
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

The Legal Aid and Advice and Assistance (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2020

Amendment of the Civil Legal Aid (Scotland) (Fees) Regulations 1989

2.—(1) Chapter II (Sheriff Court Civil Fees (Defended)) of Schedule 6 of the Civil Legal Aid (Scotland) (Fees) Regulations 1989⁽¹⁾ is amended as follows.

(2) For paragraph 24, substitute—

“**24.** Except as provided for by paragraph 25 or where otherwise prescribed, no fee is allowable unless the work for which the fee is payable has been completed in its entirety.”.

(3) After paragraph 24 insert—

“**25.—(1)** During the emergency period, where a solicitor submits a claim for payment in such form as the Board may require for work which has been commenced but not yet completed in its entirety, the Board may make payment to account of the amount of the fee which would be payable in accordance with the table in this chapter if that work had been completed in its entirety, subject to the following conditions:—

- (a) a payment made under this paragraph shall be an interim payment only and the fee payable to the solicitor, if any, in respect of the work to which such interim payment relates shall be assessed upon receipt of a claim by the solicitor for fees payable in accordance with this chapter;
- (b) when assessing the fee payable to a solicitor in respect of legal aid the Board may have regard to any interim payment, or payments, made under this paragraph in relation to the same matter and may reduce the amount of the fee payable to the solicitor accordingly;
- (c) where interim payment has been made in accordance with this paragraph but the payment made exceeds the fee payable to the solicitor in respect of the work carried out under this chapter, the excess shall be repaid by the solicitor to the Fund.

(2) For the purposes of this chapter “emergency period” is the period beginning on 1 July 2020 and ending on the date on which Part 9 of schedule 4 of the Coronavirus (Scotland) Act 2020⁽²⁾ expires in accordance with section 12 of that Act.”.

(1) S.I. 1989/1490, relevantly amended by S.S.I. 2003/178, S.S.I. 2007/14 and S.S.I. 2015/380.

(2) 2020 asp 7.