

2006 No. 234

LEGAL AID AND ADVICE

The Criminal Legal Aid (Summary Justice Pilot Courts and Bail Conditions) (Scotland) Regulations 2006

Made - - - - - *2nd May 2006*

Laid before the Scottish Parliament *3rd May 2006*

Coming into force - - - *12th June 2006*

The Scottish Ministers, in exercise of the powers conferred by sections 33(2)(a), (3)(a), (b), (f), (3A)(a) 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 (Summary Justice Pilot Courts and Bail Conditions) (Scotland) Regulations 2006 and shall come into force on 12th June 2006.

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

2.—(1) The Criminal Legal Aid (Scotland) (Fees) Regulations 1989(b) shall be amended in accordance with the following paragraph.

(2) In regulation 6(4) for “as a youth court, or as a domestic abuse court, by the sheriff principal” substitute “by the sheriff principal as a youth court, domestic abuse court or summary justice pilot court”.

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

3.—(1) The Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999(c) shall be amended in accordance with the following paragraph.

(2) In the table of fees at Part I of Schedule 1(d)—

(a) after paragraph 10, insert—

“**10A.** Representation per appearance at a hearing in a — £50 —
court which has been designated as a summary justice pilot
court by the sheriff principal.”

(b) at the end, insert—

(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. 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. 1989/1491, relevantly amended by S.S.I. 2003/249 and 2004/316.

(c) S.I. 1999/491, relevantly amended by S.S.I. 2001/307 and 2003/249.

(d) Schedule 1 was divided into Part 1 and Part 2 by S.S.I. 2001/307.

“14. All work done in connection with an application for – £50 –
bail subject to a movement restriction condition under
section 24A of the 1995 Act.”.

St Andrew’s House,
Edinburgh
2nd May 2006

HUGH HENRY
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Legal Aid (Scotland) (Fees) Regulations 1989 (“the 1989 Regulations”) and the Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999 (“the 1999 Regulations”), so as to provide that—

- (a) the capped fees for the duty solicitor set out in regulation 6 of the 1989 Regulations do not apply to appearances made on behalf of an assisted person before a summary justice pilot court (regulation 2); and
- (b) Schedule 1 to the 1999 Regulations be amended so as to allow (a) a fixed payment of £50 to be payable to solicitors for each appearance made on behalf of an assisted person in a court which has been designated as a summary justice pilot court and (b) a fixed payment of £50 to be payable to solicitors for all work done in connection with an application for bail subject to a movement restriction condition (regulation 3).

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