

## 4. Criminal legal assistance

### Section notes

1. Sheriff court includes cases heard by stipendiary magistrates in the JP court. The term JP courts includes those District courts not yet replaced by JP courts.
2. 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.
3. In tables 4.14, 4.16 and 4.17 summary criminal means summary criminal applications received and decisions made by the Board.
4. Unless otherwise stated, the 2010-2011 figures for accounts paid include VAT and were prepared on a cash basis.
5. In tables showing accounts paid, unless otherwise stated, outlays include all payments other than fees paid to solicitors and advocates - for example, expert witnesses.

### 4.1 Intimations of criminal advice and assistance by subject matter

| Subject matter                                  | 2010-2011     | 2009-2010     |
|---|---------------|---------------|
| Appeals   | 295           | 340           |
| Assault   | 3,430         | 2,851         |
| Bail (including breach of bail)                 | 557           | 624           |
| Breach proceedings                              | 393           | 466           |
| Criminal Law (Consolidation) (Scotland) Act     | 109           | 1             |
| Drugs   | 1,578         | 1,488         |
| Embezzlement/fraud                              | 568           | 572           |
| Extradition                                     | 18            | 17            |
| Means enquiries/fines                           | 5,469         | 5,575         |
| Murder/attempted murder/culpable homicide       | 269           | 170           |
| Offensive weapons/vandalism/breach of the peace | 2,856         | 3,768         |
| Road traffic                                    | 3,726         | 4,142         |
| Sexual offences                                 | 710           | 403           |
| Theft/housebreaking/robbery                     | 2,886         | 2,457         |
| Other   | 4,681         | 4,990         |
| <b>Total</b>                                    | <b>27,545</b> | <b>27,864</b> |

### 4.2 Intimations of criminal ABWOR by subject matter

| Subject matter                                  | 2010-2011     | 2009-2010     |
|---|---------------|---------------|
| Assault   | 2971          | 3,050         |
| Bail (including breach of bail)                 | 4135          | 4,139         |
| Breach proceedings                              | 8005          | 8,946         |
| Criminal Law (Consolidation) (Scotland) Act     | 270           | 0             |
| Drugs   | 2808          | 3,122         |
| Embezzlement/fraud                              | 596           | 635           |
| Offensive weapons/vandalism/breach of the peace | 5581          | 7,327         |
| Road traffic                                    | 5,407         | 6,541         |
| Sexual offences                                 | 125           | 148           |
| Theft/housebreaking/robbery                     | 8,249         | 8,712         |
| Other   | 4,706         | 4,522         |
| <b>Total</b>                                    | <b>42,853</b> | <b>47,142</b> |

**4.3 Increases in limit of authorised expenditure of criminal advice and assistance**

|   | Applications for increase |               | Increases granted |               | Increases refused |              |
|---|---------------------------|---------------|-------------------|---------------|-------------------|--------------|
|   | 2010-2011                 | 2009-2010     | 2010-2011         | 2009-2010     | 2010-2011         | 2009-2010    |
| Templated criminal advice and assistance              | 26                        | 138           | 19                | 116           | 6                 | 19           |
| Non-templated criminal advice and assistance          | 4,762                     | 4,366         | 3,713             | 3,489         | 1,016             | 826          |
| Templated ABWOR                                       | 17,825                    | 14,362        | 17,787            | 14,287        | 22                | 80           |
| Non-templated ABWOR                                   | 12,022                    | 13,126        | 11,151            | 12,361        | 827               | 672          |
| <b>Total criminal advice and assistance and ABWOR</b> | <b>34,635</b>             | <b>31,992</b> | <b>32,670</b>     | <b>30,253</b> | <b>1,871</b>      | <b>1,597</b> |

**Note**

1. These figures include decisions at first instance and decisions after reconsideration.

**4.4 Applications to the Board for summary criminal legal aid**

| Offence   | JP court     |               | Sheriff court |               | Total         |               |
|---|--------------|---------------|---------------|---------------|---------------|---------------|
|   | 2010-2011    | 2009-2010     | 2010-2011     | 2009-2010     | 2010-2011     | 2009-2010     |
| Assault   | 1,536        | 1,805         | 17,873        | 18,700        | 19,409        | 20,505        |
| Bail (including breach of bail)                 | 74           | 56            | 1,535         | 1,465         | 1,609         | 1,521         |
| Drugs   | 491          | 426           | 3,950         | 3,717         | 4,441         | 4,143         |
| Embezzlement/fraud                              | 100          | 91            | 754           | 799           | 854           | 890           |
| Extradition                                     | 0            | 0             | 68            | 60            | 68            | 60            |
| Offensive weapons/vandalism/breach of the peace | 1,834        | 2,407         | 8,922         | 10,716        | 10,756        | 13,123        |
| Road traffic                                    | 3,078        | 2,960         | 4,336         | 4,839         | 7,414         | 7,799         |
| Sexual offences                                 | 12           | 10            | 322           | 329           | 334           | 339           |
| Theft/housebreaking/robbery                     | 1,772        | 1,781         | 6,309         | 6,030         | 8,081         | 7,811         |
| Other   | 903          | 786           | 5,290         | 4,079         | 6,193         | 4,865         |
| <b>Total</b>                                    | <b>9,800</b> | <b>10,322</b> | <b>49,359</b> | <b>50,734</b> | <b>59,159</b> | <b>61,056</b> |

**4.5 Grants by the Board of summary criminal legal aid**

| Offence   | JP court     |              | Sheriff court |               | Total         |               |
|---|--------------|--------------|---------------|---------------|---------------|---------------|
|   | 2010-2011    | 2009-2010    | 2010-2011     | 2009-2010     | 2010-2011     | 2009-2010     |
| Assault   | 1,357        | 1,673        | 15,727        | 17,560        | 17,084        | 19,233        |
| Bail (including breach of bail)                 | 50           | 46           | 1,371         | 1,357         | 1,421         | 1,403         |
| Drugs   | 416          | 398          | 3,527         | 3,547         | 3,943         | 3,945         |
| Embezzlement/fraud                              | 87           | 73           | 652           | 756           | 739           | 829           |
| Extradition                                     | 0            | 0            | 64            | 51            | 64            | 51            |
| Offensive weapons/vandalism/breach of the peace | 1,650        | 2,246        | 8,044         | 10,224        | 9,694         | 12,470        |
| Road traffic                                    | 1,442        | 1,567        | 3,509         | 4,245         | 4,951         | 5,812         |
| Sexual offences                                 | 6            | 5            | 278           | 295           | 284           | 300           |
| Theft/housebreaking/robbery                     | 1,585        | 1,660        | 5,705         | 5,834         | 7,290         | 7,494         |
| Other   | 604          | 498          | 4,529         | 3,775         | 5,133         | 4,273         |
| <b>Total</b>                                    | <b>7,197</b> | <b>8,166</b> | <b>43,406</b> | <b>47,644</b> | <b>50,603</b> | <b>55,810</b> |

**Note**

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

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

| Reason                          | JP court     |              | Sheriff court |              | Total        |              |
|---------------------------------|--------------|--------------|---------------|--------------|--------------|--------------|
|                                 | 2010-2011    | 2009-2010    | 2010-2011     | 2009-2010    | 2010-2011    | 2009-2010    |
| Not in the interests of justice | 2,060        | 2,152        | 512           | 557          | 2,572        | 2,709        |
| Means                           | 276          | 266          | 1,672         | 1,606        | 1,948        | 1,872        |
| Other rights and facilities     | 0            | 1            | 0             | 0            | 0            | 1            |
| Non-timeous                     | 8            | 5            | 4             | 4            | 12           | 9            |
| Abandoned                       | 0            | 0            | 0             | 0            | 0            | 0            |
| Lack of information             | 3            | 3            | 0             | 0            | 3            | 3            |
| <b>Total</b>                    | <b>2,347</b> | <b>2,427</b> | <b>2,188</b>  | <b>2,167</b> | <b>4,535</b> | <b>4,594</b> |

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

| Offence   | 2010-2011             |                      |                      | 2009-2010             |                      |                      |
|---|-----------------------|----------------------|----------------------|-----------------------|----------------------|----------------------|
|   | Applications received | Applications granted | Applications refused | Applications received | Applications granted | Applications refused |
| Assault   | 548                   | 257                  | 209                  | 527                   | 210                  | 255                  |
| Bail (including breach of bail)                 | 47                    | 28                   | 11                   | 34                    | 28                   | 4                    |
| Drugs   | 107                   | 55                   | 34                   | 115                   | 77                   | 30                   |
| Embezzlement/fraud                              | 41                    | 17                   | 20                   | 27                    | 14                   | 9                    |
| Extradition                                     | 1                     | 1                    | 0                    | 0                     | 0                    | 0                    |
| Offensive weapons/vandalism/breach of the peace | 346                   | 199                  | 105                  | 433                   | 276                  | 125                  |
| Road traffic                                    | 1,116                 | 303                  | 757                  | 1,013                 | 367                  | 595                  |
| Sexual offences                                 | 12                    | 3                    | 8                    | 19                    | 10                   | 9                    |
| Theft/housebreaking/robbery                     | 162                   | 118                  | 27                   | 160                   | 119                  | 34                   |
| Other   | 397                   | 180                  | 181                  | 333                   | 176                  | 137                  |
| <b>Total</b>                                    | <b>2,777</b>          | <b>1,161</b>         | <b>1,352</b>         | <b>2,661</b>          | <b>1,277</b>         | <b>1,198</b>         |

**Note**

1. Figures for 2009-2010 have been restated.

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

| Total        | Total     |           |
|--------------|-----------|-----------|
|              | 2010-2011 | 2009-2010 |
| <b>Total</b> | <b>30</b> | <b>72</b> |

**Note**

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

**4.9 Intimations of automatic legal aid for other courts and under section 22(1)(da-dd)**

| Type of intimation   | 2010-2011    | 2009-2010    |
|--|--------------|--------------|
| Glasgow domestic abuse court   | 989          | 1,072        |
| Glasgow, Kirkcaldy and Dunfermline drug courts                           | 54           | 83           |
| Hamilton and Airdrie youth court   | 104          | 140          |
| Granted under section 22 (1)(da-dd) of the Legal Aid (Scotland) Act 1986 | 26           | 25           |
| <b>Total</b>   | <b>1,173</b> | <b>1,320</b> |

## 4.10 Grants of legal aid in solemn proceedings

| Solemn Grants              | Sheriff court |              | High Court |           | Total        |              |
|----------------------------|---------------|--------------|------------|-----------|--------------|--------------|
|                            | 2010-2011     | 2009-2010    | 2010-2011  | 2009-2010 | 2010-2011    | 2009-2010    |
| Court Granted Solemn       | 8,117         | 12,041       | 14         | 25        | 8,131        | 12,066       |
| Solemn Received by Board   | 4,197         | 0            | 82         | 0         | 4,279        | 0            |
| Solemn Granted by Board    | 3,526         | 0            | 67         | 0         | 3,593        | 0            |
| <b>Total Solemn Grants</b> | <b>11643</b>  | <b>12041</b> | <b>81</b>  | <b>25</b> | <b>11724</b> | <b>12066</b> |

**Note**

1. SLAB took on the responsibility for granting legal aid in Solemn cases on 25th November 2010. Due to this the financial year 2010-11 contains both court and board granted Solemn legal aid.

## 4.11 Grants of legal aid in solemn proceedings by offence type

| Offence   | Sheriff court |               | High Court |           | Total         |               |
|---|---------------|---------------|------------|-----------|---------------|---------------|
|   | 2010-2011     | 2009-2010     | 2010-2011  | 2009-2010 | 2010-2011     | 2009-2010     |
| Assault   | 4,562         | 4,692         | 13         | 7         | 4,575         | 4,699         |
| Bail (including breach of bail)                 | 120           | 151           | 2          | 0         | 122           | 151           |
| Drugs   | 2,225         | 2,411         | 12         | 8         | 2,237         | 2,419         |
| Embezzlement/fraud                              | 184           | 229           | 2          | 1         | 186           | 230           |
| Murder/attempted murder/culpable homicide       | 565           | 622           | 21         | 2         | 586           | 624           |
| Offensive weapons/vandalism/breach of the peace | 864           | 924           | 6          | 1         | 870           | 925           |
| Road traffic                                    | 97            | 112           | 1          | 0         | 98            | 112           |
| Sexual offences                                 | 546           | 623           | 12         | 1         | 558           | 624           |
| Theft/housebreaking/robbery                     | 1,330         | 1,250         | 3          | 1         | 1,333         | 1,251         |
| Other   | 1,150         | 1,027         | 9          | 4         | 1,159         | 1,031         |
| <b>Total</b>                                    | <b>11,643</b> | <b>12,041</b> | <b>81</b>  | <b>25</b> | <b>11,724</b> | <b>12,066</b> |

## 4.12 Criminal appeals - applications

|                                   | Applications received | Applications granted | Applications refused |
|-----------------------------------|-----------------------|----------------------|----------------------|
| <b>Leave to appeal</b>            |                       |                      |                      |
| - against conviction              | 213                   | 194                  | 0                    |
| - against conviction and sentence | 227                   | 205                  | 2                    |
| - against sentence only           | 1,380                 | 1,310                | 11                   |
| <b>Total leave to appeal</b>      | <b>1,820</b>          | <b>1,709</b>         | <b>13</b>            |
| <b>Total other appeals</b>        | <b>92</b>             | <b>53</b>            | <b>6</b>             |
| <b>Total 2010-2011</b>            | <b>1,912</b>          | <b>1,762</b>         | <b>19</b>            |
| <b>Total 2009-2010</b>            | <b>2,042</b>          | <b>1,891</b>         | <b>15</b>            |

**Note**

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

**4.13 Sanctions in criminal legal aid cases**

|  | Applications received | Applications part-granted | Applications granted | Applications refused |
|--|-----------------------|---------------------------|----------------------|----------------------|
| <b>Summary criminal and section 23(1)(b)</b>       |                       |                           |                      |                      |
| - expert witness                                   | 1,991                 | 37                        | 1,719                | 101                  |
| - unusual expenditure                              | 107                   | 2                         | 30                   | 67                   |
| - counsel (advocates and solicitor advocates)      | 176                   | 9                         | 69                   | 92                   |
| <b>Total summary criminal and section 23(1)(b)</b> | <b>2,274</b>          | <b>48</b>                 | <b>1,818</b>         | <b>260</b>           |
| <b>Solemn criminal</b>                             |                       |                           |                      |                      |
| - expert witness                                   | 3,054                 | 87                        | 2,688                | 111                  |
| - unusual expenditure                              | 455                   | 22                        | 196                  | 201                  |
| - counsel  | 2,834                 | 102                       | 2,081                | 473                  |
| <b>Total solemn criminal</b>                       | <b>6,343</b>          | <b>211</b>                | <b>4,965</b>         | <b>785</b>           |
| <b>Criminal appeals</b>                            |                       |                           |                      |                      |
| - expert witness                                   | 93                    | 1                         | 53                   | 8                    |
| - unusual work                                     | 64                    | 1                         | 19                   | 17                   |
| - counsel  | 154                   | 13                        | 80                   | 14                   |
| <b>Total criminal appeals</b>                      | <b>311</b>            | <b>15</b>                 | <b>152</b>           | <b>39</b>            |
| <b>Total 2010-2011</b>                             | <b>8,928</b>          | <b>274</b>                | <b>6,935</b>         | <b>1,084</b>         |
| Total 2009-2010                                    | 9,118                 | 317                       | 6,933                | 1,001                |

**4.14 Applications for exceptional status in fixed payment cases**

|                        | Applications received | Applications granted | Applications refused |
|------------------------|-----------------------|----------------------|----------------------|
| <b>Total 2010-2011</b> | <b>348</b>            | <b>201</b>           | <b>166</b>           |
| Total 2009-2010        | 368                   | 194                  | 178                  |

**4.15 Applications under regulation 15 of the Criminal Legal Aid (Scotland) Regulations 1996 (matters of special urgency)**

|                  | Applications granted |              |
|------------------|----------------------|--------------|
|                  | 2010-2011            | 2009-2010    |
| Summary criminal | 45                   | 52           |
| Criminal appeals | 1,737                | 1,828        |
| <b>Total</b>     | <b>1,782</b>         | <b>1,880</b> |

**4.16 Requests for change of solicitor in criminal legal aid cases**

|                               | Applications received | Applications granted | Applications refused |
|-------------------------------|-----------------------|----------------------|----------------------|
| Summary criminal              | 1,688                 | 1,465                | 159                  |
| Summary 23(1)(b) court grants | 0                     | 0                    | 0                    |
| Solemn court grants           | 1,402                 | 1,290                | 88                   |
| Criminal appeals              | 138                   | 89                   | 7                    |
| <b>Total 2010-2011</b>        | <b>3,228</b>          | <b>2,844</b>         | <b>254</b>           |
| Total 2009-2010               | 3,410                 | 2,913                | 244                  |

**Criminal legal assistance expenditure****4.17 Accounts paid and average case costs - criminal advice and assistance and ABWOR**

| Subject Matter  | Number of cases | Solicitor     | Solicitor  | Counsel   | Total      | Total paid    | Total paid    | Average    | Average    |
|---|-----------------|---------------|------------|-----------|------------|---------------|---------------|------------|------------|
|   |                 | outlays       | outlays    | outlays   | outlays    | 2010-2011     | 2009-2010     | case cost  | case cost  |
|   |                 | £000          | £000       | £000      | £000       | £000          | £000          | £          | £          |
| <b>Criminal advice and assistance</b>                           |                 |               |            |           |            |               |               |            |            |
| Assault   | 1,586           | 99            | 6          | 0         | 6          | 105           | 100           | 66         | 57         |
| Bail (including breach of bail)                                 | 292             | 11            | 0          | 0         | 0          | 11            | 22            | 39         | 43         |
| Breach proceedings/no summary complaint                         | 184             | 11            | 0          | 0         | 0          | 11            | 19            | 59         | 53         |
| Criminal Appeals  | 222             | 33            | 6          | (0)       | 6          | 39            | 37            | 176        | 109        |
| Criminal Law (Consolidation) (Scotland) Act                     | 25              | 1             | 0          | 0         | 0          | 1             | 1             | 44         | 42         |
| Criminal Procedure (Scotland) Act                               | 10              | 0             | 0          | 0         | 0          | 0             | 3             | 39         | 90         |
| Drugs   | 845             | 50            | 3          | 0         | 3          | 54            | 60            | 63         | 58         |
| Embezzlement/fraud  | 353             | 19            | 1          | 0         | 1          | 20            | 20            | 56         | 57         |
| Extradition   | 9               | 1             | 0          | 0         | 0          | 1             | 1             | 99         | 122        |
| Means enquiries/fines   | 4,801           | 146           | 2          | 0         | 2          | 147           | 155           | 31         | 31         |
| Murder/attempted murder/culpable homicide                       | 171             | 26            | 2          | 0         | 2          | 28            | 24            | 163        | 154        |
| Offensive weapons/vandalism/breach of the peace                 | 1,694           | 82            | 3          | 0         | 3          | 85            | 119           | 50         | 48         |
| Road traffic  | 2,439           | 137           | 2          | 0         | 2          | 139           | 165           | 57         | 59         |
| Sexual offences   | 360             | 32            | 1          | 0         | 1          | 33            | 23            | 93         | 77         |
| Theft/housebreaking/robbery                                     | 1,399           | 73            | 3          | 0         | 3          | 76            | 91            | 54         | 54         |
| Other   | 3,233           | 204           | 23         | 0         | 23         | 227           | 244           | 70         | 60         |
| <b>Total criminal advice and assistance</b>                     | <b>17,623</b>   | <b>924</b>    | <b>53</b>  | <b>1</b>  | <b>53</b>  | <b>977</b>    | <b>1,083</b>  | <b>55</b>  | <b>52</b>  |
| <b>Criminal ABWOR</b>   |                 |               |            |           |            |               |               |            |            |
| Assault   | 2,693           | 1,606         | 11         | 1         | 12         | 1,617         | 1,634         | 600        | 569        |
| Bail (including breach of bail)                                 | 3,641           | 1,558         | 10         | 1         | 11         | 1,569         | 1,436         | 431        | 400        |
| Breach proceedings/no summary complaint                         | 7,358           | 2,224         | 91         | 22        | 112        | 2,336         | 2,224         | 317        | 272        |
| Criminal Law (Consolidation) (Scotland) Act                     | 164             | 93            | 0          | 0         | 0          | 93            | 2             | 570        | 265        |
| Criminal Procedure (Scotland) Act                               | 4               | 1             | 0          | 0         | 0          | 1             | 12            | 189        | 690        |
| Drugs   | 2,806           | 1,620         | 7          | 0         | 8          | 1,628         | 1,544         | 580        | 544        |
| Embezzlement/fraud  | 560             | 326           | 4          | 0         | 4          | 330           | 320           | 590        | 562        |
| Offensive weapons/vandalism/breach of the peace                 | 5,690           | 3,340         | 22         | 2         | 24         | 3,364         | 3,895         | 591        | 551        |
| Road traffic  | 5,116           | 2,046         | 31         | 2         | 34         | 2,079         | 2,489         | 406        | 410        |
| Sexual offences   | 118             | 71            | 2          | 1         | 2          | 73            | 80            | 618        | 578        |
| Theft/housebreaking/robbery                                     | 8,091           | 4,880         | 19         | 2         | 21         | 4,900         | 4,490         | 606        | 545        |
| Other   | 4,050           | 1,973         | 103        | 49        | 152        | 2,125         | 1,942         | 525        | 512        |
| <b>Total criminal ABWOR</b>                                     | <b>40,291</b>   | <b>19,736</b> | <b>300</b> | <b>80</b> | <b>380</b> | <b>20,116</b> | <b>20,068</b> | <b>499</b> | <b>463</b> |
| <b>Total criminal advice and assistance and ABWOR 2010-2011</b> | <b>57,914</b>   | <b>20,661</b> | <b>353</b> | <b>80</b> | <b>433</b> | <b>21,094</b> | <b>-</b>      | <b>364</b> | <b>-</b>   |
| <b>Total criminal advice and assistance and ABWOR 2009-2010</b> | <b>64,270</b>   | <b>20,742</b> | <b>339</b> | <b>71</b> | <b>409</b> | <b>-</b>      | <b>21,151</b> | <b>-</b>   | <b>329</b> |

**Note**

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

## 4.18 Duty solicitor - accounts

|                 | Duty solicitor     |                          | PDSO as duty solicitor      |                          |
|-----------------|--------------------|--------------------------|-----------------------------|--------------------------|
|                 | Total paid<br>£000 | number of<br>appearances | Cost per<br>appearance<br>£ | Number of<br>appearances |
| Total 2010-2011 | 1,312              | 17,104                   | 77                          | 1,168                    |
| Total 2009-2010 | 1,444              | 19,821                   | 73                          | 1,215                    |

## Note

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

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

| Proceedings  | Number<br>of cases | Solicitor<br>£000 | Advocate<br>£000 | Solicitor<br>advocate<br>£000 | Outlays<br>£000 | Total paid<br>2010-2011<br>£000 | Total paid<br>2009-2010<br>£000 | Average<br>case cost<br>2010-2011<br>£ | Average<br>case cost<br>2009-2010<br>£ |
|--|--------------------|-------------------|------------------|-------------------------------|-----------------|---------------------------------|---------------------------------|--|--|
| <b>Summary criminal legal aid</b>                                    |                    |                   |                  |                               |                 |                                 |                                 |  |  |
| JP court   | 8,104              | 3,164             | 1                | 1                             | 109             | 3,275                           | 2,745                           | 404                                    | 403                                    |
| Sheriff court  | 45,936             | 30,229            | 308              | 30                            | 1,466           | 32,033                          | 28,919                          | 697                                    | 681                                    |
| <b>Total summary criminal legal aid 2010-2011</b>                    | <b>54,040</b>      | <b>33,393</b>     | <b>309</b>       | <b>32</b>                     | <b>1,575</b>    | <b>35,309</b>                   | -                               | <b>653</b>                             | -                                      |
| Total summary criminal legal aid 2009-2010                           | 49,298             | 30,232            | 106              | 26                            | 1,301           | -                               | 31,665                          | -                                      | 642                                    |
| <b>Solemn criminal legal aid (excluding appeals)</b>                 |                    |                   |                  |                               |                 |                                 |                                 |  |  |
| Sheriff court  | 10,608             | 17,666            | 2,061            | 92                            | 2,046           | 21,866                          | 21,054                          | 2,061                                  | 1,893                                  |
| High Court   | 1,028              | 7,558             | 7,212            | 2,574                         | 1,601           | 18,945                          | 18,028                          | 18,429                                 | 16,169                                 |
| <b>Total solemn criminal legal aid (excluding appeals) 2010-2011</b> | <b>11,636</b>      | <b>25,224</b>     | <b>9,273</b>     | <b>2,666</b>                  | <b>3,648</b>    | <b>40,812</b>                   | -                               | <b>3,507</b>                           | -                                      |
| Total solemn criminal legal aid (excluding appeals) 2009-2010        | 12,236             | 24,799            | 8,366            | 2,311                         | 3,607           | -                               | 39,082                          | -                                      | 3,194                                  |
| <b>Appeals criminal legal aid 2010-2011</b>                          | <b>1,996</b>       | <b>1,756</b>      | <b>1,480</b>     | <b>557</b>                    | <b>366</b>      | <b>4,160</b>                    | -                               | <b>2,084</b>                           | -                                      |
| Appeals criminal legal aid 2009-2010                                 | 1,883              | 1,541             | 1,075            | 373                           | 334             | -                               | 3,323                           | -                                      | 1,765                                  |
| <b>Total all proceedings 2010-2011</b>                               | <b>67,672</b>      | <b>60,373</b>     | <b>11,063</b>    | <b>3,255</b>                  | <b>5,589</b>    | <b>80,280</b>                   | -                               | <b>1,186</b>                           | -                                      |
| Total all proceedings 2009-2010                                      | 63,417             | 56,572            | 9,546            | 2,711                         | 5,241           | -                               | 74,070                          | -                                      | 1,168                                  |

## Notes

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

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

| Offence   | Number of cases | Solicitor<br>£000 | Advocate<br>£000    | Solicitor<br>advocate<br>£000 | Outlays<br>£000 | Total paid<br>2010-2011<br>£000 | Total paid<br>2009-2010<br>£000 | Average                     | Average                     |
|---|-----------------|-------------------|---------------------|-------------------------------|-----------------|---------------------------------|---------------------------------|-----------------------------|-----------------------------|
|   |                 |                   |                     |                               |                 |                                 |                                 | case cost<br>2010-2011<br>£ | case cost<br>2009-2010<br>£ |
| <b>JP court</b>                                 |                 |                   |                     |                               |                 |                                 |                                 |                             |                             |
| Assault   | 1,570           | 624               | 0                   | 0                             | 26              | 650                             | 549                             | 414                         | 413                         |
| Bail (including breach of bail)                 | 50              | 17                | 0                   | 0                             | 0               | 17                              | 18                              | 338                         | 346                         |
| Breach proceedings                              | 6               | 2                 | 0                   | 0                             | 0               | 2                               | 0                               | 387                         | 370                         |
| Drugs   | 425             | 164               | 0                   | 0                             | 2               | 167                             | 118                             | 392                         | 395                         |
| Embezzlement/fraud                              | 97              | 37                | 0                   | 0                             | 0               | 38                              | 26                              | 389                         | 393                         |
| Offensive weapons/vandalism/breach of the peace | 2,094           | 818               | 1                   | 0                             | 20              | 839                             | 843                             | 401                         | 402                         |
| Road traffic                                    | 1,612           | 633               | 0                   | 1                             | 47              | 681                             | 505                             | 422                         | 416                         |
| Sexual offences                                 | 7               | 3                 | 0                   | 0                             | 0               | 3                               | 2                               | 393                         | 446                         |
| Theft/housebreaking/robbery                     | 1,681           | 650               | 0                   | 0                             | 9               | 659                             | 523                             | 392                         | 391                         |
| Other   | 562             | 216               | 0                   | 0                             | 5               | 221                             | 160                             | 393                         | 389                         |
| <b>Total</b>                                    | <b>8,104</b>    | <b>3,164</b>      | <b>1</b>            | <b>1</b>                      | <b>109</b>      | <b>3,275</b>                    | <b>2,745</b>                    | <b>404</b>                  | <b>403</b>                  |
| <b>Sheriff court</b>                            |                 |                   |                     |                               |                 |                                 |                                 |                             |                             |
| Assault   | 20,694          | 18,545            | 551                 | 26                            | 1,132           | 20,253                          | 17,450                          | 979                         | 961                         |
| Bail (including breach of bail)                 | 1,508           | 609               | 1                   | 2                             | 17              | 628                             | 792                             | 417                         | 469                         |
| Breach proceedings                              | 9               | 5                 | 0                   | 0                             | 0               | 5                               | 2                               | 555                         | 617                         |
| Drugs   | 5,500           | 5,849             | 272                 | 21                            | 706             | 6,848                           | 6,143                           | 1,245                       | 1,232                       |
| Embezzlement/fraud                              | 909             | 1,029             | 109                 | 1                             | 141             | 1,280                           | 1,354                           | 1,408                       | 1,745                       |
| Extradition                                     | 56              | 66                | 122                 | 0                             | 13              | 201                             | 38                              | 3,588                       | 2,737                       |
| Murder/attempted murder/culpable homicide       | 216             | 543               | 86                  | 4                             | 63              | 696                             | 964                             | 3,221                       | 3,381                       |
| Offensive weapons/vandalism/breach of the peace | 10,032          | 7,391             | 228                 | 14                            | 360             | 7,993                           | 9,042                           | 797                         | 751                         |
| Road traffic                                    | 3,993           | 2,672             | 39                  | 1                             | 351             | 3,063                           | 3,023                           | 767                         | 729                         |
| Sexual offences                                 | 672             | 1,061             | 329                 | 14                            | 160             | 1,564                           | 1,554                           | 2,327                       | 2,543                       |
| Theft/housebreaking/robbery                     | 7,006           | 5,614             | 132                 | 17                            | 186             | 5,950                           | 5,038                           | 849                         | 884                         |
| Other   | 5,949           | 4,510             | 502                 | 23                            | 384             | 5,419                           | 4,573                           | 911                         | 880                         |
| <b>Total</b>                                    | <b>56,544</b>   | <b>47,895</b>     | <b>2,370</b>        | <b>123</b>                    | <b>3,512</b>    | <b>53,900</b>                   | <b>49,973</b>                   | <b>953</b>                  | <b>932</b>                  |
| <b>High Court (excluding appeals)</b>           |                 |                   |                     |                               |                 |                                 |                                 |                             |                             |
| Assault   | 129             | 672               | 522                 | 197                           | 107             | 1,497                           | 1,688                           | 11,608                      | 11,889                      |
| Drugs   | 220             | 1,715             | 1,552               | 636                           | 251             | 4,153                           | 2,986                           | 18,878                      | 12,443                      |
| Embezzlement/fraud                              | 12              | 336               | 623                 | 9                             | 64              | 1,033                           | 288                             | 86,103                      | 144,049                     |
| Murder/attempted murder/culpable homicide       | 327             | 2,511             | 2,543               | 692                           | 566             | 6,313                           | 6,025                           | 19,306                      | 19,188                      |
| Offensive weapons/vandalism/breach of the peace | 25              | 139               | 136                 | 92                            | 18              | 385                             | 324                             | 15,407                      | 9,816                       |
| Road traffic                                    | 19              | 111               | 120                 | 20                            | 46              | 297                             | 273                             | 15,652                      | 13,656                      |
| Sexual offences                                 | 150             | 1,000             | 837                 | 561                           | 325             | 2,723                           | 3,509                           | 18,155                      | 16,953                      |
| Theft/housebreaking/robbery                     | 46              | 335               | 238                 | 271                           | 39              | 883                             | 630                             | 19,191                      | 9,266                       |
| Other   | 100             | 737               | 641                 | 96                            | 185             | 1,660                           | 2,305                           | 16,597                      | 25,895                      |
| <b>Total</b>                                    | <b>1,028</b>    | <b>7,558</b>      | <b>7,212,090.93</b> | <b>2,574</b>                  | <b>1,601</b>    | <b>18,945</b>                   | <b>18,028</b>                   | <b>18,429</b>               | <b>16,169</b>               |

Table 4.21 continued overleaf

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

| Offence   | Number of cases | Solicitor £000 | Advocate £000 | Solicitor advocate £000 | Outlays £000 | Total paid 2010-2011 £000 | Total paid 2009-2010 £000 | Average case cost 2010-2011 £ | Average case cost 2009-2010 £ |
|---|-----------------|----------------|---------------|-------------------------|--------------|---------------------------|---------------------------|-------------------------------|-------------------------------|
| <b>All courts</b>                               |                 |                |               |                         |              |                           |                           |                               |                               |
| Assault   | 22,393          | 19,841         | 1,072         | 223                     | 1,264        | 22,400                    | 19,687                    | 1,000                         | 1,003                         |
| Bail (including breach of bail)                 | 1,558           | 626            | 1             | 2                       | 17           | 645                       | 810                       | 414                           | 465                           |
| Breach proceedings                              | 15              | 7              | 0             | 0                       | 0            | 7                         | 2                         | 488                           | 555                           |
| Drugs   | 6,145           | 7,728          | 1,824         | 657                     | 959          | 11,168                    | 9,248                     | 1,817                         | 1,674                         |
| Embezzlement/fraud                              | 1,018           | 1,403          | 732           | 10                      | 206          | 2,351                     | 1,668                     | 2,309                         | 1,978                         |
| Extradition                                     | 56              | 65,664         | 122,236       | 377                     | 12,626       | 201                       | 38                        | 3,588                         | 2,737                         |
| Murder/attempted murder/culpable homicide       | 543             | 3,054          | 2,628         | 696                     | 630          | 7,009                     | 6,989                     | 12,908                        | 11,667                        |
| Offensive weapons/vandalism/breach of the peace | 12,151          | 8,349          | 365           | 106                     | 397          | 9,217                     | 10,209                    | 759                           | 721                           |
| Road traffic                                    | 5,624           | 3,417          | 158           | 23                      | 444          | 4,041                     | 3,802                     | 719                           | 706                           |
| Sexual offences                                 | 829             | 2,064          | 1,166         | 575                     | 485          | 4,290                     | 5,065                     | 5,175                         | 6,155                         |
| Theft/housebreaking/robbery                     | 8,733           | 6,599          | 371           | 288                     | 234          | 7,492                     | 6,191                     | 858                           | 880                           |
| Other   | 6,611           | 5,464          | 1,143         | 118                     | 574          | 7,299                     | 7,038                     | 1,104                         | 1,236                         |
| <b>Total all proceedings 2010-2011</b>          | <b>65,676</b>   | <b>58,617</b>  | <b>9,583</b>  | <b>2,698</b>            | <b>5,222</b> | <b>76,120</b>             | <b>-</b>                  | <b>1,159</b>                  | <b>-</b>                      |
| <b>Total all proceedings 2009-2010</b>          | <b>61,534</b>   | <b>55,031</b>  | <b>8,471</b>  | <b>2,337</b>            | <b>4,907</b> | <b>-</b>                  | <b>70,747</b>             | <b>-</b>                      | <b>1,150</b>                  |

Note

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

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

| Offence   | Number of cases | Current Year Cost <sup>1</sup> |               |                         |              | Actual Case Cost <sup>2</sup> |                           |                               |                               |                              |                              |
|---|-----------------|--------------------------------|---------------|-------------------------|--------------|-------------------------------|---------------------------|-------------------------------|-------------------------------|------------------------------|------------------------------|
|   |                 | Solicitor £000                 | Advocate £000 | Solicitor advocate £000 | Outlays £000 | Total paid 2010-2011 £000     | Total paid 2009-2010 £000 | Average case cost 2010-2011 £ | Average case cost 2009-2010 £ | Median case cost 2010-2011 £ | Median case cost 2009-2010 £ |
| <b>Sheriff court</b>                            |                 |                                |               |                         |              |                               |                           |                               |                               |                              |                              |
| Assault   | 4,011           | 7,439                          | 538           | 15                      | 698          | 8,690                         | 7,880                     | 2,166                         | 1,909                         | 1,956                        | 1,800                        |
| Bail (including breach of bail)                 | 56              | 30                             | 0             | 0                       | 2            | 32                            | 8                         | 576                           | 601                           | 579                          | 636                          |
| Drugs   | 1,965           | 3,511                          | 270           | 18                      | 530          | 4,330                         | 3,971                     | 2,203                         | 2,020                         | 1,868                        | 1,851                        |
| Embezzlement/fraud                              | 185             | 475                            | 106           | 0                       | 93           | 674                           | 894                       | 3,642                         | 4,654                         | 2,970                        | 4,196                        |
| Murder/attempted murder/culpable homicide       | 216             | 543                            | 85            | 4                       | 63           | 696                           | 955                       | 3,221                         | 3,486                         | 2,637                        | 2,922                        |
| Offensive weapons/vandalism/breach of the peace | 806             | 1,291                          | 203           | 8                       | 161          | 1,663                         | 1,597                     | 2,063                         | 1,549                         | 1,858                        | 1,482                        |
| Road traffic                                    | 78              | 130                            | 29            | 0                       | 25           | 185                           | 214                       | 2,366                         | 1,447                         | 2,223                        | 1,349                        |
| Sexual offences                                 | 394             | 835                            | 325           | 14                      | 138          | 1,311                         | 1,323                     | 3,327                         | 3,499                         | 3,174                        | 3,005                        |
| Theft/housebreaking/robbery                     | 1,072           | 1,705                          | 126           | 13                      | 117          | 1,961                         | 1,774                     | 1,829                         | 1,732                         | 1,734                        | 1,621                        |
| Other   | 1,825           | 1,708                          | 379           | 20                      | 220          | 2,326                         | 2,190                     | 1,275                         | 1,162                         | 1,150                        | 1,050                        |
| <b>Total</b>                                    | <b>10,608</b>   | <b>17,666</b>                  | <b>2,061</b>  | <b>92</b>               | <b>2,046</b> | <b>21,866</b>                 | <b>20,806</b>             | <b>2,061</b>                  | <b>1,885</b>                  | <b>1,842</b>                 | <b>1,738</b>                 |
| <b>High Court (excluding appeals)</b>           |                 |                                |               |                         |              |                               |                           |                               |                               |                              |                              |
| Assault   | 129             | 672                            | 522           | 197                     | 107          | 1,497                         | 1,482                     | 11,608                        | 9,563                         | 9,608                        | 8,283                        |
| Drugs   | 220             | 1,715                          | 1,552         | 636                     | 251          | 4,153                         | 3,056                     | 18,878                        | 11,619                        | 13,002                       | 8,946                        |
| Embezzlement/fraud                              | 12              | 336                            | 623           | 9                       | 64           | 1,033                         | 310                       | 86,103                        | 155,060                       | 87,372                       | 28,391                       |
| Murder/attempted murder/culpable homicide       | 327             | 2,511                          | 2,543         | 692                     | 566          | 6,313                         | 6,296                     | 19,306                        | 18,908                        | 16,612                       | 16,916                       |
| Offensive weapons/vandalism/breach of the peace | 25              | 139                            | 136           | 92                      | 18           | 385                           | 348                       | 15,407                        | 9,395                         | 10,570                       | 8,708                        |
| Road traffic                                    | 19              | 111                            | 120           | 20                      | 46           | 297                           | 272                       | 15,652                        | 11,821                        | 14,581                       | 11,253                       |
| Sexual offences                                 | 150             | 1,000                          | 837           | 561                     | 325          | 2,723                         | 3,605                     | 18,155                        | 16,612                        | 14,579                       | 15,257                       |
| Theft/housebreaking/robbery                     | 46              | 335                            | 238           | 271                     | 39           | 883                           | 646                       | 19,191                        | 8,849                         | 11,308                       | 7,847                        |
| Other   | 100             | 737                            | 641           | 96                      | 185          | 1,660                         | 2,222                     | 16,597                        | 23,896                        | 15,352                       | 17,866                       |
| <b>Total</b>                                    | <b>1,028</b>    | <b>7,558</b>                   | <b>7,212</b>  | <b>2,574</b>            | <b>1,601</b> | <b>18,945</b>                 | <b>18,237</b>             | <b>18,429</b>                 | <b>15,249</b>                 | <b>14,946</b>                | <b>12,919</b>                |

Table 4.22 continued overleaf

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

| Offence   | Number of cases | Current Year Cost <sup>1</sup> |               |                         |              |                           | Actual Case Cost <sup>2</sup> |                               |                               |                               |                               |                              |                              |
|---|-----------------|--------------------------------|---------------|-------------------------|--------------|---------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|------------------------------|------------------------------|
|   |                 | Solicitor £000                 | Advocate £000 | Solicitor advocate £000 | Outlays £000 | Total paid 2010-2011 £000 | Total paid 2009-2010 £000     | Average case cost 2010-2011 £ | Average case cost 2009-2010 £ | Average case cost 2010-2011 £ | Average case cost 2009-2010 £ | Median case cost 2010-2011 £ | Median case cost 2009-2010 £ |
| <b>All courts</b>                               |                 |                                |               |                         |              |                           |                               |                               |                               |                               |                               |                              |                              |
| Assault   | 4,140           | 8,110                          | 1,060         | 212                     | 805          | 10,187                    | 9,363                         | 2,461                         | 2,186                         | 2,194                         | 2,035                         | 1,392                        | 1,321                        |
| Bail (including breach of bail)                 | 56              | 30                             | 0             | 0                       | 2            | 32                        | 8                             | 576                           | 601                           | 579                           | 636                           | 406                          | 412                          |
| Drugs   | 2,185           | 5,226                          | 1,822         | 654                     | 781          | 8,483                     | 7,027                         | 3,882                         | 3,153                         | 2,989                         | 2,678                         | 1,355                        | 1,378                        |
| Embezzlement/fraud                              | 197             | 811                            | 729           | 10                      | 157          | 1,707                     | 1,204                         | 8,665                         | 6,204                         | 8,111                         | 4,446                         | 1,598                        | 1,453                        |
| Murder/attempted murder/culpable homicide       | 543             | 3,054                          | 2,628         | 696                     | 630          | 7,009                     | 7,251                         | 12,908                        | 11,946                        | 11,053                        | 10,599                        | 5,527                        | 5,092                        |
| Offensive weapons/vandalism/breach of the peace | 831             | 1,431                          | 339           | 100                     | 179          | 2,048                     | 1,945                         | 2,464                         | 1,821                         | 2,120                         | 1,746                         | 1,126                        | 1,132                        |
| Road traffic                                    | 97              | 241                            | 149           | 21                      | 71           | 482                       | 486                           | 4,968                         | 2,842                         | 4,644                         | 2,681                         | 1,501                        | 1,114                        |
| Sexual offences                                 | 544             | 1,835                          | 1,162         | 574                     | 463          | 4,034                     | 4,928                         | 7,416                         | 8,282                         | 6,319                         | 7,474                         | 2,191                        | 2,747                        |
| Theft/housebreaking/robbery                     | 1,118           | 2,040                          | 365           | 284                     | 155          | 2,844                     | 2,420                         | 2,544                         | 2,206                         | 2,128                         | 2,035                         | 1,287                        | 1,268                        |
| Other   | 1,925           | 2,446                          | 1,020         | 115                     | 405          | 3,986                     | 4,412                         | 2,071                         | 2,232                         | 1,888                         | 1,833                         | 373                          | 403                          |
| <b>Total all proceedings 2010-2011</b>          | <b>11,636</b>   | <b>25,224</b>                  | <b>9,273</b>  | <b>2,666</b>            | <b>3,648</b> | <b>40,812</b>             | <b>-</b>                      | <b>3,507</b>                  | <b>-</b>                      | <b>3,000</b>                  | <b>-</b>                      | <b>1,261</b>                 | <b>-</b>                     |
| <b>Total all proceedings 2009-2010</b>          | <b>12,235</b>   | <b>24,801</b>                  | <b>8,325</b>  | <b>2,311</b>            | <b>3,607</b> | <b>-</b>                  | <b>39,044</b>                 | <b>-</b>                      | <b>3,191</b>                  | <b>-</b>                      | <b>2,829</b>                  | <b>-</b>                     | <b>1,242</b>                 |

Note

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