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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 466**

**The Criminal Legal Assistance (Miscellaneous Amendments) (Scotland) Regulations 2017**

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

**3.—**(1) The Criminal Legal Aid (Scotland) (Fees) Regulations 1989<sup>(1)</sup> are amended as follows.

(2) After regulation 4(1) insert—

“(1A) Where—

- (a) a client to whom section 32 of the Criminal Justice (Scotland) Act 2016 applies has exercised a right to have a solicitor present while being interviewed in terms of section 32(2) of that Act or a right to consultation under section 44 of that Act, or
- (b) there has been an application for authorisation for questioning by a prosecutor under section 36(1)(a) of that Act,

solicitors are to be paid in accordance with the fees prescribed in Parts III and IV of schedule 3 of the Advice and Assistance (Scotland) Regulations 1996.”.

(3) In regulation 11(1) (disputes as to allowable fees or outlays)—

- (a) in paragraph (a), omit “or the Sheriff Appeal Court,”;
- (b) in paragraph (b), omit “or”; and
- (c) after paragraph (b) insert—

“(ba) the Sheriff Appeal Court, the matter shall be referred for taxation to the auditor of the Sheriff Appeal Court; or”.