

4. Criminal legal assistance

Appendix notes

1. 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.
2. Unless otherwise stated, the figures for accounts paid include VAT and were prepared on a cash basis.
3. In tables showing accounts paid, unless otherwise stated, outlays include all payments other than fees paid to solicitors and advocates - for example, expert witnesses.

4.1 Intimations of criminal advice and assistance

Subject matter	2014-2015	2013-2014
Appeals	270	314
Assault	5,145	5,073
Bail (including breach of bail)	500	472
Breach proceedings	264	268
Criminal Law (Consolidation) (Scotland) Act	198	199
Drugs	1,972	2,136
Embezzlement/fraud	701	743
Extradition	9	12
Means enquiries/fines	2,612	3,077
Murder/attempted murder/culpable homicide	226	261
Offensive weapons/vandalism/breach of the peace	3,720	3,989
Road traffic	2,967	3,532
Sexual offences	1,916	1,997
Theft/housebreaking/robbery	2,566	2,975
Other	3,671	4,003
Total	26,737	29,051

4.2 Intimations of criminal ABWOR

Subject matter	2014-2015	2013-2014
Assault	1,989	2,153
Bail (including breach of bail)	2,906	3,313
Breach proceedings	8,500	8,851
Criminal Law (Consolidation) (Scotland) Act	323	346
Drugs	1,836	1,900
Embezzlement/fraud	304	423
Offensive weapons/vandalism/breach of the peace	5,130	5,516
Road traffic	2,094	2,734
Sexual offences	144	171
Theft/housebreaking/robbery	5,258	6,282
Other	1,955	2,098
Total	30,439	33,787

4.3 Applications to SLAB for summary criminal legal aid

Offence	JP court		Stipendiary court		Sheriff court		Total	
	2014-2015	2013-2014	2014-2015	2013-2014	2014-2015	2013-2014	2014-2015	2013-2014
Assault	1,670	1,519	518	684	17,123	17,080	19,311	19,283
Bail (including breach of bail)	37	36	24	27	1,663	1,660	1,724	1,723
Drugs	911	758	372	373	3,537	3,529	4,820	4,660
Embezzlement/fraud	71	95	24	23	927	1,033	1,022	1,151
Extradition	1	-	0	-	97	105	98	105
Offensive weapons/vandalism/breach of the peace	2,252	2,085	426	503	10,957	10,882	13,635	13,470
Road traffic	2,489	2,310	344	500	2,684	2,887	5,517	5,697
Sexual offences	7	4	3	10	773	676	783	690
Theft/housebreaking/robbery	1,831	1,881	374	577	4,791	5,288	6,996	7,746
Other	471	546	91	106	3,329	3,508	3,891	4,160
Total	9,740	9,234	2,176	2,803	45,881	46,648	57,797	58,685

4.4 Grants by SLAB of summary criminal legal aid

Offence	JP court		Stipendiary court		Sheriff court		Total	
	2014-2015	2013-2014	2014-2015	2013-2014	2014-2015	2013-2014	2014-2015	2013-2014
Assault	1,411	1,378	438	650	14,730	15,457	16,579	17,485
Bail (including breach of bail)	19	24	20	24	1,492	1,542	1,531	1,590
Drugs	783	699	333	348	3,151	3,277	4,267	4,324
Embezzlement/fraud	59	88	18	24	803	971	880	1,083
Extradition	1	-	0	-	81	92	82	92
Offensive weapons/vandalism/breach of the peace	1,973	1,922	373	476	9,584	9,927	11,930	12,325
Road traffic	1,072	1,082	257	411	2,143	2,402	3,472	3,895
Sexual offences	5	3	2	8	664	587	671	598
Theft/housebreaking/robbery	1,619	1,746	347	547	4,489	5,028	6,455	7,321
Other	288	377	72	92	2,865	3,207	3,225	3,676
Total	7,230	7,319	1,860	2,580	40,002	42,490	49,092	52,389

Note

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

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

Highest Ranked Reason	JP court		Stipendiary court		Sheriff court		Total	
	2014-2015	2013-2014	2014-2015	2013-2014	2014-2015	2013-2014	2014-2015	2013-2014
1. Not in the interests of justice	1,720	1,557	34	71	163	176	1,917	1,804
2. Means	365	201	68	65	2,192	1,662	2,625	1,928
3. Other rights and facilities	1	0	0	0	1	0	2	0
4. Non-timeous	2	2	0	0	2	2	4	4
Total	2,088	1,760	102	136	2,358	1,840	4,548	3,736

Note

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

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

Offence	2014-2015			2013-2014		
	Received	Granted	Refused	Received	Granted	Refused
Assault	729	365	234	588	279	162
Bail (including breach of bail)	33	19	7	24	15	6
Drugs	147	70	58	136	75	40
Embezzlement/fraud	65	28	26	69	36	20
Extradition	5	1	2	3	1	2
Offensive weapons/vandalism/breach of the peace	432	232	125	317	156	81
Road traffic	856	232	557	925	225	614
Sexual offences	44	16	18	37	14	14
Theft/housebreaking/robbery	137	80	47	107	62	30
Other	256	106	117	229	93	105
Total	2,704	1,149	1,191	2,435	956	1,074

4.7 Grants of legal aid by the courts in summary proceedings under the Legal Aid (Scotland) Act 1986 section 23(1)(b)

	2014-2015	2013-2014
Total	9	15

Note

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

4.8 Grants of legal aid for specialist courts and under the Legal Aid (Scotland) Act 1986 section 22(1)(da-de)

Type of intimation	2014-2015	2013-2014
Glasgow domestic abuse court	1,473	1,470
Glasgow, Kirkcaldy and Dunfermline drug courts	24	19
Hamilton and Airdrie youth court	0	96
Granted under section 22 (1)(da-de)	93	53
Total	1,590	1,638

4.9 Applications to SLAB for solemn criminal legal aid

Offence	2014-2015	2013-2014
Assault	4,467	4,333
Bail (including breach of bail)	425	418
Drugs	2,043	2,093
Embezzlement/fraud	186	215
Murder/attempted murder/culpable homicide	313	337
Offensive weapons/vandalism/breach of the peace	1,466	1,398
Road traffic	111	92
Sexual offences	1,402	1,328
Theft/housebreaking/robbery	2,008	1,546
Other	912	1,093
Total	13,333	12,853

4.10 Grants of solemn legal aid by offence type

Offence	2014-2015	2013-2014
Assault	4,036	4,060
Bail (including breach of bail)	414	404
Drugs	1,847	1,944
Embezzlement/fraud	174	188
Murder/attempted murder/culpable homicide	303	331
Offensive weapons/vandalism/breach of the peace	1,334	1,318
Road traffic	94	82
Sexual offences	1,230	1,175
Theft/housebreaking/robbery	1,910	1,491
Other	817	1,020
Total	12,159	12,013

4.11 Criminal appeals - applications

	Received	Granted	Refused
Leave to appeal against:			
- conviction only	190	168	15
- conviction and sentence	188	175	5
- sentence only	927	889	17
Total leave to appeal	1,305	1,232	37
Total other appeals	60	43	14
Total 2014-2015	1,365	1,275	51
Total 2013-2014	1,476	1,365	57

Note

1. This table includes appeals granted under regulation 15 of the Criminal Legal Aid (Scotland) Regulations 1996 (matters of special urgency)

4.12 Applications for sanctions in criminal legal aid cases

Type	Received	Granted	Refused
Summary criminal			
Expert witness	1,760	1,371	291
Unusual expenditure	91	4	86
Counsel	86	21	62
Total summary criminal	1,937	1,396	439
Solemn criminal and others			
Expert witness	3,259	2,779	315
Unusual expenditure	440	147	282
Counsel	3,176	2,200	808
Total solemn criminal and others	6,875	5,126	1,405
Criminal appeals			
Expert witness	38	34	2
Unusual expenditure	22	11	11
Counsel	105	60	43
Total criminal appeals	165	105	56
Total applications for sanctions 2014-2015	8,977	6,627	1,900
Total applications for sanctions 2013-2014	9,553	7,273	1,879

Note

1. Solemn sanction figures include sanctions on the following case types: Section 23(1)(b), contempt, domestic abuse, drugs court and Section 22(1)(da-de) cases.

4.13 Applications for exceptional status in fixed payment cases

	Received	Granted	Refused
Total 2014-2015	282	133	147
Total 2013-2014	361	153	205

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

	Applications granted	
	2014-2015	2013-2014
Summary criminal	5	5
Criminal appeals	1,228	1,349
Total	1,233	1,354

4.15 Requests for change of solicitor in criminal legal aid cases

	Received	Granted	Refused
ABWOR	182	156	16
Summary criminal	2,384	2,172	158
Solemn criminal and others	1,520	1,410	87
Criminal appeals	44	31	11
Total 2014-2015	4,130	3,769	272
Total 2013-2014	2,715	2,438	240

Notes

1. Solemn figures also include transfers on the following case types: Section 23(1)(b), contempt, domestic abuse, drugs court and section 22(1)(da-de) cases.
2. 2013-2014 totals have been restated to include criminal ABWOR transfers

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

Subject matter	Number of cases	Solicitor £000	Solicitor outlays £000	Counsel outlays £000	Total outlays £000	Total paid		Average case cost		
						2014-2015 £000	2013-2014 £000	2014-2015 £	2013-2014 £	
Criminal advice and assistance										
Appeals	173	28	8	1	9	37	39	215	177	
Assault	1,507	121	7	0	7	128	156	85	85	
Bail (including breach of bail)	215	12	1	0	1	13	14	59	61	
Breach proceedings	83	5	0	0	0	5	8	58	76	
Criminal Law (Consolidation) (Scotland) Act	55	3	0	0	0	4	4	65	66	
Criminal Procedure (Scotland) Act	2	0	(1)	0	(1)	(1)	1	-	201	
Drugs	893	69	4	0	4	74	97	83	89	
Embezzlement/fraud	344	34	2	0	2	36	43	105	105	
Extradition	2	0	0	0	0	0	0	91	111	
Means enquiries/fines	2,280	71	0	0	0	71	93	31	31	
Murder/attempted murder/culpable homicide	146	31	2	0	2	33	42	225	202	
Offensive weapons/vandalism/breach of the peace	1,279	77	4	0	4	80	104	63	62	
Road traffic	2,105	123	1	0	1	124	129	59	57	
Sexual offences	1,137	162	9	0	9	171	177	150	150	
Theft/housebreaking/robbery	1,066	67	4	0	4	70	103	66	71	
Other	2,385	173	13	1	13	187	245	78	93	
Total criminal advice and assistance	13,672	976	54	2	56	1,033	1,256	76	77	
Criminal ABWOR										
Assault	1,871	1,086	10	0	10	1,096	1,300	586	584	
Bail (including breach of bail)	2,767	972	8	1	9	981	1,131	355	363	
Breach proceedings	7,505	2,193	91	22	113	2,305	2,423	307	307	
Criminal Law (Consolidation) (Scotland) Act	285	163	1	0	1	164	202	576	585	
Drugs	1,824	949	6	0	6	956	1,031	524	526	
Embezzlement/fraud	317	182	3	0	3	186	277	585	586	
Offensive weapons/vandalism/breach of the peace	5,013	2,815	23	0	24	2,838	3,178	566	569	
Road traffic	1,885	729	16	2	18	746	1,039	396	405	
Sexual offences	133	80	1	0	1	81	86	611	603	
Theft/housebreaking/robbery	5,494	3,004	17	5	22	3,026	3,678	551	567	
Other	1,807	960	62	147	209	1,169	1,376	647	613	
Total criminal ABWOR	28,901	13,132	239	176	415	13,548	15,721	469	476	
Total criminal advice and assistance and ABWOR 2014-2015	42,573	14,109	293	178	471	14,580	-	342	-	
Total criminal advice and assistance and ABWOR 2013-2014	49,367	16,528	369	80	449	-	16,977	-	344	

Note

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

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

Fee Type	Number of cases	Solicitor £000	Solicitor outlays £000	Counsel outlays £000	Total outlays £000	Total paid		Average case cost	
						2014-2015 £000	2013-2014 £000	2014-2015 £	2013-2014 £
Fixed	20,558	10,548	82	9	91	10,639	12,597	517	524
Time and line	8,343	2,585	157	167	324	2,909	3,125	349	348
Total	28,901	13,132	239	176	415	13,548	15,721	469	476

4.18 Duty solicitor - accounts

	Duty solicitor appearances			PDSO
	Total paid £000	Total number	Cost (£) per	Number appearances
Total 2014-2015	970	11,061	88	2,603
Total 2013-2014	987	11,251	88	2,533

Note

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

4.19 Accounts paid and average case costs - criminal legal aid by proceedings

Proceedings	Number of cases	Solicitor £000	Advocate £000	Solicitor advocate £000	Outlays £000	Total paid		Average case cost	
						2014-2015 £000	2013-2014 £000	2014-2015 £	2013-2014 £
Summary criminal legal aid									
JP court	6,858	2,480	2	0	84	2,567	2,415	374	377
Stipendiary court	2,118	1,015	1	0	42	1,059	1,291	500	498
Sheriff court	39,926	24,250	87	40	1,153	25,529	25,294	639	651
Total summary criminal legal aid 2014-2015	48,902	27,745	91	40	1,279	29,155	-	596	-
Total summary criminal legal aid 2013-2014	47,850	27,421	123	38	1,419	-	29,001	-	606
Total solemn criminal legal aid 2014-2015	10,607	22,764	6,901	2,577	3,181	35,423	-	3,340	-
Total solemn criminal legal aid 2013-2014	11,210	26,498	8,094	3,698	3,397	-	41,686	-	3,719
Total court grants legal aid 2014-2015	1,236	213	10	0	20	243	-	197	-
Total court grants legal aid 2013-2014	1,202	216	28	0	11	-	254	-	212
Appeals criminal legal aid 2014-2015	1,401	879	688	397	271	2,235	-	1,596	-
Appeals criminal legal aid 2013-2014	1,648	1,000	785	563	352	-	2,700	-	1,638
Total all proceedings 2014-2015	62,146	51,601	7,689	3,015	4,751	67,056	-	1,079	-
Total all proceedings 2013-2014	61,910	55,134	9,030	4,298	5,179	-	73,642	-	1,189

Notes

1. This table shows fees for solicitor advocates in the JP, Stipendiary and Sheriff Courts. These charges are for bail appeals which are heard in the High Court but arise in the lower courts.
2. These figures exclude payments for contempt of court and duty solicitors.

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

Offence	Number of cases	Solicitor £000	Advocate £000	Solicitor advocate £000	Outlays £000	Total paid		Average case cost	
						2014-2015 £000	2013-2014 £000	2014-2015 £	2013-2014 £
JP court									
Assault	1,256	460	1	0	18	480	456	382	383
Bail (including breach of bail)	19	6	0	0	0	6	4	300	257
Drugs	694	247	0	0	2	249	206	359	361
Embezzlement/fraud	72	27	0	0	1	28	24	393	355
Offensive weapons/vandalism/breach of the peace	1,905	684	0	0	17	701	589	368	369
Road traffic	992	367	1	0	39	407	430	410	417
Sexual offences	4	1	0	0	0	1	1	354	403
Theft/housebreaking/robbery	1,604	576	0	0	5	581	576	362	363
Other	312	111	0	0	2	113	128	362	368
Total JP court	6,858	2,480	2	0	84	2,567	2,415	374	377
Stipendiary court									
Assault	506	251	1	0	3	255	339	505	504
Bail (including breach of bail)	20	7	0	0	0	7	8	348	339
Breach proceedings	0	0	0	0	0	0	0	-	-
Drugs	284	134	0	0	1	135	178	476	480
Embezzlement/fraud	13	7	0	0	0	7	16	538	601
Offensive weapons/vandalism/breach of the peace	418	197	0	0	2	200	229	478	482
Road traffic	340	162	0	0	29	192	207	565	542
Sexual offences	6	3	0	0	0	3	2	468	410
Theft/housebreaking/robbery	446	215	0	0	4	220	270	492	493
Other	85	40	0	0	1	40	44	474	469
Total Stipendiary court	2,118	1,015	1	0	42	1,059	1,291	500	498
Sheriff court									
Assault	14,621	8,955	11	17	320	9,304	9,183	636	647
Bail (including breach of bail)	1,509	532	1	2	19	554	481	367	359
Drugs	3,094	1,914	1	3	162	2,081	2,151	672	689
Embezzlement/fraud	809	599	19	1	50	668	641	826	731
Extradition	37	44	27	0	10	81	145	2,187	1,887
Offensive weapons/vandalism/breach of the peace	9,597	5,799	10	8	174	5,990	5,540	624	636
Road traffic	2,140	1,284	1	1	203	1,488	1,630	696	713
Sexual offences	570	404	0	1	50	456	472	800	960
Theft/housebreaking/robbery	4,599	2,854	1	5	74	2,934	3,051	638	638
Other	2,950	1,865	14	3	91	1,973	2,000	669	674
Total Sheriff court	39,926	24,250	87	40	1,153	25,529	25,294	639	651

4.20 continued overleaf

4.20 continued Accounts paid and average case costs - summary criminal legal aid

Offence	Number of cases	Solicitor £000	Advocate £000	Solicitor advocate £000	Outlays £000	Total paid		Average case cost	
						2014-2015 £000	2013-2014 £000	2014-2015 £	2013-2014 £
All courts									
Assault	16,383	9,667	14	17	342	10,039	9,979	613	622
Bail (including breach of bail)	1,548	545	1	2	19	567	492	366	358
Breach proceedings	0	0	0	0	0	0	0	-	-
Drugs	4,072	2,295	1	3	166	2,465	2,535	605	624
Embezzlement/fraud	894	632	19	1	51	704	681	787	701
Extradition	37	44	27	0	10	81	145	2,187	1,887
Offensive weapons/vandalism/breach of the peace	11,920	6,681	10	8	193	6,891	6,358	578	590
Road traffic	3,472	1,813	2	1	271	2,087	2,266	601	613
Sexual offences	580	408	0	1	50	460	475	793	953
Theft/housebreaking/robbery	6,649	3,644	1	5	83	3,734	3,897	562	563
Other	3,347	2,016	14	3	93	2,126	2,172	635	637
Total all proceedings 2014-2015	48,902	27,745	91	40	1,279	29,155	-	596	
Total all proceedings 2013-2014	47,850	27,421	123	38	1,419	-	29,001	-	606

Note

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

4.21 Accounts paid criminal summary - split between fixed fee and time and line

Fee Type	Number of cases	Solicitor £000	Advocate £000	Solicitor advocate £000	Total outlays £000	Total paid		Average case cost	
						2014-2015 £000	2013-2014 £000	2014-2015 £	2013-2014 £
Fixed	47,743	26,619	39	38	1,081	27,776	27,334	582	589
Time and line	1,159	1,126	52	3	198	1,379	1,667	1,190	1,171
Total	48,902	27,745	91	40	1,279	29,155	29,001	596	606

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

Offence	Number of cases	Current Year Cost ¹						Actual Case Cost ²					
		Solicitor £000	Advocate £000	Solicitor advocate £000	Outlays £000	Total paid		Average case cost		Average case cost		Median case cost	
						2014-2015 £000	2013-2014 £000	2014-2015 £	2013-2014 £	2014-2015 £	2013-2014 £	2014-2015 £	2013-2014 £
All courts													
Assault	3,567	6,503	498	108	604	7,713	9,028	2,162	2,254	2,054	2,161	1,433	1,433
Bail (including breach of bail)	354	196	5	2	12	214	188	605	581	591	552	386	381
Drugs	1,707	3,372	604	271	450	4,697	7,162	2,752	3,660	2,398	3,237	1,282	1,256
Embezzlement/fraud	187	1,129	381	27	230	1,767	2,517	9,447	12,399	5,371	11,342	1,959	1,507
Murder/attempted murder/culpable homicide	264	2,077	1,924	782	452	5,236	7,624	19,833	18,066	16,967	17,234	7,455	6,537
Offensive weapons/vandalism/breach of the peace	1139	1,654	267	71	146	2,137	2,602	1,876	1,979	1,689	1,968	1,052	1,100
Road traffic	70	120	44	4	35	203	292	2,904	4,496	2,798	3,359	1,354	1,174
Sexual offences	1,006	3,514	2,629	1,011	845	7,998	6,889	7,951	7,391	7,355	3,613	2,728	1,230
Theft/housebreaking/robbery	1487	2,328	179	104	162	2,772	2,710	1,864	2,316	1,790	6,723	1,206	2,699
Other	826	1,872	371	197	245	2,685	2,675	3,251	3,274	2,726	2,195	1,159	1,308
Total all proceedings 2014-2015	10,607	22,764	6,901	2,577	3,181	35,423	-	3,340	-	2,974	-	1,332	-
Total all proceedings 2013-2014	11,210	26,498	8,094	3,698	3,397	-	41,686	-	3,719	-	3,492	-	1,361

Notes

1. 'Current Year Cost' is the total cost of all payments made in the respective financial year.
2. 'Actual Case Cost' is the total cost of all payments to 31st October 2015, including historical payments, made on cases with a final payment in 2014-2015.
3. These figures exclude payments for contempt of court and duty.



4.23 Court granted legal aid

Court	Number of cases	Solicitor £000	Advocate £000	Solicitor advocate £000	Outlays £000	Total paid		Average case cost	
						2014-2015 £000	2013-2014 £000	2014-2015 £	2013-2014 £
Glasgow domestic abuse court	1,133	133	0	0	1	134	142	119	133
Glasgow, Kirkcaldy and Dunfermline drug courts	20	14	0	0	0	14	35	676	1,285
Hamilton and Airdrie youth court	16	2	0	0	0	3	7	158	96
Granted under section 22 (1)(da-dd) of the Legal Aid (Scotland) Act 1986	67	64	10	0	19	93	71	1,382	1,822
Total all proceedings 2014-2015	1,236	213	10	0	20	243	-	197	-
Total all proceedings 2013-2014	1,202	216	28	0	11		254	-	212