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STATUTORY INSTRUMENTS

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**1994 No. 1233 (S.64)**

**LEGAL AID AND ADVICE, SCOTLAND**

**The Civil Legal Aid (Scotland) (Fees)  
Amendment (No. 2) Regulations 1994**

<i>Made</i>	- - - -	<i>5th May 1994</i>
<i>Laid before Parliament</i>		<i>6th May 1994</i>
<i>Coming into force</i>	- -	<i>27th May 1994</i>

The Secretary of State, in exercise of the powers conferred on him by sections 33(2)(a) and 36(1) and (2)(a) of the Legal Aid (Scotland) Act 1986(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Civil Legal Aid (Scotland) (Fees) Amendment (No. 2) Regulations 1994 and shall come into force on 27th May 1994.

(2) In these Regulations “the principal Regulations” means the Civil Legal Aid (Scotland) (Fees) Regulations 1989(2).

**Application**

2. These Regulations shall apply only in relation to any case where a claim for payment of sums to account of fees is made on or after 27th May 1994.

**Amendment of the principal Regulations**

3. For regulation 11(2), (3) and (4) of the principal Regulations (payments to account) there shall be substituted—

- “(2) A claim may be made under this Regulation only in relation to any case where—
- (a) in the proceedings for which the civil legal aid was granted the number of days on which a diet of proof, debate or like hearing is held exceeds 20 days; or
  - (b) a period of 2 years has elapsed since the date on which the Board gave notice in writing of the grant of civil legal aid.

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(1) 1986 c. 47.

(2) S.I. 1989/1490, amended by S.I. 1990/473, 1991/565, 1992/372 and 1994/1015.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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- (3) A second or subsequent claim may be made under this Regulation—
- (a) where the number of days on which a diet of proof, debate or like hearing is held exceeds 20 days in any period subsequent to that covered by the immediately preceding claim; or
  - (b) where the period mentioned in paragraph 2(b) has elapsed, after an interval of not less than 12 months has elapsed since the immediately preceding claim was made.
- (4) The amount of any payment in respect of a claim under this Regulation shall be 75 per cent of the fees that will become eligible for payment and earned during the period covered by the claim.”.

St Andrew’s House,  
Edinburgh  
5th May 1994

*Fraser of Carmyllie*  
Minister of State, Scottish Office

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Civil Legal Aid (Scotland) (Fees) Regulations 1989 ([S.I. 1989/1490](#)) to enable payments of sums to account of fees to be made to solicitors or counsel prior to the completion of proceedings in any case where the number of days on which a diet of proof, debate or like hearing is held exceeds 20 days.