
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 191

The Legal Aid and Advice and Assistance (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2020

Amendment of the Criminal Legal Assistance (Duty Solicitors) (Scotland) Regulations 2011

7.—(1) Regulation 7 (duty solicitors: persons prosecuted under summary procedure) of the Criminal Legal Assistance (Duty Solicitors) (Scotland) Regulations 2011⁽¹⁾ is amended as follows.

(2) In paragraph (5) for “Representation” substitute “Except as provided in paragraph (5A), representation”.

(3) After paragraph (5) insert—

“(5A) For the duration of the emergency period representation by an appointed solicitor may be effected, from the appearance from custody onwards, through the services of another solicitor where—

- (a) the other solicitor is expressly authorised to act by the appointed solicitor or by a solicitor connected with the appointed solicitor’s firm; and
- (b) the other solicitor’s services are required because the appointed solicitor cannot attend personally due to—
 - (i) illness or incapacity;
 - (ii) the arising, after instruction in relation to the appearance, of a professional obligation to act in person in another case that is to call elsewhere at or around the same time; or
 - (iii) another good reason.

(5B) For the purposes of this regulation “emergency period” means the period beginning on 1 July 2020 and ending on the date on which Part 9 of schedule 4 of the Coronavirus (Scotland) Act 2020⁽²⁾ expires in accordance with section 12 of that Act.”.

(1) S.S.I. 2011/163.
(2) 2020 asp 7.