

**DEVELOPING...**



**MISSION**

To promote the development and delivery of appropriate access to quality legal assistance for those eligible, in a cost-effective manner.

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SE/2003/91. Laid before the Scottish Parliament by the Scottish Ministers in pursuance of section 5(7)(a) of the Legal Aid (Scotland) Act 1986, July 2003.

**CHAIRMAN'S STATEMENT**

**Jean Couper**  
Chairman

**...PROGRESS THROUGH PARTNERSHIP**

Each year the Board aims to become a higher performance, more client focused and outward looking organisation. In this past year we made considerable progress on all three counts.

We met or exceeded all key measures of our operational performance against a background of raised performance targets and an increased volume of work. We were particularly concerned to improve our performance in civil legal aid and we have been successful in doing so.

This report highlights the implementation of many legislative and operational changes geared to improve the service to clients – whether they be applicants, opponents or those who deliver the service, namely solicitors and advocates. For example: improved special urgency provisions, higher financial eligibility levels, the restriction of the contribution to the estimated case cost, changes to the sanction of expert witnesses and the introduction of exceptional cases regulations.

In February this year Scottish Ministers announced the most significant reform of civil legal aid for over 50 years. These reforms will benefit the applicant through the delivery of a quality assured service; benefit the solicitor through an increase in fees and more efficient administration whilst measures to make the system more efficient and cost effective will benefit the taxpayer. The Board will continue to work closely with the Law Society of Scotland and Scottish Executive to implement these reforms by 1 October 2003.

The Board continues to consult with others. In this past year we have conducted surveys of applicants, opponents, and the legal profession, held public meetings and local surgery sessions for people who wish to speak with Board members and staff and met with a wide range of individuals and organisations with a professional involvement in legal aid. The feedback gained has helped us determine our priorities for the coming years.

Legal aid is a key component in the operation of the justice system. The Board is committed to supporting the work of others to improve the operation of the justice system and to ensure that legal aid plays its proper part.

We were pleased to contribute to the development of the Drug Court Pilot in Glasgow and the Youth Court in Hamilton and to the reviews conducted by Lord Bonomy and Andrew Normand. We continue to work with a range of agencies through the Part V pilots and in the development of pilot partnerships to explore how community legal services might be developed to improve access to civil justice.

The progress achieved comes through working in partnership with the Scottish Executive, the legal profession and others with an interest in legal aid. We value their contribution at all stages from the initial identification of an issue through to the delivery of a solution. However progress cannot be achieved without real commitment to the principles of legal aid

and sustained contribution to the delivery of our objectives and targets. All at the Board, and others, have shown that commitment and made that contribution; they can take pride in the achievement of our performance targets and the many positive developments identified in this report.

Alexander Wylie, QC retired from the Board in September 2002; I am grateful for his contribution. Ellen Morton and Peter Gray, QC were appointed to the Board in the course of the year bringing valued skills and experience.

Legal aid provision in Scotland is much better than in many other jurisdictions but we believe there is scope for further modernisation and development both in its operation and its interaction within the justice system. We end the year with a legal aid system that has benefited from many improvements and an administration that delivers a more efficient and cost effective service.

I thank all – members, staff, providers and others – who have worked so hard to achieve that and look forward to their continued contribution in the coming year when indeed there will be ...much more to come.

**Jean Couper**  
Chairman

## ...ASSISTANCE

LEGAL AID ALLOWS PEOPLE WHO WOULD NOT OTHERWISE BE ABLE TO AFFORD IT TO GET HELP FOR THEIR LEGAL PROBLEMS.



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

The Board is situated in Edinburgh, employing 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.

### What we do

The work of the **Board** includes:

- advising Scottish Ministers on the current operation and development of legal aid
- managing the Legal Aid Fund
- investigating different ways of delivering a legal aid service, for example, by running pilot schemes
- developing operational policies and procedures, including e-business, to improve the delivery and administration of legal aid
- assessing applications for legal aid
- examining solicitors' and advocates' accounts for legal aid work, and paying them for the work they have done

- determining civil legal aid contributions and then collecting these as well as expenses, and money won or kept as a result of civil legal aid or advice and assistance

- registering firms and solicitors under the Board's Code of Practice in relation to criminal legal assistance and monitor their ongoing compliance

- investigating and pursuing abuse of legal aid.

**Scottish Executive Ministers** are responsible for overall legal aid policy; and the **Scottish Parliament** deals with legislation affecting legal aid.

The criteria for granting legal aid and advice and assistance are set down in legislation and fee rates are set by the Scottish Parliament. The Board aims to make consistent, timely and sound decisions on legal aid applications, and in assessing and paying solicitors' and advocates' accounts.

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

- **Advice and assistance**  
Advice and assistance can cover any matter of Scots law. **Solicitors** make initial grants (normally up to £80) and the Board decides on increases in authorised expenditure.

### • Civil legal aid

Civil legal aid allows a case to be taken to court. The Board makes decisions on all aspects, including applications and sanction for counsel or experts or to incur unusual expenditure.

### • Criminal legal aid

Criminal legal aid funds the defence in a criminal case. The Board makes decisions on all aspects, except in solemn cases (more serious cases such as murder, serious assault) where the **judge or sheriff** will make the initial decision on whether to grant legal aid.

### Confidentiality

We aim 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.

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

## ...OUR PERFORMANCE

WE MET OR EXCEEDED ALL OUR HEADLINE PERFORMANCE INDICATORS, THE KEY MEASURES OF THE BOARD'S OPERATIONAL PERFORMANCE.



**Lindsay Montgomery**  
Chief Executive

Last year, we set higher targets for our performance, particularly in civil legal aid. Four out of the six headline performance indicators were increased by up to 4%.

The headline indicators combine individual timeliness and accuracy targets for each aid type. This is to achieve an appropriate balance between the measures for speed of processing and the quality of decision-making. They are the key measures of the Board's operational performance.

We also increased 35 of the 40 individual targets which support these.

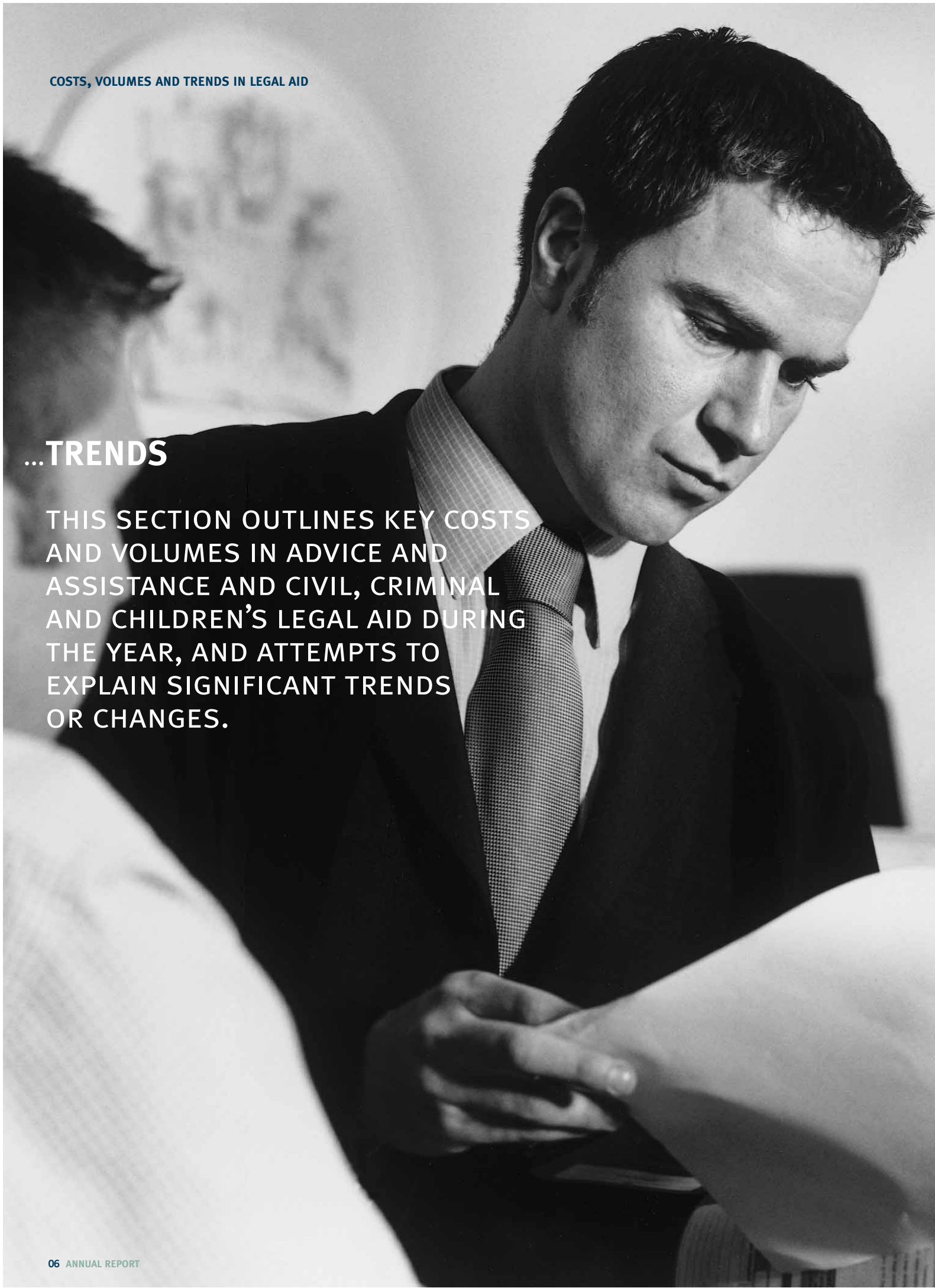
Last year, we changed the way we measure our timeliness performance for applications. Previously, timeliness had been measured from the date of receipt to the date of our first action. We changed this procedure to measure timeliness from the date of receipt to the date that a final decision is intimated (excluding any periods where the application has been continued for further information from the solicitor or the applicant). This is a tougher performance standard to meet.

In our continuing drive to further improve our operational performance, we seek to exceed targets, particularly in the quality of decisions. We met or exceeded our increased headline performance indicators and, in most cases, substantially so.

Our Independent Checking and Quality Unit is responsible for monitoring our quality performances. Full details of our performance can be found in Appendix 1 on pages 31-32.

	TARGET	ACTUAL
<b>Advice and assistance applications</b>		
Timeliness	93%	95%
Accuracy	95%	99%
<b>Headline</b>	<b>94%</b>	<b>97%</b>
<b>Civil applications</b>		
Timeliness	88%	86%
Accuracy	90%	94%
<b>Headline</b>	<b>89%</b>	<b>90%</b>
<b>Criminal applications</b>		
Timeliness	97%	99%
Accuracy	92%	99%
<b>Headline</b>	<b>94%</b>	<b>99%</b>

	TARGET	ACTUAL
<b>Advice and assistance accounts</b>		
Timeliness	95%	99%
Accuracy	94%	96%
<b>Headline</b>	<b>94%</b>	<b>98%</b>
<b>Civil accounts</b>		
Timeliness	86%	99%
Accuracy	94%	97%
<b>Headline</b>	<b>90%</b>	<b>98%</b>
<b>Criminal accounts</b>		
Timeliness	97%	99%
Accuracy	94%	97%
<b>Headline</b>	<b>95%</b>	<b>98%</b>



...TRENDS

THIS SECTION OUTLINES KEY COSTS AND VOLUMES IN ADVICE AND ASSISTANCE AND CIVIL, CRIMINAL AND CHILDREN'S LEGAL AID DURING THE YEAR, AND ATTEMPTS TO EXPLAIN SIGNIFICANT TRENDS OR CHANGES.

**Legal Aid Fund**

Total gross payments from the Legal Aid Fund were £144.8 million compared to £135.9 million in the previous year, an increase of 7%.

Taking account of contributions towards civil legal aid, 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 £135.1 million. This compares with a net cost of £127.4 million for 2001-2002.

**Of the total paid out:**

- £115.9 million was paid to solicitors in fees, 6% more than the previous year
- £11.9 million was paid to counsel, an increase of 9%
- £1.6 million was paid to solicitor advocates, a rise of 29%
- £15.0 million was paid in outlays, 8% more than in 2001-2002.

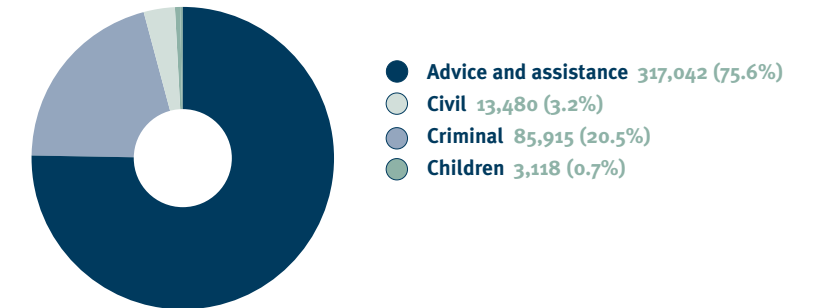
These figures include VAT.

**Grant-in-Aid**

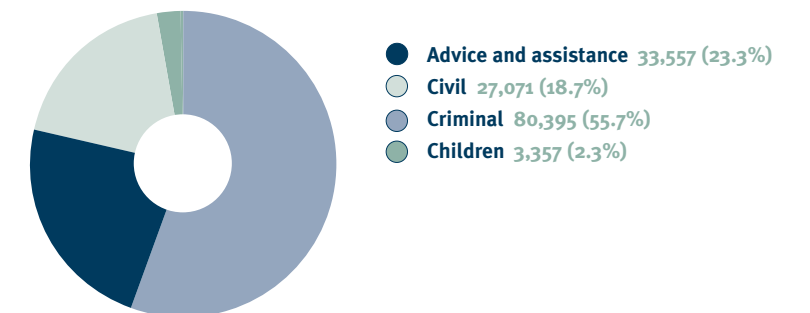
Grant-in-Aid expenditure (the costs of administration of the Board) was £10.5 million, a planned increase of £1.0 million on the previous year. Much of the increase was to fund capital expenditure and "spend to save" initiatives.

Overall, the volume of activity in legal aid work increased compared to the previous year.

NUMBER OF GRANTS OF LEGAL ASSISTANCE

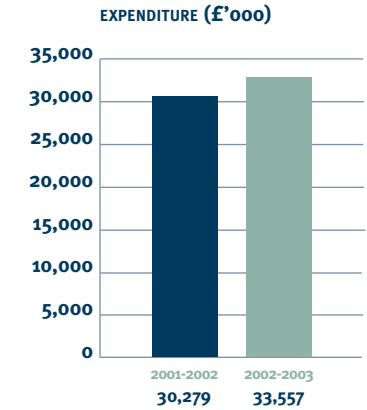
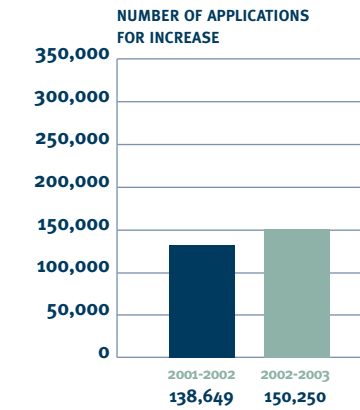
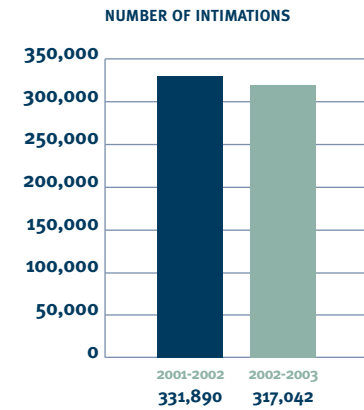


EXPENDITURE FROM THE LEGAL AID FUND £'000



TYPES OF PAYMENT £'000





## ...ADVICE AND ASSISTANCE

OVERALL, THE NUMBER OF ADVICE AND ASSISTANCE INTIMATIONS FELL BY 4% TO 317,042. THIS REVERSES THE UPWARD TREND SEEN IN RECENT YEARS. APPLICATIONS FOR INCREASES IN AUTHORISED EXPENDITURE ROSE BY 8% TO 150,250. TOTAL ADVICE AND ASSISTANCE COSTS INCREASED BY 11% TO £33.5 MILLION.

### CIVIL ADVICE AND ASSISTANCE AND ABWOR (ASSISTANCE BY WAY OF REPRESENTATION)

#### Intimations and requests for increases in authorised expenditure

Overall, civil advice and assistance and ABWOR fell this year. Civil advice and assistance intimations fell by 6% to 146,639, continuing the trend seen since 1999-2000.

Falls in civil advice and assistance were seen in many categories; some of the most significant in percentage terms being complaints against professional bodies, criminal injuries compensation, housing, human rights and reparation.

The previous year's increase in human rights intimations has been reversed, with the total falling by almost 75% to 240. However, cases in which human rights may be an issue are possibly recorded in other categories, such as reparation.

Civil ABWOR allows for representation in certain types of civil proceedings, including employment tribunals and immigration cases. Civil ABWOR intimations rose by 6% to 4,272, again continuing the trend since 1999-2000.

The overall increase in civil ABWOR was driven by two categories: immigration and asylum, which rose by 31%; and mental health, which rose by 5%. The large rise in immigration cases is believed to be due mainly to the continued policy of dispersal of asylum seekers.

Requests by solicitors for increases in authorised expenditure rose by 5% to over 102,000. A likely reason for part of this rise is the wider trend, seen in both criminal and civil legal aid, to employ experts, often earlier in the case, to assist in negotiations with a view to settlement or starting court proceedings.

The grant rate for increase requests was 84%, slightly less than in 2001-2002 when it was 88% (this includes partial grants, where only a proportion of the amount requested is granted). Recent research on increases in authorised expenditure up to 2001-2002 shows that, although the majority of increases are granted, the final cost of the case is often far less than the total authorised expenditure. For instance, in 2001-2002, the average cost of civil advice and assistance cases in which an increase had been granted was only 55% of the total authorised expenditure.

#### Costs

Although the cost of advice and assistance increased across the board, civil ABWOR saw the largest percentage increase, up 85% to £1.9 million. Due to their more complex nature, civil ABWOR cases are the most expensive within advice and assistance; in 2002-2003, the average civil ABWOR case cost £536. The average cost of ABWOR in an employment tribunal, the most expensive type of civil ABWOR case, was £720.

Of the £3.3 million overall increase in expenditure on advice and assistance since last year, over £1.3 million is attributable to the increased cost of immigration cases.

Outlays for civil advice and assistance and ABWOR increased by 27% to £2.1 million. This reflects the increased expenditure in ABWOR, where certain case types, such as immigration and mental health cases, typically have high outlays (for translators and expert reports respectively).

### CRIMINAL ADVICE AND ASSISTANCE AND ABWOR

**Intimations and requests for increases in authorised expenditure** Criminal advice and assistance and ABWOR cases fell by 3% to 159,363 compared to 164,888 in 2001-2002.

This reverses the recent trend of increasing criminal advice and assistance and criminal ABWOR intimations since 1999-2000.

Three-quarters of the reduction in criminal advice and assistance intimations was due to falls in two large categories: means enquiries & fines; and theft, housebreaking & robbery. Although the majority of criminal advice and assistance categories recorded a fall, others rose. The most significant increase of intimations was assault, which rose by around 850 cases (5%).

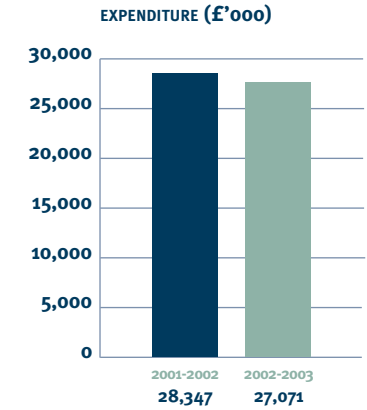
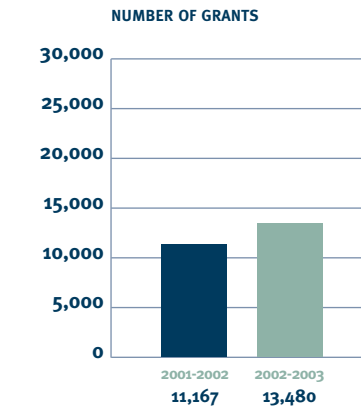
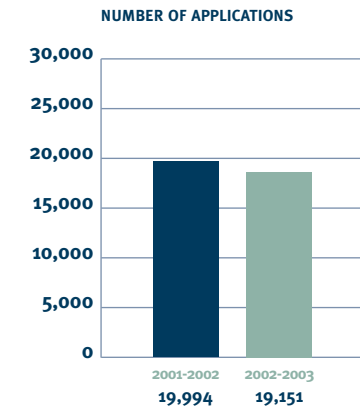
Criminal ABWOR allows for representation in court in certain types of case. Within criminal ABWOR, there has been little change in the main categories. There were 4,468 cases involving breaches of community service, probation and supervised attendance orders, and 2,454 cases relating to the Criminal Procedure (Scotland) Act (mostly failure to appear in court).

#### Costs

The total cost of criminal advice and assistance and ABWOR was £12.2 million, a rise of 10%, compared with £11.1 million in 2001-2002.

#### Children

Intimations for work under the Children (Scotland) Act 1995, enabling advice and assistance to be given to a child or relevant person both before and after a children's hearing, increased by 2% to 6,768. The cost increased by 6% to £0.6 million.



## ...CIVIL LEGAL AID

CIVIL LEGAL AID APPLICATIONS FELL BY 4% TO 19,151. THE GROSS COSTS OF CIVIL LEGAL AID FELL BY 5% TO £27.1 MILLION, WHILST THE NET COST DECREASED TO £17.4 MILLION.

### Applications and grants

Civil legal aid applications fell by 4% to 19,151. This continues the long-term downward trend, but shows a continued slowdown in the rate of decrease. The most marked decreases have been seen in debt and appeals, whilst judicial review, recovery of heritable property and “other” cases have all seen a growth in numbers.

Family and matrimonial cases continue to account for the majority of civil legal aid applications, with 13,285 applications in 2002-2003.

- Within this category, applications concerning contact increased by 19% on the previous year.
- Divorce on the grounds of unreasonable behaviour has seen the largest volume reduction. Although still the largest category within family and matrimonial, it has fallen by 380 cases to 2,957 (11%). This is consistent with divorce statistics, which continue to show substantial reductions of divorce on fault grounds.

The number of grants of civil legal aid rose by 21% to 13,480.

Over the past year, the number of applications for review of an initial decision to refuse an application for civil legal aid, as permitted by our legislation, rose by 24% to 4,467. This is mainly because we now provide more detailed reasons for our refusal, giving solicitors more information on which to base their application for a review of our decision. In addition, we carried out 917 amended assessments of financial eligibility before legal aid certificates were issued.

This occurs where applicants’ circumstances changed after the applications were made, or they forgot to declare some information.

The number of applications treated as abandoned before a decision could be made has fallen by 28% to 1,622. This figure is susceptible to considerable annual variation; many cases initially deemed abandoned are eventually reinstated.

The proportion of grants where the applicant has to pay a contribution has increased slightly, to 23%, from 20% four years ago. This is likely to stem from our introduction of longer repayment periods for contributions to 20 months. This was implemented towards the end of the previous financial year, meaning that its full impact – enabling more applicants to accept their offer of legal aid with a contribution – could only be seen this year.

The number of cases where legal aid was provided for matters of special urgency rose by 4% to 15,111, reversing the 3% fall of the previous year.

After a grant of legal aid has been made, there are a number of changes or additional steps that a solicitor or applicant may request. For example, to apply for sanction to use expert witnesses or counsel, to incur unusual expenditure; to extend grants; to redetermine an assisted person’s financial eligibility after a change in financial circumstances; or to change solicitor. The 2002-2003 figures show an increase over the previous year in all types of such requests made after a grant. Redeterminations of financial

eligibility after a grant of legal aid increased by 45% from 1,859 to 2,701.

### Costs

The total gross cost of civil legal aid fell to £27.1 million, a 5% decrease compared to the previous year.

The net cost to the taxpayer, allowing for contributions, other amounts recovered from assisted persons and expenses recovered from opponents, was £17.4 million, a reduction of 12% compared to the previous year.

The amount recovered and paid to the Fund for all civil work was £9.7 million, an increase of £1.1 million compared to the previous year.

Overall, income this year was 20% of expenditure on civil legal aid and civil advice and assistance and ABWOR. This varies considerably between the main case types. As might be expected, reparation has the largest amount of income proportional to expenditure, 51% of the gross expenditure. We also received £1.8 million in expenses in family and matrimonial cases. The income received during a financial year will often not relate to the cases for which the Board paid out in that year; income may not be received until well after the original case has been concluded and the Board has paid the solicitor’s account. This information is shown in table 7.1.

At the end of the financial year, the Board held £6.7 million on behalf of assisted persons. These are sums, known as principal sums, which have been “won” in a case and are held by the Board until all financial transactions in a case are

concluded. If the costs incurred by the Board for a case, known as the net liability, including the solicitor’s account, are covered by either the assisted person’s contributions or by recovery of expenses from the opponent, then the principal sum will be returned to the assisted person, with interest. Where the net liability is not met in this way, the costs of the case will be recovered from the principal sum and paid into the Legal Aid Fund. During the year, we received £14.2 million in principal sums, repaid £13.8 million to assisted persons (including interest of £0.2 million) and “clawed back” £1.3 million to the Legal Aid Fund to meet outstanding net liabilities. This information is detailed on page 49.

Where the final cost of a case is less than the contribution paid by an assisted person, or expenses are recovered which meet the solicitor’s account, the Board will refund contributions. During the year, we refunded £0.1 million to 502 assisted persons.

The average gross cost per case rose from £2,197 to £2,257 in 2002-2003. The average value of the applicant’s contribution, where payable, stayed virtually static, at £849 compared with £848 the previous year.

60% of civil legal aid expenditure, £16.3 million, was paid in solicitors’ fees, a 2% drop on the previous year, and the continuation of a trend apparent since 1992, when 74% of expenditure was solicitors’ fees. The proportion of expenditure on outlays rose by 1%, to £7.5 million, 28% of total civil legal aid expenditure. Fees paid to counsel in civil cases were £3.2 million.

## ...CRIMINAL LEGAL AID

APPLICATIONS FOR SUMMARY CRIMINAL LEGAL AID ROSE TO THEIR HIGHEST EVER LEVEL, 79,927 APPLICATIONS. GRANTS BY THE COURTS FOR SOLEMN PROCEEDINGS INCREASED BY 11% TO 12,148. THE COSTS OF CRIMINAL LEGAL AID ROSE BY 9% TO £80.4 MILLION.

### Applications and grants

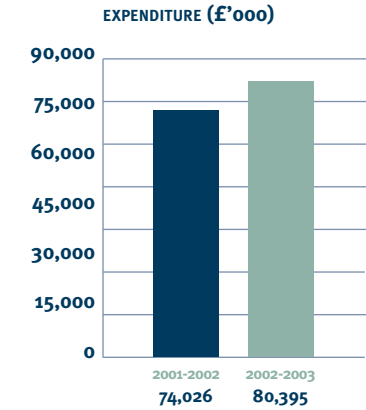
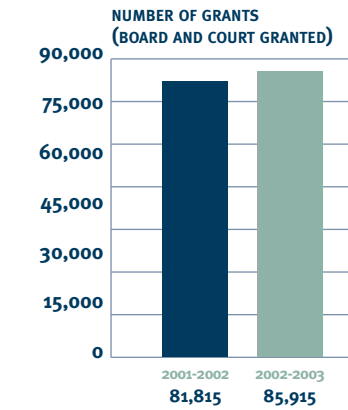
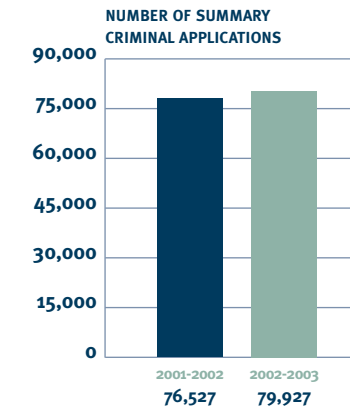
The number of applications for summary criminal legal aid rose by 4% to 79,927, the highest number received by the Board in any one year. However, the rate of increase has slowed compared to previous years.

The level of applications for summary criminal legal aid granted by the Board has remained constant at 92%.

Grants by the courts for solemn proceedings have increased by 11% to 12,148, continuing the trend of previous years. The number of criminal appeal applications has fallen by 3%, also continuing the downward trend of the previous year.

There has been a 15% increase in grants of summary legal aid by the courts under section 23(1)(b) of the Legal Aid (Scotland) Act 1986 when compared with the previous year. Section 23(1)(b) refers to the power of the court to grant legal aid in certain circumstances where the court is considering a sentence of imprisonment or detention for the first time.

Over the past three years, a smaller proportion of legal-aided summary criminal cases were heard in the district court. In 1999-2000, around 76% of cases were heard in the sheriff court (including stipendiary magistrates, who sit in the district court but have the same powers as a sheriff who is sitting summarily) compared to 82% in 2002-2003. This has an impact on legal aid expenditure since



district court cases are paid at a lower rate than sheriff court cases. The shift towards sheriff court has been mainly due to changes in the larger case categories, including offensive weapons; assault; and theft, housebreaking & robbery. For instance, 72% of legal-aided offensive weapons cases were heard in the sheriff court in 2002-2003, compared with 62% in 1999-2000.

The number of requests for sanction (for expert witnesses, unusual expenditure or counsel) has increased by 13%. The grant rate for sanction increased by 1% to 73%.

The Criminal Legal Aid (Fixed Payments) (Scotland) Amendment Regulations 2002 came into force on 17 June 2002. These enable the Board in certain exceptional circumstances, and subject to certain conditions, to determine that a solicitor will not receive a fixed payment for a summary criminal case, but will instead be paid based on the amount of time spent and work done on the case. Since the introduction of the regulations on 17 June 2002, we received 158 applications for such exceptional case status and, of these, 28 were granted and 130 refused.

As at 31 March 2003, 672 firms and 1,634 individual solicitors were registered with the Board to provide criminal legal assistance. The equivalent figures for 31 March 2002 were 686 and 1,714 respectively.

### Costs

The cost of criminal legal aid (including appeals and payments to duty solicitors) has risen by 9% from £74.0 million to £80.4 million.

There has been a 10% increase in the cost of summary criminal legal aid when compared to the previous year, from £42 million to £46.1 million. The average case cost for a summary proceeding was £649, which is a 2% increase on the previous year.

Total expenditure for solemn criminal legal aid has risen by 7% to £33.5 million. The average cost of a solemn case has not increased as dramatically as in previous years. The average case cost is now £2,751, an 8% increase on last year's figure of £2,537.

£65.8 million was paid in solicitors' fees, an increase of 8% on the previous year. Solicitors' fees were 83% of criminal legal aid expenditure. Fees paid to counsel increased by 9% to £7.8 million. Increased use of solicitor advocates resulted in a 30% increase of fees paid to £1.6 million. Outlays rose by 11% to £4.3 million.

Duty solicitors dealt with 25,399 accused persons, at a cost of £0.9 million.

The cost of the Public Defence Solicitors' Office (PDSO) was £319,000, a reduction of 12% on the previous year. This was primarily due to changes in staffing. The PDSO dealt with 1,123 cases and acted as duty solicitor on behalf of other solicitors in a further 415 cases.

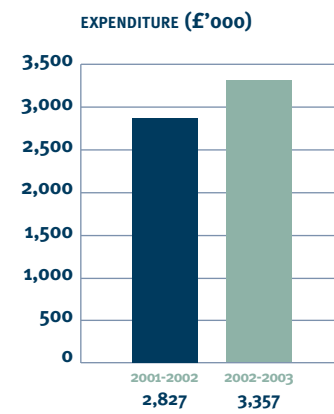
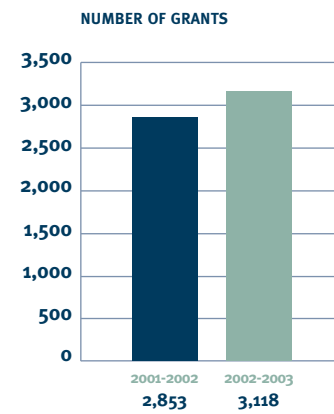
## ...LEGAL AID FOR CHILDREN

### Applications and grants

- There has been a 10% increase, to 3,102, in grants by the courts under the Children (Scotland) Act 1995.
- The number of children's sanction applications has risen from 399 in 2001-2002, to 505 in 2002-2003, an increase of 27%. Of the applications received this year, 64% were granted, a reduction on the proportion granted the previous year (74%).

### Costs

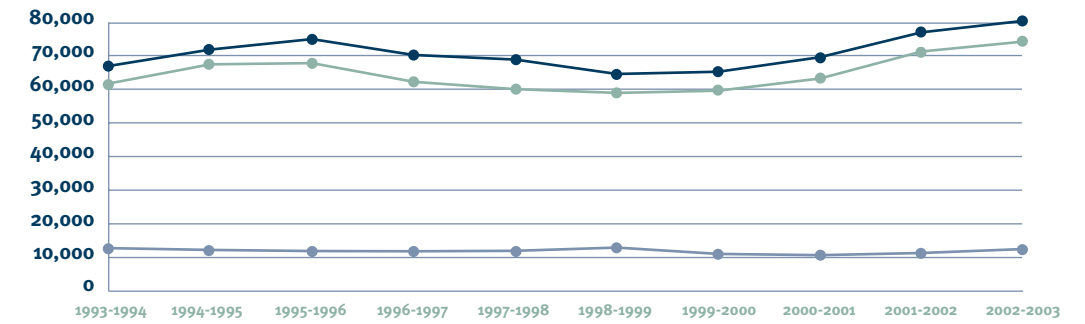
- There has been an 19% increase, to £3.4 million, in the amount paid for legal aid for children, with payments to counsel seeing an increase of 37%, to £0.9 million.
- The Board has begun a programme of research to explore trends in children's legal aid.



## ...LEGAL AID TRENDS 1994-2003

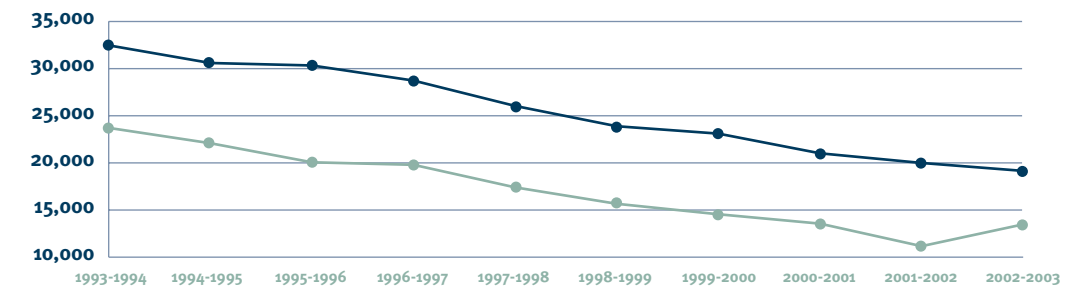
**CRIMINAL LEGAL AID**

- Number of applications for summary criminal
- Number of grants of criminal (Board granted)
- Number of grants (court granted)



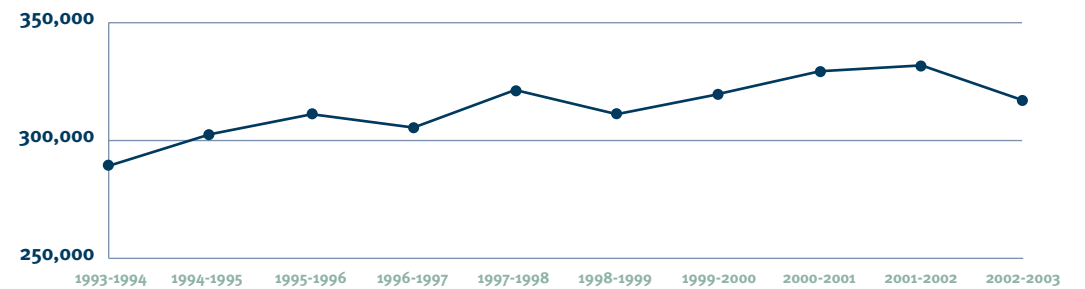
**CIVIL LEGAL AID**

- Number of applications
- Number of grants



**ADVICE AND ASSISTANCE**

- Number of intimations



NOTE  
Key statistics for 1994-2003 are detailed on page 53.

## ...CHANGES IN LEGAL AID IN 2002-2003

THIS YEAR HAS SEEN A WIDE RANGE OF IMPROVEMENTS AND IMPORTANT DEVELOPMENTS IN LEGAL AID.

## ...ADVICE AND ASSISTANCE

Delivery and implementation of most of these developments has involved close partnership-working with the Scottish Executive, the legal profession and other stakeholders. The Board has provided advice to the Scottish Executive and Scottish Ministers on a wide range of policy and legislative issues. Our role in providing such advice has greatly increased over recent years, and we aim to take a much more active part in deliberations with other organisations involved in the judicial system, and others with an interest in legal aid. Some of the significant changes that have taken place during the year are discussed in this chapter.

### Financial eligibility

Legislative changes in financial eligibility were implemented, increasing, from July 2002, the capital limit from £1,000 to £1,300. We have put in place procedures to implement the legislative changes equalising assessment for same and different sex couples, and not treating most benefits as income for assessing financial eligibility from April 2003. This simplifies the assessment process and will widen eligibility.

### Extension of ABWOR

ABWOR was made available for certain proceedings before the VAT and Duties Tribunal and under the Proceeds of Crime Act 2002.

### Interim payments

We introduced interim payment of outlays for certain advice and assistance cases. This is of particular importance in asylum and immigration cases, where solicitors may incur substantial costs when, for example, employing translators and interpreters.

## ...CIVIL LEGAL AID

THERE HAVE BEEN SUBSTANTIAL LEGISLATIVE CHANGES DURING THE YEAR. WE HAVE MADE A NUMBER OF OTHER CHANGES IN THE OPERATION OF CIVIL LEGAL AID. WE HIGHLIGHT HERE THE MAIN CHANGES.

### REFORM OF CIVIL LEGAL AID

On 18 February 2003, the Justice Minister, Jim Wallace, announced the first major changes to civil legal aid in half a century. We will implement the reforms from 1 October 2003.

These major changes to civil legal aid are the result of the Law Society of Scotland, the Scottish Executive and the Board working in partnership. The proposals have been agreed by Scottish Ministers and put before the Scottish Parliament.

The reforms will:

- streamline the legal aid system
- improve access to justice
- ensure quality service for the client
- increase the fees paid for civil legal aid work, and
- deliver more efficient administration of legal aid.

The main points include:

- the introduction of a new client-centred, cost-effective, civil legal aid system, with a binding and robust quality assurance system based on registration and external inspection to agreed quality standards which will deliver professional legal advice to those who need it

- a new block fee structure for work in the sheriff court that will reward efficient conduct of cases and deliver better remuneration for solicitors, who will receive payment as cases reach key stages
- a new application and reporting system that will allow closer monitoring and control of cases as they proceed
- a periodic review mechanism to ensure that the new arrangements deliver: a cost-effective, efficient system; a healthy and competitive legal aid sector; and good value for money for the taxpayer.

We are particularly pleased to see the introduction of case reporting, and quality assurance and registration mechanisms to be operated jointly by the Board and the Law Society.

### OTHER LEGISLATIVE CHANGES

#### Special urgency

Many legal aid cases start under special urgency provisions, which allow solicitors to carry out necessary urgent work before civil legal aid applications have been determined. However, many people were required to pay to their solicitors a notional contribution – an advance lump sum – for this work and, if unable to do so, might not be able to proceed with their legal aid.

Scottish Ministers accepted the Board's recommendation that these applicants should be able to pay their contributions by instalment to the Board rather than to their solicitor.

We implemented these changes in December 2002, following legislation put in place by the Scottish Executive.

#### Financial eligibility

Legislative changes in financial eligibility were implemented, involving:

- substantially increasing, from July 2002, the lower capital limit from £3,000 to £6,000, and the upper limit from £8,560 to £10,000 – this was the first time the lower limit had changed since 1983
- proceedings under the Adults with Incapacity (Scotland) Act 2000.

The Scottish Parliament has equalised assessment for same and different sex couples, with effect from April 2003.

#### Property recovered or preserved – changes to exemption limits

The amount exempt from the provisions regarding “clawback” of property recovered or preserved in most matrimonial cases was increased, from December 2002, from £2,500 to £4,200. This was the first increase in the level for 15 years and is a significant change that has been widely welcomed.

#### Extended scope of civil legal aid

Appeals to the Social Security Commissioners and Child Support Commissioners were added to the list of tribunals for which civil legal aid is available. Certain proceedings under Part 5 of the Adults with Incapacity (Scotland) Act 2000 were also added.

#### Judicial expenses

Regulations were made that formalised the procedure whereby a solicitor may opt to accept judicial expenses recovered, rather than having to submit an account according to the Tables of Fees in the Civil Legal Aid Fees Regulations.

#### Exemption from court dues

From July 2002, individuals receiving civil legal aid under special urgency provisions, or advice and assistance in certain circumstances, who are also receiving certain benefits, became exempt from paying sheriff court and Court of Session dues.

### OTHER CHANGES TO OUR PRACTICES

#### Contributions system

We changed the contributions system so that where solicitors estimate the likely cost of a case as being less than the assessed contribution, we would restrict the contribution to the estimated cost.

#### Payment on offer in civil cases

New systems mean that we can now make payments on offer where a solicitor or advocate has received previous payments by reimbursement of outlays and/or payments to account. This will improve cash flow to practitioners and result in faster payment.

We believe all of these changes represent a significant improvement for civil legal aid applicants and providers.

## ...CRIMINAL LEGAL AID

### CHANGES INTRODUCED DURING THE YEAR INCLUDED PAYMENT FOR EXCEPTIONAL SUMMARY CASES, INTERIM PAYMENTS FOR SOLEMN CASES AND RATES FOR SANCTION FOR EXPERTS.

#### Exceptional cases

Since 1999, summary cases have been paid on a fixed payment basis, with additional payments for outlays, etc. There had been concern that in certain exceptional circumstances where the costs were likely to be high, an accused could be deprived of the right to a fair trial because no solicitor was prepared to act for him/her under the fixed payment system. These situations fell outwith the acceptable range covered by the swings and roundabouts nature of the fixed payments scheme.

New regulations, allowing solicitors to receive payment based on the amount of time spent and work done in such exceptional cases, came into force in June 2002. We implemented a procedure for dealing with these cases.

#### Interim payments for solemn criminal cases

To assist solicitors with their cash flow, we introduced interim payment of outlays for certain solemn criminal legal aid and children's legal aid cases.

#### Public Defence Solicitors' Office

The Criminal Justice (Scotland) Act 2003 allows for further public defence solicitors' offices. The location for these is a matter for Scottish Ministers to determine, but by way of preparatory analysis, we have been exploring various options.

The legislation requires a report to the Scottish Parliament, before December 2008, on the progress of the feasibility study of using public defenders.

#### Sanction for experts

The Board has implemented amendments made by the Scottish Parliament to the criminal fees regulations, so that the amount payable in outlays to solicitors for witnesses is not restricted to the payment of the rates paid by the Crown. This has addressed the problem of solicitors sometimes being unable to obtain an expert for the Crown rate.

#### Sexual offences

Criminal legal aid has become automatically available to prevent the accused in rape and other sexual offence cases from personally cross-examining witnesses. Under the Sexual Offences (Procedure and Evidence) (Scotland) Act 2002, the court can appoint a solicitor to represent the accused.

#### Review of the interests of justice test

We are reviewing the effectiveness of our approach to the interests of justice test in summary criminal legal aid applications. Our guidelines for the interpretation of the statutory factors to be taken into account have changed little since 1987. We obtained views from a wide variety of legal agencies and other organisations. It quickly became apparent that our own review into the interests of justice test could not be looked at in isolation from the other current initiatives to review criminal procedures. In particular, we are keen to relate our review to Sheriff Principal John McInnes' review of summary justice.



## ...IN PARTNERSHIP

### LAST YEAR, WE MADE SUBSTANTIAL PROGRESS ON A NUMBER OF IMPORTANT PROJECTS THROUGH PARTNERSHIP WORKING.

#### E-business

We have made significant progress in developing our e-business systems, as part of the ongoing programme of modernising government investment, to the stage where we are shortly to pilot the new advice and assistance system with solicitors. Criminal and civil systems will follow. All Board services will be available through e-business by 2005.

#### Community legal service

The Board is working closely with the Scottish Executive to establish and support several pilot partnerships. These partnerships bring together providers, funders, and, where possible, users of advice services, and will run for around 12 months. In addition to a partnership in Glasgow that began operating during the year, three geographic partnerships in Fife, Edinburgh and Argyll & Bute will be established. A further thematic pilot partnership, focusing on the advice needs of people with a disability, will be run in conjunction with the Disability Rights Commission. This forms part of a programme of work to explore how joined-up community legal services might be developed to improve access to civil justice.

#### Part V projects

Under Part V of the Legal Aid (Scotland) Act 1986, the Board directly employs solicitors to work in partnership with advice organisations, in Edinburgh, Glasgow, the Highlands and West Lothian. These pilots were announced in October 2001 and aim to look at different ways of providing legal help in civil matters. All four of these projects were operational by April 2002 and ran throughout the year.

#### Research

We undertook research on a number of important issues and, in December 2002, published a research report on the supply of civil advice and assistance and civil legal aid in Scotland.

This research indicated that, overall, the supply of civil advice and assistance and civil legal aid in Scotland appeared to have stayed relatively stable, despite the increase in advice and assistance intimations and the significant fall in civil legal aid applications between 1992 and 2001. However, we recognise that this may conceal vulnerability to low provision or gaps in provision for some.

#### Staff

We modernised our pay and working arrangements, and introduced work-life balance initiatives, aimed at increasing the efficiency of our operations and improving the quality of life of our staff.

We also continued to invest in our training and development programme. In particular, we are encouraging non-legal staff to take part in paralegal training to give them a greater understanding of the justice system. This complements the increase in the number of legally qualified staff that we have employed over the past two years.

#### Input to reviews

We have contributed to:

- Lord Bonyon's review of the High Court
- Andrew Normand's review of the aims, objectives and targets of the different agencies of the justice system
- Glasgow drug court pilot
- youth court pilot scheme.

#### Equality

We published our Race Equality Scheme in March 2002 and began implementing our action plan. Training on diversity awareness has been delivered to senior and middle management, and will be extended to all other staff.

#### Justice 1 Committee recommendations

We are taking forward some of the agreed recommendations flowing from Justice 1 Committee's report through working with the Scottish Executive. These include reviewing the approach to public interest and multiparty actions, and the development of proposals for tapering of financial eligibility, so that people with higher incomes or capital may qualify for civil legal aid, but with higher contributions. We continue to work with the Law Society of Scotland to develop ways in which access to solicitors with expertise in particular areas of law can be improved.

#### Review of sanctions

We are considering our approach to requests to sanction experts or to undertake unusual work or work likely

to involve unusually large expenditure. This is an area of substantially growing expenditure for us. We are seeking better and simpler ways of procuring experts, on both the civil and the criminal sides. Before making any substantial changes, we will undertake a widespread consultation exercise.

#### Investigations and compliance

It is important that only those who are financially eligible receive legal aid, and that solicitors and advocates are only paid the appropriate amount for the work they have done.

We increased the volume of checks of information supplied by applicants. During the year, the Board investigated 1,622 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, 76 applications were refused and legal aid was terminated in 238 cases. In addition, three cases were referred to the procurator fiscal for possible prosecution.

Within the same period, we carried out 96 investigations into the conduct of solicitors. Four formal complaints were referred to the Law Society of Scotland and one case was referred to the police for further investigation.

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

## DEVELOPING LEGAL AID IN 2002-2003

**Risk management**

We further developed our approach to risk management, including a regular review process, with reports to the Board and Audit Committee. We further embedded risk management by the introduction of workshops linking operational objectives to risk reviews.

**Complaints**

We operate a complaints procedure to allow members of the public and legal profession to raise problems with us. We use the information obtained to identify problem areas and to take appropriate action to prevent similar problems recurring.

In total, we received 192 formal complaints during the year, a fifth less than the previous year. Of these complaints, 50% were considered justified, compared with 68% justified the previous year.

During the year, the Scottish Public Services Ombudsman (prior to 20 October 2002, the Scottish Parliamentary Commissioner) received 13 complaints relating to the Board, and a further three were carried forward from the previous year. The Ombudsman cleared 12 of these cases, none of which became statutory investigations or resulted in findings of maladministration by the Board.

**Greening government policies**

In line with government policies, we aim to use resources and energy as efficiently and effectively as possible. We continue to monitor energy use, including gas, electricity and water. Our energy use achieves the targets set by the Scottish Executive.

**...CONSULTATION AND COMMUNICATION****New Corporate Plan**

We consulted widely on the development of our Corporate Plan for 2003-2006.

**Public meetings and surgeries**

We held a series of public meetings across Scotland, incorporating surgery sessions for members of the public to discuss their legal aid issues on a confidential one-to-one basis with a Board solicitor.

**Surveys**

To find out the views of the people who use legal aid, we conducted, for the first time, surveys of assisted persons and applicants for advice and assistance and legal aid, and opponents in civil legal aid cases.

We also carried out a survey of solicitors, which found respondents were generally satisfied with the Board's services. Compared to the previous survey undertaken in 2000, there was significant improvement in respondents' view of the Board's performance.

These surveys will help us identify further areas for development of legal aid and the services provided by the Board.

**New information leaflets**

We developed new guidance for the public:

- Civil legal assistance – a simple guide,
- Criminal legal assistance if you are in custody,
- Criminal legal assistance if you are not in custody,
- Guidance for opponents in civil legal aid cases.

Other leaflets are currently being developed, including advice on contributions and property recovered or preserved ("clawback"), and more detailed information for applicants for both civil legal aid and advice and assistance.

All of the new leaflets are available in several other languages, braille, large print and audiotape.

**Working with others interested in legal aid**

We have continued to improve communication with bodies and individuals with an interest in legal aid. We continue to work closely with the Law Society of Scotland and Faculty of Advocates, and have met with local faculties of solicitors, legal specialists, voluntary organisations and others.

We provided training seminars for the legal profession and were a key partner in the planning and delivery of the Law Society of Scotland's Legal Aid Conference.

We also increased our contact with judges and sheriffs on legal aid matters.

**Guidance for the legal profession on a range of subjects**

We published two issues of our newsletter for the legal profession, *The Recorder*. We also issued 17 other updates and guidelines on a range of legal aid issues, including:

- the test for reasonableness in civil legal aid
- changes to provisions allowing solicitors to take urgent steps in civil cases (special urgency)
- sanction for employment of counsel in civil and criminal cases
- property recovered and preserved
- revised Advice and Assistance Guidelines.

## ...THE WAY FORWARD

OUR KEY OBJECTIVES AND DELIVERABLES FOR 2003-2006 ARE SET OUT IN OUR CORPORATE PLAN.

The themes of the Corporate Plan are:

- increasing access to quality assured legal advice, assistance and representation for those who need it and who qualify for legal aid
- working with others to improve the efficient and effective operation of the legal aid system and its interaction with the justice system
- increasing the Board's efficiency and effectiveness, and providing increased value for money.

Over the next three years, we hope to develop our role in a number of important ways to further improve access to, and the delivery of, legal aid. This includes further developing our role in providing advice to the Scottish Executive on matters relating to legal aid and its legislation.

In 2003-2004, our main projects will include:

- implementing the reform of civil legal aid by 1 October 2003, and the redesign of our civil applications system
- reviewing, with the Scottish Executive and the Law Society, the operation of advice and assistance
- implementing e-business for legal aid, with advice and assistance implemented in 2003, and criminal and civil legal aid implemented from 2004

- working with the Scottish Executive to review how legal aid services will be delivered, building on development work for a community legal service for Scotland, and establishing pilot partnerships

- continuing to work alongside the Scottish Executive to address the Justice 1 Committee's recommendations

- continuing our research work to provide evidence-based advice for the Board and Scottish Ministers on the operation of legal aid

- considering interim reports on the existing Part V projects and, subject to agreement and additional funding by the Scottish Executive, developing and implementing further projects

- reviewing the interests of justice test in criminal legal aid and submitting proposals to Scottish Ministers on legislative changes to enable the system to work more effectively

- reviewing and consulting widely (including solicitors, professional bodies and other participants in the justice system) on our approach to sanctioning experts and work of an unusual nature or involving unusually high expenditure, to identify any necessary procedural or legislative changes and to introduce an element of quality assurance

- working with the Scottish Executive and Faculty of Advocates on a graduated scale of fees for advocates in criminal cases

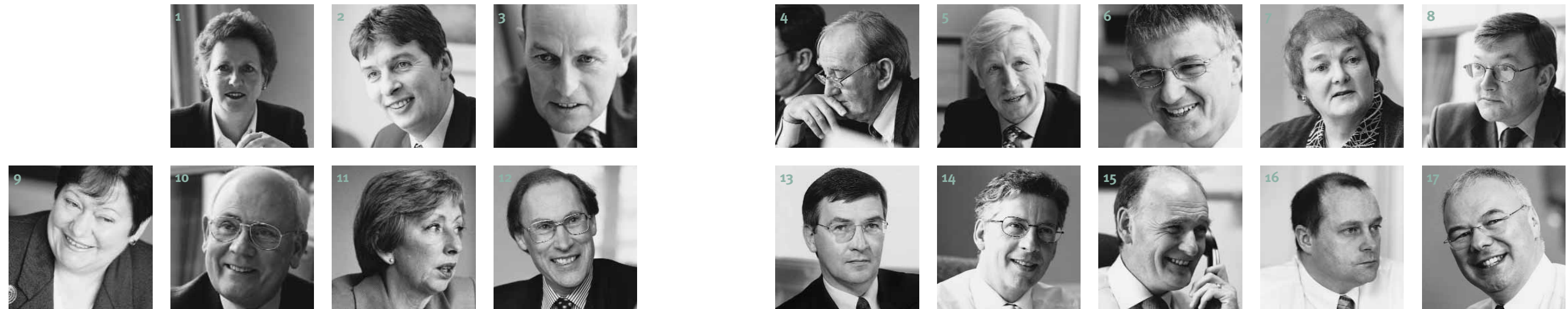
- contributing to Sheriff John McInnes' review of the sheriff court, and to the implementation of the agreed recommendations of Lord Bonomy's review of the High Court

- opening further public defence solicitors' offices, subject to Ministers' approval

- continuing to work to identify and respond to the needs of our stakeholders and customers, using the Business Excellence Model to drive further improvement across all our operations.

The coming year will be very demanding as we aim to deliver high performance standards for applications and accounts, alongside implementing major developments in the legal aid system.

## THE BOARD



## ...BOARD MEMBERS AND SENIOR STAFF

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 NOTIFY US OF ALL RELEVANT INTERESTS. THE REGISTER IS UPDATED ON A QUARTERLY BASIS AND IS AVAILABLE FOR INSPECTION UPON REQUEST.

### BOARD MEMBERS

**1 Jean Couper** Chairman (1.4.94 - 31.3.06)  
(Appointed Chairman April 1998)  
Director, Catalyst Consulting; member, Police Advisory Board for Scotland; member, Accounts Commission.

**2 William Gallagher** (1.4.00 - 31.3.04)  
Director, W G Gallagher & Associates; Director, Touchdown Services; non-executive Board member, Strategic Railway Authority; non-executive Director, Lothian Buses plc.

**3 Peter Gray, QC** (1.9.02 - 31.3.06)  
Member of the English Bar since 1984; member of the Scottish Bar since 1992; Queen's Counsel since 2002; Advocate Depute (Jan 1998 - Dec 2000); Chairman of Faculty of Advocates Criminal Bar Association.

**4 Sheriff Alexander Jessop** (1.4.96 - 31.3.04)  
Sheriff of Grampian, Highlands & Islands at Aberdeen; former Procurator Fiscal for Glasgow (1987 - 1990).

**5 Nick Kuenssberg** (1.4.96 - 31.3.04)  
Chairman, GAP Group Ltd, iomart Group plc, Canmore Partnership Ltd, Stac Affinity Services plc, Scotland the Brand, and Scottish Networks International; deputy chairman Scottish Environment Protection Agency, and Glasgow School of Art; non-executive Director, Chamberlin & Hill plc, and Ring Prop plc; former visiting professor at Strathclyde Business School.



**6 Graeme McKinstry** (1.4.02 - 31.3.06)  
Practising solicitor and senior partner at The McKinstry Company; Reporter, Practice Advisory Service and Ad hoc Committee of The Law Society of Scotland; Director, Ayrshire Medical Support; regular speaker and tutor to the profession for the Law Society and other leading providers.

**7 Ellen Morton** (1.12.02 - 31.03.06)  
Member, Immigration Appeal Tribunal; Chair of Bute, Cowal & Lomond Divisional Licensing Board; elected Councillor for Argyll & Bute, representing Helensburgh North, since 1999 (Liberal Democrat).

**8 David Nicol** (1.4.02 - 31.3.06)  
Practising solicitor, partner, Allan McDougall Solicitors, Edinburgh.

**9 Yvonne Osman** (1.4.96 - 31.3.04)  
Enquiries and Investigations Manager, Mental Welfare Commission.

**10 Professor Ian Percy CBE** (1.4.00 - 31.3.04)  
Chairman, Kiln plc and Companies House; non-executive Director, Ricardo plc; the Weir Group plc; William Wilson Holdings Ltd and Cala Group Ltd; member, Coordinating Committee of the Treasury and Department of Trade and Industry on accounting and auditing issues; Honorary Professor of Accounting, Aberdeen University; Past President, Institute of Chartered Accountants of Scotland.



**11 Margaret Scanlan** (1.9.97 - 31.3.06)  
Practising solicitor, Russells Gibson McCaffrey, Glasgow; member, Sheriff Court Rules Council.

**12 Malcolm Thomson, QC** (1.4.98 - 31.3.06)  
Member of the Scottish Bar since 1974; Queen's Counsel since 1987; member, Faculty of Advocates; temporary judge in the Court of Session; Chairman, NHS Tribunal Scotland; former standing junior counsel, Department of Agriculture and Fisheries for Scotland and Forestry Commission in Scotland.

**13 Alexander Wylie, QC** (1.4.94 - 30.9.02)  
Member of the Scottish Bar since 1978; Queen's Counsel since 1991; member, Faculty of Advocates; part-time Sheriff; part-time Chairman, Discipline Committee of the Institute of Chartered Accountants of Scotland and the Police Appeals Tribunal; member, Association of Mediators and the Scottish Council of Law Reporting; former standing junior counsel, Accountant of Court; former Advocate Depute.

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.



### EXECUTIVE TEAM

**14 Lindsay Montgomery**  
Chief Executive  
Appointed to post July 1999.

**15 Tom Murray**  
Director of Legal Services and Applications  
Appointed to post May 1999.

**16 Andrew Menzies**  
Director of Corporate Services and Accounts  
Appointed to post March 2003.

**17 Ian Middleton**  
Director of Audit and Compliance  
Appointed to post May 1987.



## ...PERFORMANCE TARGETS AND STATISTICS

THIS SECTION DETAILS OUR PERFORMANCE AGAINST TARGET, AND COSTS AND VOLUMES STATISTICS FOR CIVIL, CRIMINAL AND CHILDREN'S LEGAL AID, ADVICE AND ASSISTANCE, CONTEMPT AND PAYMENTS MADE DURING THE YEAR.

## OUR PERFORMANCE

## APPENDIX 1

Our Corporate Plan sets out our performance targets. The headline indicators combine individual timeliness and accuracy targets for each aid type. This is so that we achieve an appropriate balance between the measures for speed of processing and the quality of decision making. They are the key measures of the Board's operational performance. They are compiled from supporting targets for each aid type.

### CIVIL LEGAL AID APPLICATIONS

#### HEADLINE

	WEIGHTING	TARGET	ACTUAL
Timeliness	0.5	88%	86%
Accuracy	0.5	90%	94%
<b>Headline</b>		<b>89%</b>	<b>90%</b>

#### TIMELINESS

Percentage of applications actioned within service standard time	TARGET	ACTUAL	STANDARD
Initial applications	87%	83%	within 42 days
Sanction to employ counsel, expert witnesses or incur unusual costs	85%	86%	within 14 days
Requests to change solicitor	90%	90%	within 14 days
Reviews of refusal of initial application	82%	77%	within 35 days
Requests to extend the scope of the case	87%	89%	within 35 days
Reassessments of financial eligibility	95%	94%	within 28 days
Special urgency cases	97%	97%	within 5 days
<b>All application types</b>	<b>88%</b>	<b>86%</b>	<b>within standard</b>

#### ACCURACY

Percentage of decisions that are free of material errors	TARGET	ACTUAL	STANDARD
Initial applications	90%	92%	error free
Sanction to employ counsel, expert witnesses or incur unusual costs	90%	96%	error free
Requests to change solicitor	90%	99%	error free
Reviews of refusal of initial application	90%	92%	error free
Requests to extend the scope of the case	90%	96%	error free
Reassessments of financial eligibility	90%	97%	error free
<b>All application types</b>	<b>90%</b>	<b>94%</b>	<b>error free</b>

### CRIMINAL LEGAL AID APPLICATIONS

#### HEADLINE

	WEIGHTING	TARGET	ACTUAL
Timeliness	0.5	97%	99%
Accuracy	0.5	92%	99%
<b>Headline</b>		<b>94%</b>	<b>99%</b>

#### TIMELINESS

Percentage of applications actioned within service standard time	TARGET	ACTUAL	STANDARD
Initial applications in summary cases	97%	99%	within 12 days
Sanction to employ counsel, expert witnesses or incur unusual costs	97%	99%	within 7 days
Requests to change solicitor	97%	99%	within 7 days
Reviews of refusal of initial application	97%	99%	within 14 days
Applications to make an appeal in court (including children's appeal)	97%	99%	within 7 days
Requests to reconsider a decision by the Board	97%	99%	within 14 days
Special urgency cases (summary first instance and appeals)	97%	99%	within 3 days
<b>All application types</b>	<b>97%</b>	<b>99%</b>	<b>within standard</b>

#### ACCURACY

Percentage of decisions that are free of material errors	TARGET	ACTUAL	STANDARD
Initial applications in summary cases	92%	99%	error free
Sanction to employ counsel, expert witnesses or incur unusual costs	92%	99%	error free
Requests to change solicitor	92%	99%	error free
Reviews of refusal of initial application	92%	99%	error free
Applications to make an appeal in court (including children's appeals)	92%	99%	error free
Requests to reconsider a decision by the Board	92%	98%	error free
<b>All application types</b>	<b>92%</b>	<b>99%</b>	<b>error free</b>

## ADVICE AND ASSISTANCE

## HEADLINE

	WEIGHTING	TARGET	ACTUAL
Timeliness	0.5	93%	95%
Accuracy	0.5	95%	99%
<b>Headline</b>		<b>94%</b>	<b>97%</b>

## TIMELINESS

Percentage of applications actioned within service standard time	TARGET	ACTUAL	STANDARD
Intimations of a grant of advice and assistance by a solicitor	95%	95%	within 10 days
Requests for increase in authorised expenditure	90%	95%	within 7 days
Requests for change of nominated solicitor	95%	94%	within 14 days
Requests to reconsider a decision by the Board	85%	90%	within 7 days
<b>All application types</b>	<b>93%</b>	<b>95%</b>	<b>within standard</b>

## ACCURACY

Percentage of decisions that are free of material errors	TARGET	ACTUAL	STANDARD
Intimations of a grant of advice and assistance	95%	99%	error free
Requests for increase in authorised expenditure	95%	99%	error free
Requests for change of nominated solicitor	95%	99%	error free
Requests to reconsider a decision by the Board	95%	95%	error free
<b>All application types</b>	<b>95%</b>	<b>99%</b>	<b>error free</b>

## ACCOUNTS ASSESSMENT

## CIVIL LEGAL AID

	WEIGHTING	TARGET	ACTUAL	STANDARD
Timeliness – percentage of accounts actioned within service standard time	0.5	86%	99%	within 30 days
Accuracy – percentage of accounts that are free of material errors	0.5	94%	97%	error free
<b>Headline</b>		<b>90%</b>	<b>98%</b>	

## CRIMINAL LEGAL AID

	WEIGHTING	TARGET	ACTUAL	STANDARD
Timeliness – percentage of accounts actioned within service standard time	0.5	97%	99%	within 30 days
Accuracy – percentage of accounts that are free of material errors	0.5	94%	97%	error free
<b>Headline</b>		<b>95%</b>	<b>98%</b>	

## ADVICE AND ASSISTANCE

	WEIGHTING	TARGET	ACTUAL	STANDARD
Timeliness – percentage of accounts actioned within service standard time	0.5	95%	99%	within 30 days
Accuracy – percentage of accounts that are free of material errors	0.5	94%	96%	error free
<b>Headline</b>		<b>94%</b>	<b>98%</b>	

## ADVICE AND ASSISTANCE

## APPENDIX 2

## 2.1 INCOMPLETE INTIMATIONS RETURNED UNREGISTERED

	2002-2003	2001-2002
TOTAL	<b>8,054</b>	8,910

## 2.2 INTIMATIONS OF ADVICE AND ASSISTANCE (INCLUDING ASSISTANCE BY WAY OF REPRESENTATION (ABWOR))

	2002-2003	2001-2002
Civil advice and assistance	146,639	156,358
Civil ABWOR	4,272	4,033
<b>Total civil advice and assistance and ABWOR</b>	<b>150,911</b>	<b>160,391</b>
Criminal advice and assistance	137,732	142,400
Criminal ABWOR	21,631	22,488
<b>Total criminal advice and assistance and ABWOR</b>	<b>159,363</b>	<b>164,888</b>
<b>Advice and assistance for matters relating to Children (Scotland) Act 1995</b>	<b>6,768</b>	<b>6,611</b>
<b>Total advice and assistance (excluding ABWOR)</b>	<b>291,139</b>	<b>305,369</b>
<b>Total ABWOR</b>	<b>25,903</b>	<b>26,521</b>
<b>TOTAL</b>	<b>317,042</b>	<b>331,890</b>

## 2.3 CIVIL INTIMATIONS BY SUBJECT MATTER

SUBJECT MATTER	2002-2003	2001-2002
<b>Civil advice and assistance</b>		
Divorce	14,240	15,186
Separation	8,098	7,970
Other family/matrimonial	4,475	4,660
Contact	12,626	12,793
Residence	3,048	2,949
Aliment/Child Support Agency	1,975	2,152
Hire purchase/debt	14,969	15,916
Housing	11,696	13,238
Recovery of heritable property	910	955
Reparation	13,322	14,905
Breach of contract	611	720
Employment	3,857	4,061
State benefit	8,816	9,685
Interdict/harassment/non-harassment	10,252	10,681
Immigration	4,218	3,783
Human rights	240	911
Criminal Injuries Compensation Agency	4,350	4,876
Wills/executory	4,332	4,437
Mental health	640	754
Complaints against professional bodies	2,916	3,482
Judicial review	668	693
Conveyancing	352	328
Power of attorney	558	518
Restoration of driving licence	381	475
Civil appeals	179	229
Other	18,910	20,001
<b>Total civil advice and assistance</b>	<b>146,639</b>	<b>156,358</b>
<b>Civil ABWOR</b>		
Employment tribunals	174	176
Immigration	2,431	1,854
Mental health	1,130	1,072
Bankruptcy/petition by debtor	48	65
Sequestration	48	353
Restoration of driving licence	328	376
Other	113	137
<b>Total civil ABWOR</b>	<b>4,272</b>	<b>4,033</b>
<b>TOTAL CIVIL ADVICE AND ASSISTANCE AND ABWOR</b>	<b>150,911</b>	<b>160,391</b>

Throughout these Appendices

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- in tables showing accounts paid, unless otherwise stated, "outlays" include all payments other than fees paid to solicitors and advocates – for example, expert witnesses

## 2.4 CRIMINAL INTIMATIONS BY SUBJECT MATTER

SUBJECT MATTER	2002-2003	2001-2002
<b>Criminal advice and assistance</b>		
Murder/attempted murder/culpable homicide	726	670
Assault	16,519	15,677
Theft/housebreaking/robbery	23,831	25,321
Road traffic	16,619	16,735
Offensive weapons/vandalism/breach of the peace	21,420	21,098
Drugs	7,255	7,587
Embezzlement/fraud	1,790	2,027
Sexual offences	974	897
Appeals	5,522	6,131
Criminal Procedure (Scotland) Act	11,113	11,322
Means enquiries/fines	15,145	17,166
Prison rules	2,857	3,361
Breach proceedings	1,579	1,708
Contempt of court	914	1,089
Civic Government (Scotland) Act	1,613	1,634
Criminal Law Consolidation (Scotland) Act	1,413	1,232
Other	8,442	8,745
<b>Total criminal advice and assistance</b>	<b>137,732</b>	<b>142,400</b>
<b>Criminal ABWOR</b>		
Assault	1,010	1,036
Theft/housebreaking/robbery	2,323	2,640
Road traffic	6,427	6,662
Offensive weapons/vandalism/breach of the peace	1,932	2,158
Drugs	851	901
Embezzlement/fraud	311	371
Sexual offences	55	61
Criminal Procedure (Scotland) Act	2,454	2,460
Breach proceedings	4,468	4,353
Contempt of court	13	10
Civic Government (Scotland) Act	157	187
Criminal Law Consolidation (Scotland) Act	133	150
Other	1,497	1,499
<b>Total criminal ABWOR</b>	<b>21,631</b>	<b>22,488</b>
<b>TOTAL CRIMINAL ADVICE AND ASSISTANCE AND ABWOR</b>	<b>159,363</b>	<b>164,888</b>

## 2.5 INTIMATIONS BY GENDER

	MALE APPLICANT		FEMALE APPLICANT		TOTAL
	2002-2003	2001-2002	2002-2003	2001-2002	
Civil	64,422	44%	82,217	56%	146,639
Criminal	114,483	83%	23,249	17%	137,732
ABWOR	20,447	79%	5,456	21%	25,903
Children	2,570	38%	4,198	62%	6,768
<b>TOTAL 2002-2003</b>	<b>201,922</b>	<b>64%</b>	<b>115,120</b>	<b>36%</b>	<b>317,042</b>
TOTAL 2001-2002	213,333	64%	118,557	36%	331,890

## 2.6 INCREASES IN LIMIT OF AUTHORISED EXPENDITURE

	APPLICATIONS FOR INCREASE		INCREASES GRANTED		INCREASES REFUSED	
	2002-2003	2001-2002	2002-2003	2001-2002	2002-2003	2001-2002
Civil advice and assistance	102,457	97,732	85,640	84,498	6,778	7,993
Criminal advice and assistance	20,839	18,341	17,410	16,418	1,213	1,049
ABWOR	24,167	20,014	20,855	18,595	682	616
Children	2,787	2,562	2,372	2,245	156	122
<b>TOTAL</b>	<b>150,250</b>	<b>138,649</b>	<b>126,277</b>	<b>121,756</b>	<b>8,829</b>	<b>9,780</b>

## NOTE

1. Decisions above in table 2.6 do not include decisions after reconsideration which are reported separately in table 2.8.

Throughout these Appendices

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- unless otherwise stated, figures for accounts paid include VAT
- in tables showing accounts paid, unless otherwise stated, "outlays" include all payments other than fees paid to solicitors and advocates – for example, expert witnesses

## 2.7 DISPOSAL OF APPLICATIONS UNDER REGULATION 16(3) (HARDSHIP PROVISIONS) OF THE ADVICE AND ASSISTANCE (SCOTLAND) REGULATIONS 1996

	APPLICATIONS	GRANTED	TOTAL PAYMENTS £'000
Client claimed	2,251	1,783	819
Solicitor claimed	45	42	43
<b>TOTAL 2002-2003</b>	<b>2,296</b>	<b>1,825</b>	<b>862</b>
TOTAL 2001-2002	2,166	1,742	652

## 2.8 RECONSIDERATION OF AN APPLICATION FOR AN INCREASE IN LIMIT OF AUTHORISED EXPENDITURE

	APPLICATIONS FOR RECONSIDERATION		INCREASES GRANTED		INCREASES REFUSED	
	2002-2003	2001-2002	2002-2003	2001-2002	2002-2003	2001-2002
Civil	4,201	3,888	2,968	2,753	1,038	913
Criminal	1,113	547	510	341	556	176
ABWOR	467	383	377	285	65	83
Children	50	39	28	27	15	12
<b>TOTAL</b>	<b>5,831</b>	<b>4,857</b>	<b>3,883</b>	<b>3,406</b>	<b>1,674</b>	<b>1,184</b>

## 2.9 ACCOUNTS PAID AND AVERAGE CASE COSTS

SUBJECT MATTER	MINIMUM FEE CASES		DETAILED ACCOUNTS				TOTAL NUMBER OF CASES 2002-2003	TOTAL PAID 2002-2003 £'000	AVERAGE CASE COST 2002-2003 £	AVERAGE CASE COST 2001-2002 £
	NUMBER OF CASES	TOTAL PAID £'000	NUMBER OF CASES	TOTAL PAID £'000	SOLICITOR £'000	OUTLAYS £'000				
Civil advice and assistance	24,068	675	103,123	18,182	16,535	1,647	127,191	18,856	148	141
Civil ABWOR	162	4	3,320	1,860	1,447	413	3,482	1,865	536	438
<b>Total civil advice and assistance and ABWOR</b>	<b>24,230</b>	<b>679</b>	<b>106,443</b>	<b>20,042</b>	<b>17,982</b>	<b>2,060</b>	<b>130,673</b>	<b>20,721</b>	<b>159</b>	<b>146</b>
Criminal advice and assistance	46,207	1,312	82,909	7,567	7,184	383	129,116	8,880	69	67
Criminal ABWOR	2,570	72	15,400	3,289	2,909	380	17,970	3,361	187	151
<b>Total criminal advice and assistance and ABWOR</b>	<b>48,777</b>	<b>1,384</b>	<b>98,309</b>	<b>10,856</b>	<b>10,093</b>	<b>763</b>	<b>147,086</b>	<b>12,241</b>	<b>83</b>	<b>78</b>
<b>Advice and assistance for matters relating to Children (Scotland) Act 1995</b>	<b>1,472</b>	<b>42</b>	<b>4,505</b>	<b>553</b>	<b>530</b>	<b>23</b>	<b>5,977</b>	<b>595</b>	<b>100</b>	<b>99</b>
<b>Total advice and assistance</b>	<b>71,747</b>	<b>2,029</b>	<b>190,537</b>	<b>26,302</b>	<b>24,249</b>	<b>2,053</b>	<b>262,284</b>	<b>28,331</b>	<b>108</b>	<b>104</b>
<b>Total ABWOR</b>	<b>2,732</b>	<b>76</b>	<b>18,720</b>	<b>5,149</b>	<b>4,356</b>	<b>793</b>	<b>21,452</b>	<b>5,226</b>	<b>244</b>	<b>182</b>
<b>TOTAL 2002-2003</b>	<b>74,479</b>	<b>2,106</b>	<b>209,257</b>	<b>31,451</b>	<b>28,605</b>	<b>2,846</b>	<b>283,736</b>	<b>33,557</b>	<b>118</b>	
TOTAL 2001-2002	77,977	2,270	198,145	28,008	25,947	2,061	276,122	30,279		110

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

## 2.10 ACCOUNTS PAID AND AVERAGE CASE COSTS – CIVIL ADVICE AND ASSISTANCE AND ABWOR

SUBJECT MATTER	MINIMUM FEE CASES		DETAILED ACCOUNTS				TOTAL NUMBER OF CASES 2002-2003	TOTAL PAID 2002-2003 £'000	AVERAGE CASE COST 2002-2003 £	AVERAGE CASE COST 2001-2002 £
	NUMBER OF CASES	TOTAL PAID	NUMBER OF CASES	TOTAL PAID	SOLICITOR	OUTLAYS				
		£'000		£'000	£'000	£'000				
<b>Civil advice and assistance (excluding ABWOR)</b>										
Divorce	977	27	11,470	2,694	2,577	117	12,447	2,720	219	215
Separation	616	17	6,013	1,806	1,719	87	6,629	1,823	275	283
Other family/matrimonial	545	15	3,300	715	669	46	3,845	730	190	178
Contact	1,378	39	9,684	1,677	1,650	28	11,062	1,716	155	151
Residence	331	9	2,300	479	468	10	2,631	488	186	185
Aliment/Child Support Agency	454	13	1,434	211	200	11	1,888	224	119	118
Hire purchase/debt	2,924	82	10,400	1,059	1,019	40	13,324	1,141	86	85
Housing	2,442	69	8,486	917	880	37	10,928	987	90	88
Recovery of heritable property	60	2	769	108	108	–	829	110	133	120
Reparation	1,069	29	9,081	2,167	1,576	592	10,150	2,196	216	239
Breach of contract	77	2	491	66	64	2	568	68	120	113
Employment	578	16	2,897	703	671	33	3,475	720	207	178
State benefit	2,505	70	5,091	672	553	120	7,596	743	98	97
Interdict/harassment/non-harassment	1,949	55	7,322	991	977	15	9,271	1,047	113	112
Immigration	244	6	2,971	1,203	978	226	3,215	1,210	376	242
Human rights	50	1	275	40	33	7	325	41	126	87
Criminal Injuries Compensation Agency	458	12	3,236	462	419	43	3,694	474	128	142
Wills/executor	575	16	2,791	252	244	8	3,366	268	80	74
Mental health	94	3	542	279	190	90	636	282	443	358
Complaints about professional bodies	836	23	1,970	176	166	10	2,806	199	71	69
Judicial review	70	2	537	141	115	27	607	143	236	161
Conveyancing	58	2	186	30	25	5	244	31	129	117
Power of attorney	73	2	256	35	30	5	329	37	111	78
Restoration of driving licence	139	4	258	41	35	6	397	45	113	127
Civil appeals	16	–	123	28	25	3	139	29	207	167
Other	5,550	158	11,240	1,227	1,147	80	16,790	1,384	82	78
<b>Total civil advice and assistance</b>	<b>24,068</b>	<b>675</b>	<b>103,123</b>	<b>18,182</b>	<b>16,535</b>	<b>1,647</b>	<b>127,191</b>	<b>18,856</b>	<b>148</b>	<b>141</b>
<b>Civil ABWOR</b>										
Employment tribunals	5	–	127	95	77	17	132	95	720	405
Immigration	62	2	1,723	966	784	181	1,785	967	542	468
Mental health	34	1	1,024	684	496	188	1,058	685	648	594
Bankruptcy/petition by debtor	9	–	42	5	4	1	51	5	95	100
Sequestration	2	–	41	5	4	1	43	5	111	91
Restoration of driving licence	33	1	269	60	49	11	302	61	202	221
Other	17	–	94	46	33	13	111	47	420	159
<b>Total civil ABWOR</b>	<b>162</b>	<b>4</b>	<b>3,320</b>	<b>1,860</b>	<b>1,447</b>	<b>413</b>	<b>3,482</b>	<b>1,865</b>	<b>536</b>	<b>438</b>
<b>TOTAL CIVIL ADVICE AND ASSISTANCE AND ABWOR</b>	<b>24,230</b>	<b>679</b>	<b>106,443</b>	<b>20,042</b>	<b>17,982</b>	<b>2,060</b>	<b>130,673</b>	<b>20,721</b>	<b>159</b>	<b>146</b>

## NOTE

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

## 2.11 ACCOUNTS PAID AND AVERAGE CASE COSTS – CRIMINAL ADVICE AND ASSISTANCE AND ABWOR

SUBJECT MATTER	MINIMUM FEE CASES		DETAILED ACCOUNTS				TOTAL NUMBER OF CASES 2002-2003	TOTAL PAID 2002-2003 £'000	AVERAGE CASE COST 2002-2003 £	AVERAGE CASE COST 2001-2002 £
	NUMBER OF CASES	TOTAL PAID	NUMBER OF CASES	TOTAL PAID	SOLICITOR	OUTLAYS				
		£'000		£'000	£'000	£'000				
<b>Criminal advice and assistance (excluding ABWOR)</b>										
Murder/attempted murder/culpable homicide	158	4	496	62	56	6	654	66	101	117
Assault	3,756	105	11,266	900	875	25	15,022	1,005	67	67
Theft/housebreaking/robbery	6,555	184	16,492	1,372	1,329	43	23,047	1,556	68	68
Road traffic	4,047	114	11,917	1,029	1,008	20	15,964	1,142	72	71
Offensive weapons/vandalism/breach of the peace	5,187	146	14,508	1,165	1,139	26	19,695	1,311	67	67
Drugs	1,883	52	4,731	394	382	12	6,614	446	67	69
Embezzlement/fraud	482	13	1,270	118	114	4	1,752	131	75	76
Sexual offences	171	5	619	68	64	4	790	73	92	90
Appeals	2,416	69	2,649	365	307	58	5,065	434	86	72
Criminal Procedure (Scotland) Act	5,764	165	4,566	387	373	14	10,330	552	53	55
Means enquiries/fines	10,973	317	3,573	222	216	6	14,546	539	37	37
Prison rules	484	14	2,319	347	279	68	2,803	361	129	121
Breach proceedings	452	13	1,288	277	262	16	1,740	290	167	150
Contempt of court	659	19	82	6	6	–	741	26	34	33
Civic Government (Scotland) Act	425	12	1,086	90	88	2	1,511	102	68	65
Criminal Law Consolidation (Scotland) Act	236	7	1,040	81	79	1	1,276	87	68	70
Other	2,559	72	5,007	685	607	78	7,566	758	100	80
<b>Total criminal advice and assistance</b>	<b>46,207</b>	<b>1,312</b>	<b>82,909</b>	<b>7,567</b>	<b>7,184</b>	<b>383</b>	<b>129,116</b>	<b>8,880</b>	<b>69</b>	<b>67</b>
<b>Criminal ABWOR</b>										
Assault	152	4	608	86	83	2	760	90	118	122
Theft/housebreaking/robbery	340	10	1,717	305	297	8	2,057	315	153	136
Road traffic	702	20	4,662	639	624	15	5,364	658	123	122
Offensive weapons/vandalism/breach of the peace	243	7	1,352	203	200	4	1,595	210	132	119
Drugs	89	2	592	91	88	3	681	94	138	117
Embezzlement/fraud	22	1	280	59	58	1	302	60	198	186
Sexual offences	5	–	28	6	5	1	33	6	172	171
Criminal Procedure (Scotland) Act	482	14	1,536	322	314	8	2,018	335	166	147
Breach proceedings	348	10	3,335	935	858	78	3,683	945	257	230
Civic Government (Scotland) Act	23	1	102	21	18	3	125	22	172	105
Criminal Law Consolidation (Scotland) Act	16	–	111	15	14	–	127	15	119	175
Other	148	4	1,077	607	351	257	1,225	612	499	157
<b>Total criminal ABWOR</b>	<b>2,570</b>	<b>72</b>	<b>15,400</b>	<b>3,289</b>	<b>2,909</b>	<b>380</b>	<b>17,970</b>	<b>3,361</b>	<b>187</b>	<b>151</b>
<b>TOTAL CRIMINAL ADVICE AND ASSISTANCE AND ABWOR</b>	<b>48,777</b>	<b>1,384</b>	<b>98,309</b>	<b>10,856</b>	<b>10,093</b>	<b>763</b>	<b>147,086</b>	<b>12,241</b>	<b>83</b>	<b>78</b>

## NOTE

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

Throughout these Appendices

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## CIVIL LEGAL AID

## APPENDIX 3

## 3.1 APPLICATIONS

PROCEEDINGS	SHERIFF COURT		COURT OF SESSION		OTHER COURTS		TOTAL	
	2002-2003	2001-2002	2002-2003	2001-2002	2002-2003	2001-2002	2002-2003	2001-2002
	Family/matrimonial	13,193	13,734	92	141	–	1	13,285
Debt	632	798	29	45	–	–	661	843
Reparation	2,105	2,438	551	575	–	–	2,656	3,013
Judicial review	–	–	331	295	–	–	331	295
Appeals	204	270	82	69	16	29	302	368
Recovery of heritable property	600	521	1	4	1	–	602	525
Other	1,106	874	197	185	11	15	1,314	1,074
<b>TOTAL</b>	<b>17,840</b>	<b>18,635</b>	<b>1,283</b>	<b>1,314</b>	<b>28</b>	<b>45</b>	<b>19,151</b>	<b>19,994</b>

## 3.2 GRANTS (INCLUDING GRANTS ON REVIEW)

PROCEEDINGS	SHERIFF COURT		COURT OF SESSION		OTHER COURTS		TOTAL	
	2002-2003	2001-2002	2002-2003	2001-2002	2002-2003	2001-2002	2002-2003	2001-2002
	Family/matrimonial	9,957	8,327	67	67	–	–	10,024
Debt	378	309	18	28	–	–	396	337
Reparation	1,250	1,075	292	324	–	–	1,542	1,399
Judicial review	–	–	111	82	–	–	111	82
Appeals	114	108	61	34	9	14	184	156
Recovery of heritable property	406	219	–	1	1	–	407	220
Other	684	470	128	98	4	11	816	579
<b>TOTAL</b>	<b>12,789</b>	<b>10,508</b>	<b>677</b>	<b>634</b>	<b>14</b>	<b>25</b>	<b>13,480</b>	<b>11,167</b>
Grants with contribution							3,098	2,238
Grants with no contribution							10,382	8,929
<b>TOTAL</b>							<b>13,480</b>	<b>11,167</b>
Average value of contribution, where payable							£849	£848

## 3.3 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)

	2002-2003	2001-2002
Intimations under regulation 18(1)(a)	12,643	12,166
Certifications under regulation 18(1)(b)	2,468	2,425
<b>TOTAL</b>	<b>15,111</b>	<b>14,591</b>

## 3.4 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	
	2002-2003	2001-2002	2002-2003	2001-2002	2002-2003	2001-2002	2002-2003	2001-2002	2002-2003	2001-2002
	Court of Session	576	477	80	75	133	155	21	18	810
Sheriff court	5,775	5,066	970	897	1,486	2,079	943	839	9,174	8,881
Other courts	15	14	1	–	3	4	3	1	22	19
<b>TOTAL</b>	<b>6,366</b>	<b>5,557</b>	<b>1,051</b>	<b>972</b>	<b>1,622</b>	<b>2,238</b>	<b>967</b>	<b>858</b>	<b>10,006</b>	<b>9,625</b>

## NOTE

1. In this table, and in tables 3.6 and 3.7, "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.

## 3.5 DISPOSAL OF APPLICATIONS FOR REVIEW OF DECISION TO REFUSE LEGAL AID

APPLICATIONS	2002-2003			2001-2002		
	RECEIVED	ALLOWED	REFUSED	RECEIVED	ALLOWED	REFUSED
Family/matrimonial	2,458	1,614	751	1,872	1,009	620
Debt	245	134	113	240	74	140
Reparation	1,110	532	482	1,007	361	572
Judicial review	160	39	121	93	25	45
Appeals	302	147	127	75	30	29
Recovery of heritable property	101	61	26	93	41	38
Other	91	36	50	214	93	133
<b>TOTAL</b>	<b>4,467</b>	<b>2,563</b>	<b>1,670</b>	<b>3,594</b>	<b>1,633</b>	<b>1,577</b>

## NOTE

1. This table does not include 353 review applications that were refused on means, without consideration of the merits.

## 3.6 APPLICATIONS AND DECISIONS BY GENDER

	MALE APPLICANT				FEMALE APPLICANT			
	2002-2003		2001-2002		2002-2003		2001-2002	
	Applications	7,685	40%	8,052	40%	11,466	60%	11,942
Total grants	5,112	38%	4,185	37%	8,368	62%	6,982	63%
Refused on merits	3,059	48%	2,563	46%	3,307	52%	2,994	54%
Refused on means	409	39%	389	40%	642	61%	583	60%
Abandoned before offer	714	44%	982	44%	908	56%	1,256	56%
Refused after applicant declined offer	294	30%	283	33%	673	70%	575	67%

## 3.7 APPLICATIONS AND DECISIONS BY PURSUER/DEFENDER

	2002-2003			2001-2002		
	PURSUER	DEFENDER	OTHER	PURSUER	DEFENDER	OTHER
	Applications	13,308	4,595	1,248	14,115	4,614
Total grants	9,424	3,238	818	7,913	2,575	679
Refused on merits	4,405	1,494	467	3,967	1,201	389
Refused on means	736	277	38	691	250	31
Abandoned before offer	1,062	437	123	1,515	587	136
Refused after applicant declined offer	766	172	29	693	136	29

## 3.8 ANALYSIS OF CONTRIBUTIONS PAYABLE BY ASSISTED PERSONS

	£0	£1-£50	£51-£100	£101-£250	£251-£500	£501-£800	£801-£1,200	£1,201-£1,700	OVER £1,700
Court of Session	502	3	3	22	34	25	27	40	19
Sheriff court	9,871	76	94	316	536	544	583	476	295
Other courts	9	–	–	2	–	–	1	–	2
<b>TOTAL 2002-2003</b>	<b>10,382 (77.0%)</b>	<b>79 (0.6%)</b>	<b>97 (0.7%)</b>	<b>340 (2.5%)</b>	<b>570 (4.2%)</b>	<b>569 (4.2%)</b>	<b>611 (4.5%)</b>	<b>516 (3.8%)</b>	<b>316 (2.3%)</b>
TOTAL 2001-2002	8,929 (80.0%)	65 (0.6%)	81 (0.7%)	234 (2.1%)	424 (3.8%)	435 (3.9%)	443 (4.0%)	340 (3.0%)	216 (1.9%)

Of those contributions, the breakdown

between capital and income was

as follows:

Capital contributions		1	2	4	3	7	5	16
Income contributions	79	97	341	572	569	620	516	294

## NOTE

1. In 28 cases, both a capital and income contribution was required.

Throughout these Appendices

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- in tables showing accounts paid, unless otherwise stated, "outlays" include all payments other than fees paid to solicitors and advocates – for example, expert witnesses

## 3.9 SANCTIONS

	APPLICATIONS RECEIVED	APPLICATIONS GRANTED	APPLICATIONS REFUSED	APPLICATIONS ABANDONED
Expert witness/unusual expenditure	4,714	3,923	777	269
Counsel	1,388	863	527	49
<b>TOTAL 2002-2003</b>	<b>6,102</b>	<b>4,786</b>	<b>1,304</b>	<b>318</b>
TOTAL 2001-2002	5,382	4,284	970	N/A

## 3.10 APPLICATIONS FOR EXTENSIONS OF GRANTS

	APPLICATIONS RECEIVED	APPLICATIONS GRANTED	APPLICATIONS REFUSED
Family/matrimonial	697	516	179
Debt	2	5	–
Reparation	65	46	19
Judicial review	2	2	–
Appeals	347	302	66
Recovery of heritable property	3	3	–
Other	17	16	1
<b>TOTAL 2002-2003</b>	<b>1,133</b>	<b>890</b>	<b>265</b>
TOTAL 2001-2002	1,191	832	267

## 3.11 REDETERMINATIONS OF MEANS AFTER GRANT

	NUMBER OF APPLICATIONS RECEIVED	NO CHANGE	EFFECT ON CONTRIBUTION LEVELS			INELIGIBLE FOR LEGAL AID
			NIL TO CONTRIBUTION	CONTRIBUTION TO NIL	CHANGE IN CONTRIBUTION LEVEL	
Family/matrimonial	2,140	975	338	150	461	55
Debt	100	54	9	19	63	4
Reparation	251	125	28	7	17	3
Judicial review	9	3	–	–	–	–
Appeals	128	75	13	8	27	2
Recovery of heritable property	41	17	3	4	3	–
Other	32	18	6	2	6	–
<b>TOTAL 2002-2003</b>	<b>2,701</b>	<b>1,267</b>	<b>397</b>	<b>190</b>	<b>577</b>	<b>64</b>
TOTAL 2001-2002	1,859	717	264	134	402	60

NOTE  
1. We also carried out 917 amended assessments (from June 2002 when we first collected statistics on these) before legal aid certificates were issued, where applicants' circumstances changed after the applications were made, or they forgot to declare some information.

## 3.12 APPLICATIONS FOR CHANGE OF SOLICITOR

	APPLICATIONS RECEIVED	APPLICATIONS GRANTED	APPLICATIONS REFUSED
<b>TOTAL 2002-2003</b>	<b>1,420</b>	<b>1,276</b>	<b>156</b>
TOTAL 2001-2002	1,331	1,160	122

Throughout these Appendices  
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• unless otherwise stated, figures for accounts paid include VAT  
• in tables showing accounts paid, unless otherwise stated, "outlays" include all payments other than fees paid to solicitors and advocates – for example, expert witnesses

## 3.13 ACCOUNTS PAID AND AVERAGE CASE COSTS

PROCEEDINGS	TOTAL PAID	SOLICITOR	COUNSEL	SOLICITOR ADVOCATE	OUTLAYS	NUMBER OF CASES	AVERAGE COST PER CASE 2002-2003	AVERAGE COST PER CASE 2001-2002
	£'000	£'000	£'000	£'000	£'000		£	£
<b>Sheriff court</b>								
Family/matrimonial	15,486	10,521	551	–	4,414	8,816	1,757	1,755
Debt	427	324	26	–	77	340	1,257	1,355
Reparation	3,524	2,325	455	–	744	992	3,552	3,613
Appeals	252	124	69	–	59	106	2,381	1,682
Recovery of heritable property	120	93	10	–	17	269	446	508
Other	1,045	646	163	–	236	723	1,445	1,849
<b>Total sheriff court</b>	<b>20,855</b>	<b>14,033</b>	<b>1,274</b>	<b>–</b>	<b>5,547</b>	<b>11,246</b>	<b>1,854</b>	<b>1,868</b>
<b>Court of Session</b>								
Family/matrimonial	575	256	144	–	176	129	4,461	5,073
Debt	85	43	12	–	29	14	6,039	8,894
Reparation	4,265	1,553	1,246	1	1,465	313	13,625	12,770
Judicial review	266	81	125	–	60	81	3,279	2,573
Appeals	209	59	101	–	48	55	3,797	4,330
Other	779	264	324	–	191	135	5,774	4,206
<b>Total Court of Session</b>	<b>6,179</b>	<b>2,257</b>	<b>1,952</b>	<b>1</b>	<b>1,968</b>	<b>727</b>	<b>8,499</b>	<b>7,075</b>
<b>Total other courts</b>	<b>38</b>	<b>15</b>	<b>12</b>	<b>–</b>	<b>10</b>	<b>21</b>	<b>1,795</b>	<b>N/A</b>
<b>All courts</b>								
Family/matrimonial	16,062	10,777	695	–	4,590	8,945	1,796	1,797
Debt	512	367	38	–	106	354	1,446	1,730
Reparation	7,789	3,878	1,702	1	2,208	1,305	5,968	5,622
Judicial review	266	81	125	–	60	81	3,279	2,573
Appeals	461	184	170	–	108	161	2,865	2,771
Recovery of heritable property	120	93	10	–	17	269	446	508
Other	1,862	925	499	–	438	879	2,118	2,412
<b>TOTAL ALL COURTS 2002-2003</b>	<b>27,071</b>	<b>16,306</b>	<b>3,238</b>	<b>1</b>	<b>7,526</b>	<b>11,994</b>	<b>2,257</b>	
TOTAL ALL COURTS 2001-2002	28,347	17,603	3,099	8	7,637	12,903		2,197

NOTE  
1. Reparation cases include those paid in terms of the extra statutory concession and, from 1 December 2002, of regulation 3 (as amended) of the Civil Legal Aid (Scotland) (Fees) Regulations 1989, where the legal representatives have elected to opt for the party and party expenses recovered from the opponent.

## 3.14 AMOUNTS RECOVERED BY THE LEGAL AID FUND

	2002-2003	2001-2002
	£'000	£'000
Contributions from assisted persons	1,264	1,152
Expenses from opponents	7,104	6,282
Amounts awarded to assisted persons transferred to Legal Aid Fund	1,300	1,106
<b>TOTAL RECOVERIES</b>	<b>9,668</b>	<b>8,540</b>

NOTES  
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 Payments in table 7.1.

## 3.15 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	NUMBER OF CASES	AVERAGE COST PER CASE
	£'000	£'000	£'000	£'000	£'000		£
<b>TOTAL 2002-2003</b>	<b>394</b>	<b>242</b>	<b>33</b>	<b>–</b>	<b>119</b>	<b>849</b>	<b>464</b>
TOTAL 2001-2002	426	223	42	–	162	766	556

NOTE  
1. The amounts shown in this table are also included in the figures in table 3.13.

## CRIMINAL LEGAL AID

## APPENDIX 4

## 4.1 APPLICATIONS TO THE BOARD FOR SUMMARY CRIMINAL LEGAL AID

OFFENCE	DISTRICT COURT		SHERIFF COURT		TOTAL	
	2002-2003	2001-2002	2002-2003	2001-2002	2002-2003	2001-2002
	Assault	2,517	2,505	13,339	12,259	15,856
Theft/housebreaking/robbery	3,057	3,583	12,829	12,771	15,886	16,354
Road traffic offences	911	901	11,814	11,615	12,725	12,516
Offensive weapons/vandalism/breach of the peace	5,443	5,447	14,107	12,354	19,550	17,801
Drugs	782	659	5,380	5,066	6,162	5,725
Embezzlement/fraud	156	150	1,369	1,400	1,525	1,550
Sexual offences	1	5	209	225	210	230
Other	1,249	1,373	6,764	6,214	8,013	7,587
<b>TOTAL</b>	<b>14,116</b>	<b>14,623</b>	<b>65,811</b>	<b>61,904</b>	<b>79,927</b>	<b>76,527</b>

## NOTE

1. Sheriff court includes cases heard by stipendiary magistrates in the district court.

## 4.2 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		2002-2003	2001-2002
	2002-2003	2001-2002	2002-2003	2001-2002	2002-2003	2001-2002	2002-2003	2001-2002	2002-2003	2001-2002
Assault	2,305	2,385	12,475	11,551	79	86	527	353	15,386	14,375
Theft/housebreaking/robbery	2,767	3,126	12,372	12,277	81	195	260	259	15,480	15,857
Road traffic offences	327	274	8,900	8,872	4	94	1,032	854	10,263	10,094
Offensive weapons/vandalism/breach of the peace	4,000	4,222	13,158	11,592	414	493	617	382	18,189	16,689
Drugs	672	596	5,147	4,920	42	26	136	98	5,997	5,640
Embezzlement/fraud	116	107	1,273	1,298	10	10	37	55	1,436	1,470
Sexual offences	-	3	192	214	-	1	5	3	197	221
Other	690	788	5,682	5,319	94	112	353	267	6,819	6,486
<b>TOTAL</b>	<b>10,877</b>	<b>11,501</b>	<b>59,199</b>	<b>56,043</b>	<b>724</b>	<b>1,017</b>	<b>2,967</b>	<b>2,271</b>	<b>73,767</b>	<b>70,832</b>

## NOTE

1. Sheriff court includes cases heard by stipendiary magistrates in the district court.

## 4.3 REFUSALS OF SUMMARY CRIMINAL LEGAL AID AT FIRST INSTANCE BY REASON FOR REFUSAL

REASON	DISTRICT COURT		SHERIFF COURT		TOTAL	
	2002-2003	2001-2002	2002-2003	2001-2002	2002-2003	2001-2002
	Not in the interests of justice	2,742	2,636	3,415	3,090	6,157
Means	128	76	729	492	857	568
Other rights and facilities	-	1	-	-	-	1
Non-timeous	9	26	6	35	15	61
Abandoned	13	13	78	79	91	92
Lack of information	435	396	2,992	2,182	3,427	2,578
<b>TOTAL</b>	<b>3,327</b>	<b>3,148</b>	<b>7,220</b>	<b>5,878</b>	<b>10,547</b>	<b>9,026</b>

## NOTE

1. Sheriff court includes cases heard by stipendiary magistrates in the district court.

## 4.4 DISPOSAL OF APPLICATIONS FOR REVIEW OF DECISION TO REFUSE SUMMARY CRIMINAL LEGAL AID

	2002-2003	2001-2002
Granted	3,691	3,288
Refused	2,735	2,296
<b>TOTAL</b>	<b>6,426</b>	<b>5,584</b>

## 4.5 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	
	2002-2003	2001-2002	2002-2003	2001-2002	2002-2003	2001-2002	2002-2003	2001-2002
	Murder/attempted murder/culpable homicide	-	-	814	821	15	18	829
Assault	2	2	3,429	3,134	7	9	3,438	3,145
Theft/housebreaking/robbery	16	16	2,425	2,173	2	7	2,443	2,196
Road traffic offences	3	2	885	734	4	2	892	738
Offensive weapons/vandalism/breach of the peace	3	8	598	477	-	1	601	486
Drugs	-	-	1,984	1,788	5	17	1,989	1,805
Embezzlement/fraud	-	-	203	259	1	-	204	259
Sexual offences	-	-	625	506	6	7	631	513
Other	11	11	1,107	979	3	12	1,121	1,002
<b>TOTAL</b>	<b>35</b>	<b>39</b>	<b>12,070</b>	<b>10,871</b>	<b>43</b>	<b>73</b>	<b>12,148</b>	<b>10,983</b>
Solemn 23(1)(b)							10,978	9,966
<b>TOTAL</b>							<b>12,148</b>	<b>10,983</b>

## NOTE

1. Under section 23(1)(b), the court may grant summary criminal legal aid when it is considering a sentence for a convicted person who has not previously been sentenced to imprisonment.  
2. In addition to these figures, there were 140 intimations to the Board of automatic legal aid for the Glasgow Drug Court Pilot, and 1 intimation of automatic legal aid under section 22(1)(dd) of the Legal Aid (Scotland) Act 1986 where the court appointed a solicitor to act for an unrepresented person accused of a sexual offence.

## 4.6 APPLICATIONS AND DECISIONS BY GENDER

	MALE APPLICANT				FEMALE APPLICANT			
	2002-2003		2001-2002		2002-2003		2001-2002	
	Applications (summary)	68,030	85%	65,537	86%	11,897	15%	10,990
Grants (summary)	62,716	85%	60,690	86%	11,051	15%	10,142	14%
Refusals (summary)	9,157	86%	7,700	85%	1,390	14%	1,326	15%
Grants by the courts	10,832	89%	9,659	88%	1,316	11%	1,324	12%

## 4.7 CRIMINAL APPEALS – APPLICATIONS

	APPLICATIONS RECEIVED	APPLICATIONS GRANTED	APPLICATIONS REFUSED
<b>Leave to appeal</b>			
- against conviction	249	222	3
- against conviction and sentence	317	279	3
- against sentence only	2,294	2,205	9
<b>Total leave to appeal</b>	<b>2,860</b>	<b>2,706</b>	<b>15</b>
<b>Other appeals</b>			
Petition to Nobile Officium, etc.	54	27	5
Crown appeals	24	22	-
Appeal against other disposal	31	19	2
Reference by the Scottish Criminal Cases Review Commission to the High Court	2	2	-
Appeals to the Judicial Committee of the Privy Council	-	-	-
Applications for special leave to appeal to the Judicial Committee of the Privy Council	2	-	2
<b>Total other appeals</b>	<b>113</b>	<b>70</b>	<b>9</b>
<b>TOTAL 2002-2003</b>	<b>2,973</b>	<b>2,776</b>	<b>24</b>
TOTAL 2001-2002	3,080	3,002	24

## NOTE

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

Throughout these Appendices

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- in tables showing accounts paid, unless otherwise stated, "outlays" include all payments other than fees paid to solicitors and advocates – for example, expert witnesses

## 4.8 SANCTIONS

	APPLICATIONS RECEIVED	APPLICATIONS PART GRANTED	APPLICATIONS GRANTED	APPLICATIONS REFUSED
<b>Summary criminal</b>				
– expert witness	2,445	304	1,803	204
– unusual expenditure	211	19	97	23
– counsel	209	3	107	84
<b>Total summary criminal</b>	<b>2,865</b>	<b>326</b>	<b>2,007</b>	<b>311</b>
<b>Solemn and section 23(1)(b)</b>				
– expert witness	3,281	493	2,344	65
– unusual expenditure	911	54	560	112
– counsel	2,187	152	811	681
<b>Total solemn and section 23(1)(b)</b>	<b>6,379</b>	<b>699</b>	<b>3,715</b>	<b>858</b>
<b>TOTAL 2002-2003</b>	<b>9,244</b>	<b>1,025</b>	<b>5,722</b>	<b>1,169</b>
TOTAL 2001-2002	8,204	878	5,064	845

## NOTE

1. In this table, and in tables 4.10 and 4.11, “Summary criminal” means summary criminal applications granted by the Board.

## 4.9 APPLICATIONS FOR EXCEPTIONAL STATUS IN FIXED PAYMENT CASES

	APPLICATIONS RECEIVED	APPLICATIONS GRANTED	APPLICATIONS REFUSED
<b>TOTAL 2002-2003</b>	<b>158</b>	<b>28</b>	<b>130</b>

## 4.10 REQUESTS FOR CHANGE OF SOLICITOR

	APPLICATIONS RECEIVED	APPLICATIONS GRANTED	APPLICATIONS REFUSED
Summary criminal	3,340	2,569	340
Court granted legal aid	1,780	1,383	131
Criminal appeals	156	110	8
<b>TOTAL 2002-2003</b>	<b>5,276</b>	<b>4,062</b>	<b>479</b>
TOTAL 2001-2002	4,820	3,920	420

## 4.11 APPLICATIONS UNDER REGULATION 15 OF THE CRIMINAL LEGAL AID (SCOTLAND) REGULATIONS 1996 (MATTERS OF SPECIAL URGENCY)

	NUMBER OF APPLICATIONS GRANTED	
	2002-2003	2001-2002
Summary criminal	112	139
Criminal appeals	2,649	2,627
<b>TOTAL</b>	<b>2,761</b>	<b>2,766</b>

## 4.12 DUTY SOLICITOR – ACCOUNTS

	TOTAL PAID	NUMBER OF ACCUSED PERSONS	COST PER ACCUSED PERSON
	£'000		£
<b>TOTAL 2002-2003</b>	<b>878</b>	<b>25,399</b>	<b>35</b>
TOTAL 2001-2002	813	22,141	37

## NOTE

1. The PDSO in Edinburgh acted as duty solicitor for 1,092 accused persons – these are excluded from the figures.

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
- in tables showing accounts paid, unless otherwise stated, “outlays” include all payments other than fees paid to solicitors and advocates – for example, expert witnesses

## 4.13 ACCOUNTS PAID AND AVERAGE CASE COSTS BY PROCEEDINGS

PROCEEDINGS	TOTAL PAID	SOLICITOR	COUNSEL	SOLICITOR ADVOCATE	OUTLAYS	NUMBER OF CASES	AVERAGE COST PER CASE 2002-2003	AVERAGE COST PER CASE 2001-2002
	£'000	£'000	£'000	£'000	£'000		£	£
<b>Total district court</b>	<b>4,434</b>	<b>4,324</b>	<b>6</b>	<b>2</b>	<b>103</b>	<b>11,123</b>	<b>399</b>	<b>400</b>
Sheriff court – summary (fixed payments)	40,555	39,217	109	53	1,177	58,954	688	685
Sheriff court – summary (detailed charges)	1,067	957	7	–	102	919	1,161	1,174
Total sheriff court – summary	41,622	40,174	116	53	1,279	59,873	695	691
Sheriff court – solemn (detailed charges)	19,731	14,733	2,692	558	1,748	8,669	2,276	1,868
<b>Total sheriff court</b>	<b>61,353</b>	<b>54,907</b>	<b>2,808</b>	<b>610</b>	<b>3,027</b>	<b>68,542</b>	<b>895</b>	<b>835</b>
High Court (non appeals)	11,321	5,089	4,375	858	999	797	14,204	8,810
Appeals	2,410	1,451	624	122	212	2,697	893	792
<b>Total High Court</b>	<b>13,730</b>	<b>6,540</b>	<b>4,999</b>	<b>980</b>	<b>1,211</b>	<b>3,494</b>	<b>3,930</b>	<b>3,592</b>
<b>TOTAL SUMMARY 2002-2003</b>	<b>46,056</b>	<b>44,498</b>	<b>121</b>	<b>55</b>	<b>1,382</b>	<b>70,996</b>	<b>649</b>	
TOTAL SUMMARY 2001-2002	42,016	40,647	97	45	1,228	65,755		639
<b>TOTAL SOLEMN (INCLUDING APPEALS) 2002-2003</b>	<b>33,461</b>	<b>21,273</b>	<b>7,692</b>	<b>1,537</b>	<b>2,959</b>	<b>12,163</b>	<b>2,751</b>	
TOTAL SOLEMN (INCLUDING APPEALS) 2001-2002	31,197	20,243	7,089	1,177	2,688	12,295		2,537
<b>TOTAL ALL PROCEEDINGS 2002-2003</b>	<b>79,517</b>	<b>65,771</b>	<b>7,813</b>	<b>1,592</b>	<b>4,341</b>	<b>83,159</b>	<b>956</b>	
TOTAL ALL PROCEEDINGS 2001-2002	73,213	60,889	7,186	1,222	3,916	78,050		938

## 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 arise in those courts.  
2. These figures exclude payments for contempt of court and duty.

## 4.14 NUMBERS OF CASES AND AVERAGE CASE COSTS BY TYPE OF CASE AND COURT

OFFENCE	DISTRICT COURT		SHERIFF COURT		HIGH COURT		ALL COURTS		
	NUMBER OF CASES	AVERAGE COST PER CASE	NUMBER OF CASES	AVERAGE COST PER CASE	NUMBER OF CASES	AVERAGE COST PER CASE	NUMBER OF CASES	AVERAGE COST PER CASE	AVERAGE COST PER CASE
		£		£		£	2002-2003	2001-2002	
							£	£	£
Murder/attempted murder/culpable homicide	N/A	N/A	485	3,527	263	19,027	748	8,977	7,599
Assault	2,334	406	14,915	964	78	9,207	17,327	926	906
Theft/housebreaking/robbery	2,824	406	14,248	870	96	7,802	17,168	832	803
Road traffic offences	288	459	11,276	715	8	2,964	11,572	710	720
Offensive weapons/vandalism/ breach of the peace	4,193	390	12,713	708	4	10,386	16,910	632	618
Drugs	589	377	6,367	1,133	213	10,613	7,169	1,353	1,316
Embezzlement/fraud	131	398	1,544	1,153	7	56,134	1,682	1,323	1,235
Sexual offences	1	411	565	2,918	87	13,890	653	4,376	4,195
Other	763	389	6,429	802	41	22,494	7,233	881	925
Appeals	N/A	N/A	N/A	N/A	2,697	893	2,697	893	792
<b>TOTAL 2002-2003</b>	<b>11,123</b>	<b>399</b>	<b>68,542</b>	<b>895</b>	<b>3,494</b>	<b>3,930</b>	<b>83,159</b>	<b>956</b>	
TOTAL 2001-2002	11,822	400	61,455	835	4,773	3,592	78,050		938

## LEGAL AID FOR CHILDREN

## APPENDIX 5

## 5.1 GRANTS OF LEGAL AID BY THE COURTS UNDER THE CHILDREN (SCOTLAND) ACT 1995

	2002-2003	2001-2002
<b>TOTAL</b>	<b>3,102</b>	<b>2,830</b>

## 5.2 SANCTIONS

	APPLICATIONS RECEIVED	APPLICATIONS PART GRANTED	APPLICATIONS GRANTED	APPLICATIONS REFUSED
Children				
– expert witness	195	6	141	13
– unusual expenditure	126	10	76	20
– counsel	184	6	84	76
<b>TOTAL 2002-2003</b>	<b>505</b>	<b>22</b>	<b>301</b>	<b>109</b>
TOTAL 2001-2002	399	41	256	49

## 5.3 APPLICATIONS TO THE BOARD IN RESPECT OF APPEALS TO THE COURT OF SESSION AND THE SHERIFF PRINCIPAL

	APPLICATIONS RECEIVED	APPLICATIONS GRANTED
<b>TOTAL 2002-2003</b>	<b>27</b>	<b>16</b>
TOTAL 2001-2002	45	23

## 5.4 SANCTIONS

	APPLICATIONS RECEIVED	APPLICATIONS PART GRANTED	APPLICATIONS GRANTED	APPLICATIONS REFUSED
Children's appeals				
– expert witness	1	–	–	–
– unusual expenditure	–	–	–	–
– counsel	19	–	11	6
<b>TOTAL 2002-2003</b>	<b>20</b>	<b>–</b>	<b>11</b>	<b>6</b>
TOTAL 2001-2002	21	1	15	3

## 5.5 ANALYSIS OF ACCOUNTS PAID

	TOTAL PAID £'000	SOLICITOR £'000	COUNSEL £'000	SOLICITOR ADVOCATE £'000	OUTLAYS £'000	NUMBER OF CASES	AVERAGE COST PER CASE £
<b>TOTAL 2002-2003</b>	<b>3,357</b>	<b>2,230</b>	<b>883</b>	<b>–</b>	<b>244</b>	<b>2,307</b>	<b>1,455</b>
TOTAL 2001-2002	2,827	1,922	644	–	261	2,080	1,359

## CONTEMPT OF COURT

## APPENDIX 6

## 6.1 GRANTS OF LEGAL AID BY THE COURTS UNDER SECTION 30 OF THE LEGAL AID (SCOTLAND) ACT 1986 (CONTEMPT)

	DISTRICT COURT	SHERIFF COURT	HIGH COURT	TOTAL
<b>TOTAL 2002-2003</b>	<b>4</b>	<b>205</b>	<b>30</b>	<b>239</b>
TOTAL 2001-2002	10	124	14	148

## 6.2 ANALYSIS OF ACCOUNTS PAID

	TOTAL PAID £'000	SOLICITOR £'000	COUNSEL £'000	SOLICITOR ADVOCATE £'000	OUTLAYS £'000	NUMBER OF CASES	AVERAGE COST PER CASE £
<b>TOTAL 2002-2003</b>	<b>59</b>	<b>43</b>	<b>10</b>	<b>5</b>	<b>1</b>	<b>195</b>	<b>302</b>
TOTAL 2001-2002	40	33	2	4	1	131	302

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
- in tables showing accounts paid, unless otherwise stated, "outlays" include all payments other than fees paid to solicitors and advocates – for example, expert witnesses

## ANALYSIS OF PAYMENTS

## APPENDIX 7

## 7.1 EXPENDITURE ON CIVIL AND CRIMINAL LEGAL ASSISTANCE

	EXPENDITURE				INCOME			TOTAL INCOME £'000	TOTAL NET COST £'000
	ADVICE & ASSISTANCE	ABWOR	LEGAL AID	TOTAL GROSS COST	CONTRIBUTIONS FROM ASSISTED PERSONS	EXPENSES FROM OPONENTS	AMOUNTS AWARDED TO ASSISTED PERSONS		
	£'000	£'000	£'000	£'000	£'000	£'000	£'000		
<b>CIVIL</b>									
Family/matrimonial	7,701	–	16,062	23,763	1,038	1,798	1,007	3,843	19,920
Debt	1,141	10	512	1,633	59	121	15	195	1,468
Reparation	2,264	–	7,789	10,053	89	4,741	254	5,084	4,969
Judicial review	143	–	266	409	2	71	–	73	336
Appeals	29	–	461	490	11	74	–	85	405
Recovery of heritable property	110	–	120	230	–	–	–	–	230
Other	7,468	1,855	1,862	11,185	65	299	24	388	10,797
<b>Total civil</b>	<b>18,856</b>	<b>1,865</b>	<b>27,071</b>	<b>47,792</b>	<b>1,264</b>	<b>7,104</b>	<b>1,300</b>	<b>9,668</b>	<b>38,124</b>
<b>CRIMINAL</b>									
Murder/attempted murder/culpable homicide	66	–	6,715	6,781					6,781
Assault	1,005	90	16,051	17,145					17,145
Theft/housebreaking/robbery	1,556	315	14,288	16,159					16,159
Road traffic offences	1,142	658	8,219	10,020					10,020
Offensive weapons/vandalism/ breach of the peace	1,311	210	10,682	12,203					12,203
Drugs	446	94	9,696	10,236					10,236
Embezzlement/fraud	131	60	2,226	2,417					2,417
Sexual offences	73	6	2,857	2,936					2,936
Other	2,690	1,929	6,374	10,993					10,993
Appeals	434	–	2,410	2,843					2,843
Contempt	26	–	59	85					85
Duty	–	–	878	878					878
<b>Total criminal</b>	<b>8,880</b>	<b>3,361</b>	<b>80,454</b>	<b>92,695</b>					<b>92,695</b>
<b>Children</b>	<b>595</b>	<b>–</b>	<b>3,357</b>	<b>3,952</b>					<b>3,952</b>
<b>TOTAL 2002-2003</b>	<b>28,331</b>	<b>5,226</b>	<b>110,882</b>	<b>144,439</b>	<b>1,264</b>	<b>7,104</b>	<b>1,300</b>	<b>9,668</b>	<b>134,771</b>
TOTAL 2001-2002	26,393	3,886	105,240	135,519	1,152	6,282	1,106	8,540	126,979

## NOTE

1. Expenditure and income are not necessarily linked and income can be expected to vary from year to year. Some income, such as that from property recovered and preserved or contributions paid over 20 months (the majority), may be received by the Board well after the original case has concluded, in some cases years later.
2. Total expenditure excludes miscellaneous payments (see page 50) and PDSO expenditure.

## 7.2 ANALYSIS OF PAYMENTS FOR ALL CATEGORIES

TYPE	NUMBER OF CASES	FEES (INCLUDING VAT)			TOTAL FEES		OUTLAYS		TOTAL 2002-2003		TOTAL 2001-2002
		SOLICITOR	COUNSEL	SOLICITOR ADVOCATE	INCLUDING VAT	EXCLUDING VAT	INCLUDING VAT	EXCLUDING VAT	INCLUDING VAT	EXCLUDING VAT	INCLUDING VAT
		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Advice and assistance	283,736	30,710	–	–	30,710	26,109	2,846	2,836	33,557	28,945	30,279
Civil	11,994	16,306	3,238	1	19,545	16,694	7,526	7,526	27,071	24,220	28,347
Criminal	83,159	65,771	7,813	1,592	75,177	64,105	4,341	4,055	79,517	68,160	73,213
Duty	Note 1	856	–	–	856	733	22	19	878	752	813
Children	2,307	2,230	883	–	3,113	2,659	244	230	3,357	2,889	2,827
Contempt of court	195	43	10	5	57	49	1	1	59	50	40
<b>TOTAL 2002-2003</b>	<b>381,391</b>	<b>115,916</b>	<b>11,944</b>	<b>1,598</b>	<b>129,458</b>	<b>110,349</b>	<b>14,981</b>	<b>14,667</b>	<b>144,439</b>	<b>125,016</b>	
TOTAL 2001-2002	369,286	109,455	11,003	1,236	121,694	103,729	13,824	13,533			135,519

## NOTE

1. Duty solicitors appeared on behalf of 25,399 people. The PDSO in Edinburgh also undertook duty work for 1,092 accused persons.
2. In this table, advice and assistance payments to counsel and solicitor advocates are included under "outlays", as regulation 17(1) of the Advice and Assistance Regulations 1996 only provides for payment to the solicitor of fees and outlays.

## PAYMENTS MADE TO SOLICITORS AND ADVOCATES

### 8.1 SOLICITORS' FIRMS

These figures show the 20 highest-earning firms based on total fees (excluding outlays) paid to them during 2002-2003. Amounts paid to firms reflect the extent to which their practice deals with legal aid work.

FIRM NAME	A & A FEES	CIVIL FEES	CRIMINAL FEES	VAT ON	TOTAL FEES
	(EXCLUDING VAT)	(EXCLUDING VAT)	(EXCLUDING VAT)	FEES	(INCLUDING VAT)
	£'000	£'000	£'000	£'000	£'000
Ross Harper	395	277	861	270	1,803
Livingstone Brown	572	95	559	216	1,442
Bruce Short & Co	403	20	680	194	1,297
Adams Whyte	100	–	959	185	1,243
Gilfedder & McInnes	118	–	885	176	1,180
George Mathers & Co	246	42	699	174	1,161
Drummond Miller	340	530	106	173	1,149
Milligan Telford & Morrow	106	–	782	156	1,044
Turnbull McCarron	302	48	514	152	1,017
J C Hughes & Co	215	31	600	149	996
Robert Carty & Co	327	205	251	138	920
Bruce & Co	347	8	428	138	920
Gallen & Co	160	63	535	133	890
Martin Johnston & Socha	99	–	652	131	882
McCusker McElroy & Co	114	–	637	132	882
Blair & Bryden	193	225	329	131	878
Muir Myles Laverty	171	17	555	130	873
Robertson & Ross	384	68	268	126	846
McLennan Adam Davis	198	58	419	119	793
Wilson McLeod	65	–	576	112	753

### 8.2 ADVOCATES

These figures show the 20 highest-earning advocates. They represent the amounts paid from the Legal Aid Fund to advocates during 2002-2003. Earnings can be expected to vary from year to year depending on the volume of legal aid work assigned to each advocate.

NAME	A & A FEES	CIVIL FEES	CRIMINAL FEES	VAT ON	TOTAL FEES
	(EXCLUDING VAT)	(EXCLUDING VAT)	(EXCLUDING VAT)	FEES	(INCLUDING VAT)
	£'000	£'000	£'000	£'000	£'000
Donald R Findlay QC	–	–	227	40	267
Edgar Prais QC	1	2	165	29	197
Gary J G Allan	–	–	148	26	174
Frances J McMenamin QC	–	–	143	25	168
J Graham Robertson	–	–	142	25	167
Gordon Jackson QC MSP	5	–	134	24	163
Mhairi R Richards	–	–	135	24	159
Ronald C Watson	–	–	131	23	154
Dale Hughes	–	–	127	22	149
Ian M Duguid QC	–	–	122	21	142
Jock M W Thomson QC	–	–	119	21	140
John A McLaughlin	1	–	112	20	133
Simon J Gilbride	1	1	111	20	132
Herbert A Kerrigan QC	–	–	113	20	132
Gerald Carroll	1	–	110	19	130
Ruth A Anderson QC	–	–	109	19	129
Niall R McCluskey	–	–	109	19	129
Ronaldo A Renucci	–	–	105	18	124
Lorenzo Alonzi	–	–	105	18	123
Charles P C Boag-Thomson QC	–	–	103	18	121

### 8.3 SOLICITOR ADVOCATES

These figures show the five highest-earning solicitor advocates and the firms that they work for based on total fees (excluding outlays) paid to them during 2002-2003. Earnings can be expected to vary from year to year depending on the volume of legal aid work assigned to each solicitor advocate. Where a firm appears in table 8.1, Solicitors' Firms, earnings from any solicitor advocates are included in the amount paid to the firm.

SOLICITOR	FIRM NAME	A & A FEES	CIVIL FEES	CRIMINAL FEES	VAT ON	TOTAL FEES
		(EXCLUDING VAT)	(EXCLUDING VAT)	(EXCLUDING VAT)	FEES	(INCLUDING VAT)
		£'000	£'000	£'000	£'000	£'000
James D Keegan	Keegan Smith SSC	–	–	119	21	140
Maurice T Smyth	Gordon & Smyth	–	–	119	21	140
Desmond J Finnieston	Franchi Finnieston	–	–	78	14	92
Patrick Wheatley	Patrick Wheatley	1	–	68	13	81
Brian G Gilfedder	Gilfedder & McInnes	1	–	64	12	76

#### NOTE

1. These payments do not necessarily relate to work carried out in 2002-2003 and may relate to work carried out in previous years.

## APPENDIX 8

## SUMMARY FINANCIAL STATEMENTS

### FINANCIAL BACKGROUND

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

### ANNUAL ACCOUNTS

The Legal Aid (Scotland) Act 1986, as amended by the Public Finance and Accountability (Scotland) Act 2000, states that the Board is required to prepare a statement of accounts for each financial year in the form and on the basis determined by Scottish Ministers. The accounts are prepared on an accrual basis and must show a true and fair view of the Board's state of affairs at the year-end and of its income and expenditure and cash flows for the financial year.

The accounts comply, as far as appropriate, with commercial accounting standards and conventions as determined by the Board's Accounts Direction issued 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 and balance sheets contained in the financial statements on pages 50-51 are a summary of the Scottish Legal Aid Board Annual Accounts. For a fuller understanding of the results and the state of affairs of the Board, a copy of the audited Annual Accounts which have been approved by the Board and were signed on 8 July 2003, containing the detailed information required by law and under best practice guidelines, can be obtained from the Director of Corporate Services and Accounts, 44 Drumsheugh Gardens, Edinburgh EH3 7SW, or from our website at: [www.slab.org.uk](http://www.slab.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.

### AUDIT

The accounts are audited by Audit Scotland, who have issued an unqualified audit opinion thereon. The certified financial statements have been forwarded for comment to the Auditor General for Scotland and onward transmission to Scottish Ministers.

### FINANCIAL RESULTS

**Scottish Legal Aid Fund**  
Legal Aid Fund expenditure for 2002-2003 was £144.8 million. The Income and Expenditure Account shows the income and net cost of operations, excluding notional charges, transferred to the General Fund is £2.6 million (2001-2002 – £0.1 million). The basis of preparation for the annual accounts (the "accruals basis") results in a number of accounting adjustments, including certain notional charges, depreciation, accruals and prepayments. Whilst the accounts indicate a surplus on the Income and Expenditure Account, this should not be taken as an indication of surplus cash balances. Where income has been accrued, as it is received, it will be offset against the grant funding for that year.

The liability to pay accounts resulting from work in progress as at 31 March 2003 on outstanding legal aid certificates, based on the number of outstanding certificates and estimates of cost and the time since the certificate was issued, is recognised within the Fund. Accordingly, a debtor balance is established to match the total of the accrued liability and amounts due by the Fund to solicitors and advocates. During 2002-2003, the methodology used to make this estimate has been improved, reducing the value of the accrual by £16.0 million. This accounting adjustment also has the effect of reducing the reported Fund operating costs by £16.0 million.

#### Grant-in-Aid

In 2002-2003, we received £10.4 million from Government, of which £1.0 million was in respect of capital expenditure. The Income and Expenditure Account on an accruals basis shows the income and net cost of operations, excluding notional charges, but including pension costs, transferred to the General Fund is £0.073 million (2001-2002 – £(0.194 million)).

### CREDITOR PAYMENT POLICY

The Board's payment policy with regard to suppliers in respect of Grant-in-Aid expenditure is to agree payment terms when orders for goods and services are placed and, whenever necessary, ensure that suppliers are aware of the Board's terms of payment. The Board aims to comply with these terms subject to satisfactory performance by the supplier. The Board adheres to "The Better Payment Practice Code". The target turnaround time for invoices is 30 days. In 2002-2003, the Board met this target in 97% of cases (2001-2002 – 96%).

### SYSTEM OF INTERNAL CONTROL

The Accountable Officer for the Scottish Executive Justice Department has designated the Chief Executive of the Scottish Legal Aid Board as the Accountable Officer for the Board. The Chief Executive, as Accountable Officer, has a responsibility for maintaining a sound system of internal control that supports the achievement of Scottish Legal Aid Board policies, aims and objectives, whilst safeguarding the public funds and assets. The system of internal control is designed to manage, rather than eliminate, the risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness.

The system of internal control is based on an ongoing process designed to: identify the principal risks to the achievement of Board policies, aims and objectives; evaluate the nature and extent of those risks, and, to manage them efficiently, effectively and economically. This process has been in place for the year ended 31 March 2003 and up to the date of approval of the annual report and accounts, and accords with appropriate guidance and best practice.

### 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 17 of the full published accounts.

### THIRD PARTY FUNDS

The Board holds third party funds, known as principal sums, which consist of damages and other monies recovered on behalf of assisted persons. Disclosed among Cash in the Scottish Legal Aid Fund Balance Sheet, they are held in an interest-bearing account until all the financial transactions for a case are concluded and the net liability to the Legal Aid Fund can be assessed. Movement on these funds during the year was as follows:

	2003	2002
	£'000	£'000
<b>Balance as at 1 April 2002</b>	<b>7,421</b>	<b>7,695</b>
Received during the year	14,180	20,127
Interest received during the year	231	288
Sums repaid to assisted persons	(13,602)	(19,325)
Interest paid to assisted persons	(186)	(258)
Amounts awarded to assisted persons transferred to Legal Aid Fund	(1,300)	(1,106)
<b>Balance as at 31 March 2003</b>	<b>6,744</b>	<b>7,421</b>

## ANALYSIS OF SPEND

## FUND

	2002-2003 £'000	2001-2002 £'000
<b>Payments (including outlays) made to solicitors, counsel and PDSO in respect of:</b>		
Civil	27,071	28,347
Criminal	80,395	74,026
Advice and assistance	33,557	30,279
Children's	3,357	2,827
Contempt	59	40
Miscellaneous	56	12
Public Defence Solicitors' Office	319	364
	<b>144,814</b>	<b>135,895</b>
<b>This was financed by:</b>		
Contributions from assisted persons	1,264	1,152
Recovery of expenses	7,104	6,282
Losses recovered from damages received	1,300	1,106
Government grant	135,534	124,100
	145,202	132,640
Movement in non-cash and creditor items	(388)	3,255
	<b>144,814</b>	<b>135,895</b>

## NOTE

1. The difference of £375,000 between table 7.2 and the above table is PDSO and miscellaneous expenditure.

## GRANT-IN-AID

	2002-2003 £'000	2001-2002 £'000
<b>Payments</b>	10,475	9,518
<b>This was financed by:</b>		
Government grant	10,117	9,384
Bank	108	(129)
Net pension receipts	250	263
	<b>10,475</b>	<b>9,518</b>

## NOTES

1. 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.

2. Although the funding provided for the Public Defence Solicitors' Office was £319,000, expenditure was £344,000.

This breaks down as follows:

## PUBLIC DEFENCE SOLICITORS' OFFICE

	2002-2003 £'000	2001-2002 £'000
Criminal defence costs – outlays	33	29
Salaries and wages	196	209
Social security costs	16	17
Accommodation	55	63
Audit fees	2	2
Depreciation	6	10
Permanent diminution in value of fixed assets	3	6
Other operating costs	33	21
	<b>344</b>	<b>357</b>

The relationship between these expenditure figures and the figures shown in the accounts is:

Fund expenditure	144,814	135,895
Net movement in non-cash and creditor items	(15,598)	12,525
<b>Operating costs (including PDSO capital purchases)</b>	<b>129,216</b>	<b>148,420</b>
Fund cash receipts	9,668	8,540
Non-cash adjustments to debtors	1,750	25
<b>Operating income</b>	<b>11,418</b>	<b>8,565</b>

INCOME AND EXPENDITURE ACCOUNT FOR THE SCOTTISH LEGAL AID FUND  
YEAR ENDED 31 MARCH 2003

	2002-2003 £'000	2001-2002 Reformatted £'000
<b>SCOTTISH LEGAL AID FUND</b>		
<b>Income</b>		
Grant income	135,534	124,100
Movement in accrued grant income	(15,705)	16,104
Operating income	11,418	8,565
	<b>131,247</b>	<b>148,769</b>
<b>Expenditure</b>		
Operating costs	129,216	148,420
Bad debt (net of movement in provision)	(507)	266
	<b>128,709</b>	<b>148,686</b>
<b>Surplus before interest</b>	<b>2,538</b>	<b>83</b>
Interest receivable	17	19
Interest on capital (notional)	(2)	(2)
<b>Surplus after interest</b>	<b>2,553</b>	<b>100</b>
Add back notional charges	2	2
<b>Surplus on operations, excluding notional charges transferred to General Fund</b>	<b>2,555</b>	<b>102</b>

BALANCE SHEET FOR THE SCOTTISH LEGAL AID FUND  
YEAR ENDED 31 MARCH 2003

	2002-2003 £'000	2001-2002 Reformatted £'000
<b>SCOTTISH LEGAL AID FUND</b>		
<b>Fixed assets</b>		
Tangible assets	9	17
<b>Current assets</b>		
Debtors	66,662	80,142
Cash at bank and in hand	7,352	8,097
	74,014	88,239
<b>Current liabilities</b>		
Creditors	(67,167)	(83,956)
<b>Net current assets</b>	<b>6,847</b>	<b>4,283</b>
<b>Net assets</b>	<b>6,856</b>	<b>4,300</b>
<b>Financed by:</b>		
General Fund	6,855	4,300
Revaluation reserve	1	-
	<b>6,856</b>	<b>4,300</b>

## Lindsay Montgomery

Chief Executive

8 July 2003

## INCOME AND EXPENDITURE ACCOUNT FOR THE SCOTTISH LEGAL AID BOARD GRANT-IN-AID YEAR ENDED 31 MARCH 2003

SCOTTISH LEGAL AID BOARD	2002-2003	2001-2002 Reformatted
	£'000	£'000
<b>Income</b>		
Grant-in-Aid	9,283	9,158
Pension receipts	250	180
Amortisation of government grant	300	174
	<b>9,833</b>	<b>9,512</b>
<b>Expenditure</b>		
Staff costs	(6,276)	(5,896)
Operating costs	(2,646)	(2,717)
Depreciation	(389)	(305)
Permanent diminution in value of fixed assets	(51)	(368)
<b>Total expenditure</b>	<b>(9,362)</b>	<b>(9,286)</b>
<b>Surplus before interest</b>	<b>471</b>	<b>266</b>
Interest received	6	6
Interest on capital (notional)	(97)	(95)
<b>Surplus before pension costs</b>	<b>380</b>	<b>137</b>
Pension costs	(404)	(426)
<b>Deficit after pension costs</b>	<b>(24)</b>	<b>(289)</b>
Add back notional charges	97	95
<b>Surplus/(deficit) on operations, excluding notional charges and including pension costs transferred to General Fund</b>	<b>73</b>	<b>(194)</b>

## BALANCE SHEET FOR THE SCOTTISH LEGAL AID BOARD GRANT-IN-AID YEAR ENDED 31 MARCH 2003

SCOTTISH LEGAL AID BOARD	2002-2003	2001-2002 Reformatted
	£'000	£'000
<b>Fixed assets</b>		
Tangible assets	1,497	968
Intangible fixed assets	134	117
	<b>1,631</b>	<b>1,085</b>
<b>Current assets</b>		
Stock	28	31
Debtors	270	229
Cash at bank and in hand	216	324
	<b>514</b>	<b>584</b>
<b>Creditors</b>		
Amounts falling due within one year	(96)	(189)
<b>Net current assets</b>	<b>418</b>	<b>395</b>
<b>Total assets less current liabilities</b>	<b>2,049</b>	<b>1,480</b>
Deferred income	(130)	(182)
<b>Net assets</b>	<b>1,919</b>	<b>1,298</b>
<b>Financed by:</b>		
Government grant	1,299	765
<b>Reserves:</b>		
General Fund	605	532
Revaluation reserve	15	1
	<b>1,919</b>	<b>1,298</b>

**Lindsay Montgomery**  
Chief Executive  
8 July 2003

## KEY STATISTICS 1994-2003

### NUMBER OF APPLICATIONS TO THE BOARD

	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003
Summary criminal	66,529	71,401	74,516	69,806	68,434	64,156	64,818	69,137	76,527	79,927
Civil	32,470	30,597	30,335	28,733	26,043	23,890	23,106	21,018	19,994	19,151
Advice and assistance intimations	289,261	302,695	311,167	305,504	321,452	311,187	319,080	329,412	331,890	317,042
<b>TOTAL</b>	<b>388,260</b>	<b>404,693</b>	<b>416,018</b>	<b>404,043</b>	<b>415,929</b>	<b>399,233</b>	<b>407,004</b>	<b>419,567</b>	<b>428,411</b>	<b>416,120</b>

### NUMBER OF GRANTS OF LEGAL ASSISTANCE

	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003
Criminal (Board granted)	61,314	67,020	67,382	61,836	59,644	58,534	59,188	62,801	70,832	73,767
Criminal (court granted)	12,426	11,890	11,560	11,491	11,622	12,588	10,705	10,331	10,983	12,148
Civil	23,715	22,088	20,064	19,797	17,405	15,661	14,551	13,577	11,167	13,480
Advice and assistance	289,261	302,695	311,167	305,504	321,452	311,187	319,080	329,412	331,890	317,042
Children (including appeals)	2,534	3,011	2,680	2,336	2,586	2,511	2,833	2,841	2,853	3,118
Contempt of court	125	102	144	216	165	162	167	165	148	239
<b>TOTAL</b>	<b>389,375</b>	<b>406,806</b>	<b>412,997</b>	<b>401,180</b>	<b>412,874</b>	<b>400,643</b>	<b>404,266</b>	<b>419,127</b>	<b>427,873</b>	<b>419,794</b>

### NUMBER OF CASES PAID

	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003
Criminal	81,342	78,537	76,831	78,927	75,620	69,898	67,092	74,801	78,050	83,159
Civil	27,482	25,713	22,605	22,146	20,365	18,194	15,772	14,339	12,903	11,994
Advice and assistance	260,244	267,416	271,480	272,000	271,663	276,165	277,340	288,029	276,122	283,736
Children	1,850	2,390	2,336	2,026	1,870	1,957	1,897	2,375	2,080	2,307
Contempt of court	123	95	91	105	132	98	161	153	131	195
<b>TOTAL</b>	<b>371,041</b>	<b>374,151</b>	<b>373,343</b>	<b>375,204</b>	<b>369,650</b>	<b>366,312</b>	<b>362,262</b>	<b>379,697</b>	<b>369,286</b>	<b>381,391</b>

### AVERAGE CASE COST (£)

	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003
Criminal	882	958	957	1,000	1,073	1,066	1,022	906	938	956
Civil	1,011	1,176	1,425	1,583	1,685	1,764	1,918	2,005	2,197	2,257
Advice and assistance	87	90	92	97	99	103	102	105	110	118
Children	621	665	717	871	876	878	909	1,053	1,359	1,455
Contempt of court	281	257	221	252	237	286	193	268	302	302

### TOTAL SPEND (£'000)

	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003
Criminal	72,751	76,167	74,385	79,837	82,054	75,420	69,438	68,584	74,026	80,395
Civil	27,771	30,233	32,210	35,064	34,311	32,093	30,246	28,755	28,347	27,071
Advice and assistance	22,713	24,038	25,070	26,458	27,005	28,460	28,287	30,199	30,279	33,557
Children	1,149	1,590	1,675	1,764	1,639	1,719	1,725	2,501	2,827	3,357
Contempt of court	35	24	20	26	31	28	31	41	40	59
Miscellaneous payments	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	12	56
PDSO	N/A	N/A	N/A	N/A	25	405	430	390	364	319
<b>TOTAL</b>	<b>124,419</b>	<b>132,052</b>	<b>133,360</b>	<b>143,149</b>	<b>145,065</b>	<b>138,125</b>	<b>130,157</b>	<b>130,470</b>	<b>135,895</b>	<b>144,814</b>

### TOTAL PAYMENTS FOR ADMINISTRATION AND FUND (£'000)

	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003
Administration	8,045	7,657	7,487	7,166	7,718	7,564	8,533	9,123	9,518	10,475
Fund	124,418	132,052	133,360	143,149	145,065	138,125	130,157	130,470	135,895	144,814

#### NOTE

1. Payments include VAT.

...MUCH MORE TO COME

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