	19	17	813	696	835
Children	2,080	1,922	644	0	2,566	2,194	261	243	2,827	2,436	2,501
Contempt of court	131	33	2	4	39	33	1	1	40	34	41
TOTAL 2001/2002	369,286	109,455	11,003	1,236	121,694	103,729	13,824	13,533	135,519	117,262	
TOTAL 2000/2001	379,697	106,325	9,935	708	116,968		13,112				130,080

*** Duty solicitors appeared on behalf of 22,141 people.

NOTES:

Figures exclusive of VAT are not available for 2000/2001
The above figures do not include expenditure on the PDSO.

PAYMENTS MADE TO SOLICITORS AND ADVOCATES

APPENDIX 8

8(i) SOLICITORS' FIRMS

These figures show the twenty highest earning firms based on total fees (excluding outlays) paid to them during 2001/2002. Amounts paid reflect the extent to which each practice deals with legal aid work.

FIRM NAME	CIVIL FEES EXC VAT £'000	CRIMINAL FEES EXC VAT £'000	A&A FEES EXC VAT £'000	VAT ON FEES £'000	TOTAL FEES INC VAT £'000
Ross Harper & Murphy	342	896	452	299	1,990
Bruce Short & Co	23	609	368	176	1,176
Livingstone Brown	130	489	350	171	1,140
George Mathers & Co	56	662	219	165	1,102
Gilfedder & McInnes	0	803	117	161	1,081
Turnbull McCarron	83	487	313	155	1,038
Adams Whyte	0	749	103	149	1,001
Gallen & Co	43	607	179	146	975
J C Hughes & Co	36	537	214	138	924
Jim Friel & Co	0	660	80	130	870
Blair & Bryden	213	331	178	127	850
Drummond Miller	412	76	230	127	845
Ian McCarry	0	553	163	126	842
McKay & Norwell	92	479	136	124	832
Martin Johnston & Socha	0	584	98	120	802
Milligan Telford & Morrow	0	577	94	117	788
Robert Carty & Co	130	221	307	117	775
Tod & Mitchell	0	570	64	111	745
Wilson McLeod	0	544	79	109	732
Ness Gallagher & Co	46	487	81	108	722

8(ii) ADVOCATES

These figures show the twenty highest earning advocates. They represent the amounts paid from the Legal Aid Fund to advocates during 2001/2002. Earnings can be expected to vary from year to year depending on the volume of legal aid work assigned to each advocate.

NAME	CIVIL FEES EXC VAT £'000	CRIMINAL FEES EXC VAT £'000	A&A FEES EXC VAT £'000	TOTAL VAT ON FEES £'000	TOTAL FEES INC VAT £'000
Neil D Murray	0	165	0	29	194
Donald R Findlay	0	161	1	28	191
James Reilly	0	132	0	23	155
Ronald C Watson	0	131	0	23	154
Herbert A Kerrigan	0	129	0	23	152
W Gordon Jackson	4	123	0	22	149
J Graham Robertson	0	122	0	21	143
Ian Duguid	2	119	1	21	143
Gerald Carroll	0	116	0	20	136
Peter L Gray	13	99	0	20	132
Derek A Ogg	12	95	0	19	125
Mhairi R Richards	0	106	0	19	125
Brian McConnachie	0	105	0	18	123
Frances J MacMenamin	0	104	0	18	123
Lorenzo Alonzi	0	104	1	18	122
Chris M Shead	7	96	1	18	122
Edward G M Targowski	0	101	0	18	118
Ruth Anderson	0	98	0	17	115
Iain Sharp	30	65	0	17	112
Jock M W Thomson	0	95	0	17	111

>> SUMMARY FINANCIAL STATEMENTS

FINANCIAL INFORMATION

The Board is funded by Government grant from the Scottish Executive. These accounts cover separately the Grant-in-Aid and the Legal Aid Fund. The Grant-in-Aid covers the cost of the administration of the Board, including capital expenditure. The Legal Aid Fund (the Fund) accounts for the payments to solicitors and advocates net of contributions and recoveries. The Fund is not cash limited.

In 2001/2002 we received £9.6 million from Government of which £8.9 million was in respect of running costs and £0.7 million in respect of capital expenditure. Legal Aid Fund expenditure for 2001/2002 was £135.9 million.

ANNUAL ACCOUNTS

As a Non-Departmental Public Body, the Board is required to prepare annual accounts that present its financial performance on an 'accruals' basis. The Legal Aid (Scotland) Act 1986, as amended by the Public Finance and Accountability (Scotland) Act 2000, requires the Board to prepare a statement of account for each financial year in the form and on the basis determined by Scottish Ministers.

In the summary financial statements that follow, accruals accounting requires certain accounting adjustments. For example, notional cost of capital charge, depreciation, and accruals and prepayments all serve to match income and expenditure in the current financial year. Consequently, our financial results under cash and accruals accounting conventions will appear different.

The accounts are audited by Audit Scotland and the certified financial statements have been forwarded for comment to the Auditor General for Scotland and onward transmission to Scottish Ministers.

The accounts comply, as far as is appropriate, with commercial accounting standards and conventions as determined by the Board's Accounts Direction given by Scottish Ministers. However, the Board is not in business to make a profit, rather to administer legal aid in an economic, efficient and effective manner.

The income and expenditure accounts and the balance sheets contained in the financial statements on pages 31-32 are a summary of the Scottish Legal Aid Board annual accounts. The summary financial statements may not contain sufficient information to allow a full understanding of the results and state of affairs of the Board. A copy of the audited accounts, which contain the detailed information required by law and under best practice guidelines, can be obtained from the Finance Department, Scottish Legal Aid Board, 44 Drumsheugh Gardens, Edinburgh EH3 7SW or from our website at www.slabb.org.uk.

The information published on the website has been prepared under United Kingdom Company Law and may not be in accordance with the legal requirements of other countries from which the information can be accessed. The Board's annual accounts were approved and signed on 5 July 2002. The Board's auditor has given an unqualified opinion on these accounts.

RELATED PARTY TRANSACTIONS

Some members of the Board and/or their spouses or relatives are active legal aid practitioners and are therefore related parties. Transactions of a value greater than £1,000 with these related parties are shown at note 19 of the full published accounts.

ANALYSIS OF SPEND 2001/2002

FUND	2001/02 £'000	2000/01 £'000
Payments (including outlays) made to solicitors, counsel and PDSO in respect of:		
Civil	28,347	28,755
Criminal	74,026	68,584
Advice and assistance	30,279	30,199
Children's scheme	2,827	2,501
Contempt	40	41
Miscellaneous	12	0
Public Defence Solicitors' Office	364	390
	135,895	130,470
This was financed by:		
Contributions from assisted persons	1,152	1,113
Recovery of expenses	6,282	7,029
Losses recovered from damages received	1,106	1,138
Government grant	124,100	123,907
	132,640	133,187
Movement in non-cash and creditor items	3,255	(2,717)
	135,895	130,470

NOTE:

The difference of £376,000 between table 7(ii) and the above table is the PDSO and miscellaneous expenditure.

GRANT IN AID	2001/02 £'000	2000/01 £'000
Payments	9,518	9,123
This was financed by:		
Government grant	9,384	9,073
Movement in bank(increase)/decrease	(129)	(43)
Net Pension receipts	263	93
	9,518	9,123

NOTES:

- Although the Board's accounts are prepared on an accruals basis, these tables have been produced on the basis of actual expenditure and are consistent with the statistical tables in the appendices.
- Although the funding provided for the Public Defence Solicitors' Office was £364,000 actual expenditure incurred was £357,000. This breaks down as follows:

	2001/02 £'000	2000/01 £'000
Criminal defence costs – outlays	29	45
Salaries and wages	209	218
Social security costs	17	18
Accommodation	63	82
Audit fees	2	2
Depreciation	10	11
Permanent diminution in value of fixed assets	6	12
Other operating costs	21	28
	357	416
The relationship between these expenditure figures and the figures shown in the accounts is:		
Fund expenditure	135,895	130,470
Net movement in non-cash and creditor items	12,525	7,399
Operating costs (including PDSO capital purchases)	148,420	137,869
Fund cash receipts	8,540	9,280
Non cash adjustments to debtors	25	1,134
Operating income	8,565	10,414

INCOME AND EXPENDITURE ACCOUNT FOR THE SCOTTISH LEGAL AID FUND
YEAR ENDED 31 MARCH 2002

SCOTTISH LEGAL AID FUND	2001/02 £'000	2000/01 £'000
Income		
Operating income	8,565	10,414
Expenditure		
Operating costs	(148,420)	(137,869)
Decrease/(increase) in bad debts provision	(266)	(759)
	(148,686)	(138,628)
Net cost of operations before interest	(140,121)	(128,214)
Interest receivable	19	17
Interest on capital (notional)	(2)	(3)
Net cost of operations	(140,104)	(128,200)
Add back notional charges	2	3
Net cost of operations excluding notional charges transferred to General Fund	(140,102)	(128,197)

Lindsay Montgomery
CHIEF EXECUTIVE
 5 July 2002

BALANCE SHEET FOR THE SCOTTISH LEGAL AID FUND – YEAR ENDED 31 MARCH 2002

SCOTTISH LEGAL AID FUND			
	£'000	2002 £'000	2001 £'000
Fixed assets			
Tangible assets		17	33
Current assets			
Debtors	80,142		64,375
Cash at bank and in hand	8,097		8,227
	<u>88,239</u>		<u>72,602</u>
Current liabilities			
Creditors	(83,956)		(68,437)
Net current assets		4,283	4,165
Net assets		<u>4,300</u>	<u>4,198</u>
Financed by: General Fund		4,300	4,198

INCOME AND EXPENDITURE ACCOUNT FOR THE SCOTTISH LEGAL AID BOARD GRANT-IN-AID YEAR ENDED 31 MARCH 2002

SCOTTISH LEGAL AID BOARD			
	£'000	2002 £'000	2001 £'000
Income			
Expenditure			
Staff costs	(5,896)		(5,361)
Operating costs	(2,717)		(2,634)
Depreciation	(305)		(305)
Permanent diminution in value of fixed assets	(368)		(173)
Amortisation of Government grant	174		48
Total expenditure		(9,112)	(8,425)
Net cost of operations before interest		(9,112)	(8,425)
Interest received		6	8
Interest on capital (notional)		(95)	(93)
Loss on disposal of fixed assets			4
Net cost of operations		(9,201)	(8,506)
Pension costs		(426)	(405)
Net cost of operations including pension costs		(9,627)	(8,911)
Add back notional charges		95	93
Net cost of operations excluding notional charges and including pension costs transferred to General Fund		<u>(9,532)</u>	<u>(8,818)</u>

BALANCE SHEET FOR THE SCOTTISH LEGAL AID BOARD GRANT-IN-AID YEAR ENDED 31 MARCH 2002

SCOTTISH LEGAL AID BOARD			
	£'000	2002 £'000	2001 £'000
Fixed assets			
Tangible assets		1,085	1,455
Current assets			
Stock	31		33
Debtors	229		321
Cash at bank and in hand	324		195
	<u>584</u>		<u>549</u>
Creditors			
Amounts falling due within one year	(189)		(327)
Net current assets		395	222
Total assets less current liabilities		<u>1,480</u>	<u>1,677</u>
Deferred income		(182)	(234)
Net assets		<u>1,298</u>	<u>1,443</u>
Financed by:			
Government grant		765	714
Reserves:			
General Fund		532	726
Revaluation reserve		1	3
		<u>1,298</u>	<u>1,443</u>

KEY STATISTICS 1993 – 2002

NUMBER OF APPLICATIONS										
	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/2000	2000/2001	2001/2002
Summary criminal	69,714	66,529	71,401	74,516	69,806	68,434	64,156	64,818	69,137	76,527
Civil	36,018	32,470	30,597	30,335	28,733	26,043	23,890	23,106	21,018	19,994
Advice and assistance intimations	295,231	289,261	302,695	311,167	305,504	321,452	311,187	319,080	329,412	331,890
TOTAL	400,963	388,260	404,693	416,018	404,043	415,929	399,233	407,004	419,567	428,411

NUMBER OF GRANTS										
	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/2000	2000/2001	2001/2002
Criminal – Board granted	63,858	61,314	67,020	67,382	61,836	59,644	58,534	59,188	62,801	70,832
Criminal – Court granted	13,025	12,426	11,890	11,560	11,491	11,622	12,588	10,705	10,331	10,983
Civil	27,018	23,715	22,088	20,064	19,797	17,405	15,661	14,551	13,557	11,167
Advice and assistance	295,231	289,261	302,695	311,167	305,504	321,452	311,187	316,822	329,412	331,890
Children (including appeals)	2,163	2,534	3,011	2,680	2,336	2,586	2,511	2,833	2,841	2,853
Contempt of court	91	125	102	144	216	165	162	167	165	148
TOTAL	401,386	389,375	406,806	412,997	401,180	412,874	400,643	404,266	419,107	427,873

NUMBER OF FINAL ACCOUNTS PAID										
	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/2000	2000/2001	2001/2002
Criminal	74,721	81,342	78,537	76,831	78,927	75,620	69,898	67,092	74,801	78,050
Civil	27,845	27,482	25,713	22,605	22,146	20,365	18,194	15,772	14,339	12,903
Advice and assistance	261,449	260,244	267,416	271,480	272,000	271,663	276,165	277,340	288,029	276,122
Children	1,843	1,850	2,390	2,336	2,026	1,870	1,957	1,897	2,375	2,080
Contempt of court	29	123	95	91	105	132	98	161	153	131
TOTAL	365,887	371,041	374,151	373,343	375,204	369,650	366,312	362,262	379,697	369,286

AVERAGE CASE COST (£)										
	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/2000	2000/2001	2001/2002
Criminal	820	882	958	957	1,000	1,073	1,066	1,022	906	938
Civil	867	1,011	1,176	1,425	1,583	1,685	1,764	1,918	2,005	2,197
Advice and assistance	84	87	90	92	97	99	103	102	105	110
Children	643	621	665	717	871	876	878	909	1,053	1,359
Contempt of court	335	281	257	221	252	237	286	193	268	302

TOTAL SPEND (£'000)										
	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/2000	2000/2001	2001/2002
Criminal	62,247	72,751	76,167	74,385	79,837	82,054	75,420	69,438	68,584	74,026
Civil	24,135	27,771	30,233	32,210	35,064	34,311	32,093	30,246	28,755	28,347
Advice and assistance	21,898	22,713	24,038	25,070	26,458	27,005	28,460	28,287	30,199	30,279
Children	1,186	1,149	1,590	1,675	1,764	1,639	1,719	1,725	2,501	2,827
Contempt of court	10	35	24	20	26	31	28	31	41	40
Miscellaneous payments	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	12
PDSO	N/A	N/A	N/A	N/A	N/A	25	405	430	390	364
TOTAL	109,476	124,419	132,052	133,360	143,149	145,065	138,125	130,157	130,470	135,895

TOTAL PAYMENTS FOR ADMINISTRATION AND FUND (£'000)										
	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/2000	2000/2001	2001/2002
Administration	7,525	8,045	7,657	7,487	7,166	7,718	7,564	8,533	9,123	9,518
Fund	109,476	124,418	132,052	133,360	143,149	145,065	138,125	130,157	130,470	135,895



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The Board is open from 9.00 a.m. to 5.00 p.m. each weekday,
and the switchboard is open from 8.30 a.m.

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