
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 345

The Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 2006

Amendment of the Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 2003

5. After regulation 6, insert—

“**6A.**—(1) The assistance by way of representation which may be provided under Part II of the Act in relation to summary criminal proceedings in a sheriff court which has been designated as a summary justice pilot court by the sheriff principal shall include the attending upon, advising and acting for any person who appears from custody on the day when that person is first brought to a court to answer to any complaint and thereafter—

- (i) until the conclusion of the first diet at which he is called upon to plead and in connection with any application for liberation following upon that diet; and
- (ii) where he has tendered a plea of guilty at that diet, until his case is finally disposed of.

(2) The references to “attending upon, advising and acting” in paragraph (1) above shall include the services of the solicitor at any preliminary plea to the competency or relevancy of the complaint and at any plea in bar of trial or any mental health proof.

6B. Where in summary criminal proceedings in a sheriff court which has been designated as a summary justice pilot court by the sheriff principal there is, following the refusal by the Board of any application for criminal legal aid made under section 24 of the Act, a change of plea, then assistance by way of representation may be provided under Part II of the Act only where the solicitor to whom application has been made has satisfied himself that the applicant is eligible to receive assistance by way of representation under the provisions of the Act and of these Regulations.”.