

SCOTTISH LEGAL AID BOARD

REPORT ON TAXATION

JTL

ASSISTED PERSON:



- 8485609/88/ED

CRIMINAL

AGENTS: WHITELAW, EDGAR & BALDWIN

AUDITOR: C P McCRANE - DUMFRIES SHERIFF COURT

DATE OF TAXATION: 17TH DECEMBER, 1990

A business account was received from Messrs Whitelaw Edgar & Baldwin in respect of the above accused at the sum of £686.50. After assessing the Solicitor's claim a fee of £631.65 was intimated to the Agents which was subsequently rejected and submitted to the Auditor of Dumfries Sheriff Court for taxation.

The Solicitors reframed their business account, to include items in respect of the taxation, and was lodged with the Auditor at the sum of £773.70.

There were principally three main differences of opinion between the Board and the Solicitors in respect of their claim. The first point was in respect of the preparation for the case which was claimed at a total of 4 hours and restricted to 3½ hours which was subsequently accepted by the Solicitor. The second point was in respect of the perusal of the Social Enquiry Report which was abated as it was felt it should have been included in any preparation fee allowable. This was subsequently allowed by the Auditor as any report is only available on the day of the Court appearance in question and therefore could not be included in the preparation charge.

£18.50
No dispute

How much?
£9.25

The final point was in respect of aggregating the waiting time, with the Court time and paying the total time on any given day. At this point I referred the Auditor to paragraph 2(a) of the Criminal Legal Aid (Scotland) (Fees) Amendment (No2) Regulations 1990 which states "each quarter hour (or part thereof) spent by a Solicitor in carrying out work other than prescribed in paragraphs 1 and 3 to 5 hereof, provided that any time is additional to the total time charged for under paragraph 1 above, should be £9.25". This was subsequently upheld by the Auditor.

?

How much?
£27.75

The Auditor subsequently taxed the Solicitor's account at the sum of £727.45 plus VAT together with an audit fee of £34.00.

Fees charged for taxation £ 87.20 + VAT
Fee for taxation £ 34.00

121.20

Taxed at 46.25 + VAT
Cost to SLAB of taxation £ 74.95 subject to VAT adjustment
plus own time.