ACCOUNT OF EXPENSES INCURRED TO THE SCOTTISH LEGAL AID BOARD BY MESSRS ALLCOURTS, SOLICITORS, LIVINGSTON

IN CAUSA

PF LINLITHGOW v

JS

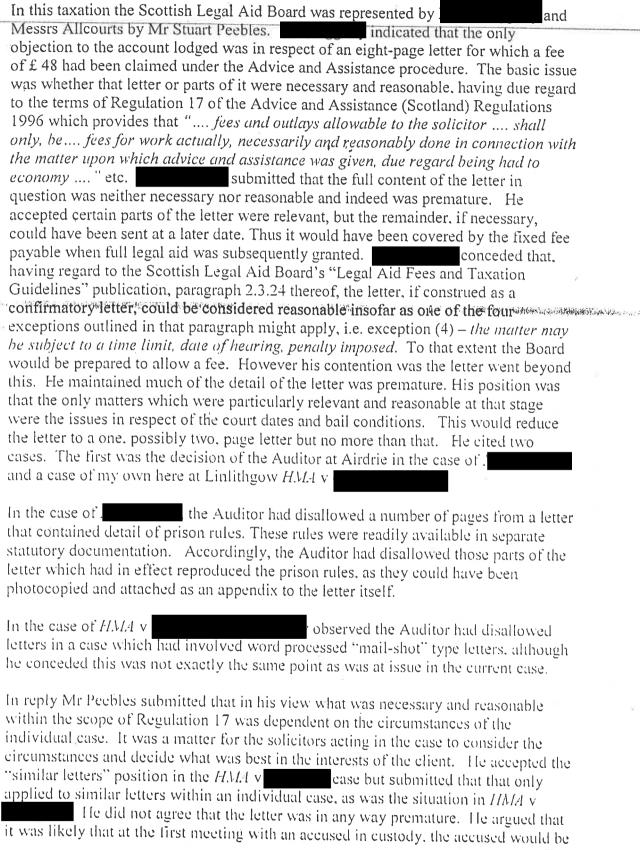
Linlithgow, 19 October 2004.

Having examined the account of expenses in the aforesaid case and having heard Mr for the Scottish Legal Aid Board and Mr Stuart Peebles thereon, I hereby tax the said account in terms of Regulation 11(2) of the Criminal Legal Aid (Scotland) (Fees) Regulations 1989 in the sum of £73.90

Auditor of Court

Linlithgow

PF LINLITHGOW v





unable to take in all the matters that were covered by the letter. He noted that this was particularly difficult within Linlithgow Sheriff Court, given the restrictions in facilities available for interviewing clients. It was his view that all the issues in the letter were important to the client and were as brief as they could possibly be. He did not believe that the decision in | was particularly relevant to this case, as the content of the material which could have been annexed to the letter in that case was a set of statutory rules. These were general to all situations of that nature and were not exclusive to a particular individual. He noted that made the point that SLAB had to consider the impact on its budget of fees claimed which did not fall within the provisions of Regulation 17 of the Advice and Assistance (Scotland) Regulation 1996. Mr Peebles contended that budgetary issues were entirely a matter for the Board and should not be a matter for consideration by the Auditor in reaching is decision. I am of the view that in this case the eight-page letter ought to be allowed.) Mr had conceded that a letter of one to two pages could be allowed given the terms of the fourth exception to the general rule expressed in paragraph 2.3.24 of the Legal Aid Fees and Taxation Guidelines (1994). Having considered that paragraph it seems to me that the further potential exceptions (1) and (2) (the client was in a distraught state of mind and the subject matter was too complex for memory) might also apply in the case of accused in custody, depending on the circumstances. Notwithstanding, assertions that matters other than dates of trial and bail could be covered by a separate leaflet or annex, I am more persuaded that the content of the letter is likely to be informed by the circumstances of individual cases. In my view, the information contained within the letter was all extremely relevant to the conduct of the case and it seemed to me that it was more responsible for the agent to advise his or her client in those terms as soon as possible after the initial meeting. was suggesting, some of this information could be reduced to a pro-If, as forma document, it appears that no such document approved by an appropriate body exists. Both parties confirmed this. This sets this case apart from the Auditor's decision in the case of Neither does this case sit exactly on all for Neither does this case sit exactly on all fours with the case of HMA v where the decision related to a number of "similar letters" in a single case. On the question of the financial implications for SLAB, I note in fact that this was also considered by the Auditor at Airdrie in the case of . He was not persuaded by SLAB's arguments in this respect. Neither am I. and like the Airdrie Auditor I also of the view that each case requires to be considered on its own merits.

M