
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations extend the effect of amendments made to the Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999 (“the principal Regulations”) by the Criminal Legal Aid (Fixed Payments) (Scotland) Amendment Regulations 2010 (“the 2010 Regulations”).

Regulations 3(4) and (5)(a) of the 2010 Regulations amend the principal Regulations to allow a fixed payment to solicitors for all work done in connection with a bail appeal under section 32 or 201(4) of the Criminal Procedure (Scotland) Act 1995 (c.46). The amendments made by those regulations apply to all proceedings commenced on or after 5th July 2010. By virtue of regulation 2(2) of the 2010 Regulations they also apply in relation to proceedings commenced on or after 30th June 2008 and before 5th July 2010, provided the proceedings were continuing on 10th June 2010 (which is the date on which the 2010 Regulations were made).

The drafting of regulation 2(2) of the 2010 Regulations is defective to the extent that proceedings commenced between 11th June 2010 and before 5th July 2010 (“the relevant period”) cannot satisfy the requirement of being continuing proceedings as at 10th June 2010. These Regulations remedy that defect by applying the amendments made by regulations 3(4) and (5)(a) of the 2010 Regulations in respect of proceedings commenced during the relevant period, provided those proceedings are continuing as at 4th July 2010.