

**2005 No. 93**

**LEGAL AID AND ADVICE**

**The Criminal Legal Aid (Fixed Payments) (Scotland)  
Amendment Regulations 2005**

<i>Made</i> - - - -	<i>1st March 2005</i>
<i>Laid before the Scottish Parliament</i>	<i>1st March 2005</i>
<i>Coming into force</i> - -	<i>23rd March 2005</i>

The Scottish Ministers, in exercise of the powers conferred by sections 33 and 41A of the Legal Aid (Scotland) Act 1986(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Criminal Legal Aid (Fixed Payments) (Scotland) Amendment Regulations 2005 and shall come into force on 23rd March 2005.

**Amendment of the Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999**

2. The Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999(b) are amended in accordance with the following Regulations.

3. In regulation 2 (interpretation) in paragraph (1) after the definition of “the 1995 Act” insert—  
““adjourned trial diet” means a diet that follows a trial that has commenced by the leading of evidence;”.

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(a) 1986 c.47. Sections 33(3A) and 41A were inserted by the Crime and Punishment (Scotland) Act 1997 (c.48), sections 51 and 54 respectively. Section 33(3C) to (3K) and section 33(3AA) to (3AC) were inserted by the Convention Rights (Compliance) (Scotland) Act 2001 (asp 7), sections 7 and 8 respectively. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1999/491, as amended by S.I. 1999/1820 and S.S.I. 1999/48, 2001/307, 2002/247 and 442, 2003/249 and 2004/51, 126 and 263.

4. In Part 1 of Schedule 1, after paragraph 4 insert–

<p>“ 4A. Conducting an adjourned trial diet, during which no evidence is led, where there was no intention nor anticipation that evidence would be led, the only matter in consideration being the determination of the further procedure of the trial proceedings.</p>	<p>£25</p>	<p>£50</p>	<p>£50</p>
<p>4B. Conducting an adjourned trial diet, during which no evidence is led, where there was an intention and an anticipation that the trial would proceed through the continued leading of evidence.</p>	<p>£50</p>	<p>£100</p>	<p>£100</p>

”

St Andrew’s House,  
 Edinburgh  
 1st March 2005

*HUGH HENRY*  
 Authorised to sign by the Scottish Ministers

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend Schedule 1 to the Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999 which make provision for fixed payments to be made from the Scottish Legal Aid Fund in respect of the professional services provided by a solicitor including certain prescribed outlays.

These Regulations amend Part 1 of Schedule 1 to provide for fixed payments to be made available to solicitors for their work in conducting adjourned trial diets in criminal summary proceedings where no evidence is led.

A fixed payment of £50 is payable for the conduct of adjourned trial diets where no evidence is led, and where there was no intention nor anticipation that evidence would be led, in criminal summary proceedings in the Sheriff Court and before a Stipendiary Magistrate in the District Court. A fixed payment of £25 is payable for the conduct of these diets in the District Court, other than proceedings set down before a Stipendiary Magistrate in such circumstances.

A fixed payment of £100 is payable for the conduct of adjourned trial diets where no evidence is led and where there was an intention and an anticipation that the trial would proceed through the continued leading of evidence in criminal summary proceedings in the Sheriff Court and before a Stipendiary Magistrate in the District Court. A fixed payment of £50 is payable for the conduct of these diets in the District Court, other than proceedings set down before a Stipendiary Magistrate in such circumstances.

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£3.00

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under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland  
150 03/05 19593

