
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 179

**The Advice and Assistance (Assistance by Way
of Representation) (Scotland) Regulations 2003**

Summary criminal proceedings

6.—(1) The assistance by way of representation which may be provided under Part II of the Act in relation to summary criminal proceedings shall be representation of an accused person who is not in custody—

- (a) at any diet (other than a diet which has been preceded by a plea of not guilty) at which a plea to the competency or relevancy of the complaint or proceedings, or a plea in bar of trial, is tendered on the accused person's behalf, and thereafter until that plea has been determined by the court and any related appeal to the High Court of Justiciary under section 174(1) of the 1995 Act has been disposed of or withdrawn;
- (b) at any diet (other than a diet which has been preceded by a plea of not guilty) at which a question within the meaning of rule 31.1(1) of the Act of Adjournment (Criminal Procedure Rules) 1996⁽¹⁾ is raised and thereafter until that question has been determined by the court;
- (c) at any diet at which there is tendered, on behalf of an accused who has not previously tendered a plea of not guilty, a plea of guilty to the charges against the accused, or a plea of guilty to part thereof, which partial plea is accepted by the prosecutor, and thereafter until the case has been finally disposed of;
- (d) at any diet at which the court is considering the accused's plea of guilty to the charges and where there has been no change of plea, and thereafter until final disposal of the case;
- (e) at any diet at which the court is considering the accused's changed plea of guilty to the charges, provided that no application for criminal legal aid has been made, and thereafter until final disposal of the case; and
- (f) at any diet where the judge orders a proof in mitigation, and thereafter until final disposal of the case.

⁽¹⁾ S.I.1996/513; rule 31.1 was amended by S.I. 1999/1282.