

---

STATUTORY INSTRUMENTS

---

**1995 No. 2320 (S.173)**

**LEGAL AID AND ADVICE, SCOTLAND**

**The Criminal Legal Aid (Scotland)  
Amendment Regulations 1995**

<i>Made</i>	- - - -	<i>31st August 1995</i>
<i>Laid before Parliament</i>		<i>5th September 1995</i>
<i>Coming into force</i>	- -	<i>26th September 1995</i>

The Secretary of State, in exercise of the powers conferred on him by section 36(1) and (2)(a), (c), (d) and (e) of the Legal Aid (Scotland) Act 1986<sup>(1)</sup>, 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 Criminal Legal Aid (Scotland) Amendment Regulations 1995 and shall come into force on 26th September 1995.

(2) In these Regulations “the principal Regulations” means the Criminal Legal Aid (Scotland) Regulations 1987<sup>(2)</sup>.

**Application**

2. These Regulations shall apply only in relation to any case where an application for criminal legal aid is made to the Board on or after 26th September 1995.

**Amendment of the principal Regulations**

3. In regulation 4(1)(f) of the principal Regulations (distinct proceedings for purposes of criminal legal aid) after the word “sentence” there shall be inserted “, other disposal”.

4. In regulation 13(1) of the principal Regulations (legal aid for criminal appeals)—

(a) after the word “sentence” there shall be inserted “, other disposal”;

(b) in sub-paragraph (c) for the words “except where the appeal is against acquittal” there shall be substituted—

---

(1) 1986 c. 47.

(2) S.I. 1987/307 as amended by 1988/1126, 1992/527, 1993/523 and 1994/1050.

---

*Status: This is the original version (as it was originally made).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

---

“in the case of an application for criminal legal aid in respect of an appeal under section 228(1) or 442(1)(a) of the 1975 Act(3) where the person was, before 26th September 1995, convicted of or, as the case may be, found to have committed the offence”; and

(c) after sub-paragraph (c) there shall be inserted—

“(d) in the case of an application for criminal legal aid to which section 25(2)(c) of the Act(4) applies, include a statement of the grounds of appeal and any other circumstances which the applicant considers relevant to enable the Board to be satisfied that in all the circumstances of the case it is in the interests of justice that the applicant should receive criminal legal aid.”.

St Andrew’s House,  
Edinburgh  
31st August 1995

*James Douglas-Hamilton*  
Minister of State, Scottish Office

---

(3) 1975 c. 21. Sections 228(1) and 442(1)(a) were substituted by the Criminal Justice (Scotland) Act 1980 (c. 62), Schedule 2, paragraph 1 and Schedule 3, paragraph 1 respectively; were amended by the Criminal Justice Act 1993 (c. 36), section 68; and were amended by the Criminal Justice (Scotland) Act 1995 (c. 20), section 42. Section 42 was commenced on 26th September 1995 by the Criminal Justice (Scotland) Act 1995 (Commencement No.1, Transitional Provisions and Savings) Order 1995 (S.I. 1995/2295)—by virtue of article 5 of that Order section 42 shall not apply where the person was, before 26th September 1995, convicted of or, as the case may be, found to have committed the offence.

(4) Section 25(2)(c) was inserted by section 65(3)(c) of the Criminal Justice (Scotland) Act 1995.

---

## EXPLANATORY NOTE

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

These Regulations amend the Criminal Legal Aid (Scotland) Regulations 1987 (S.I. 1987/307) (“the principal Regulations”) to take account of amendments made to section 25 (legal aid in appeals) of the Legal Aid (Scotland) Act 1986 (c. 47) (“the 1986 Act”) by section 65 of the Criminal Justice (Scotland) Act 1995 (c. 20) and brought into force on 26th September 1995 by the Criminal Justice (Scotland) Act 1995 (Commencement No. 1, Transitional Provisions and Savings) Order (S.I. 1995/2295).

The Regulations—

- (a) extend the list of proceedings treated as distinct for the purposes of criminal legal aid to include appeals to the High Court of Justiciary against disposals other than by way of sentence (regulation 3);
- (b) amend the reference in regulation 13(1) of the principal Regulations to section 25 of the 1986 Act to include appeals against disposals other than by way of sentence (regulation 4(a));
- (c) make provision in relation to an application for criminal legal aid in respect of an appeal under section 228(1) or 442(1)(a) of the Criminal Procedure (Scotland) Act 1975 (c. 21) where the person was, before 26th September 1995, convicted or found to have committed the offence (regulation 4(b)); and
- (d) provide that an application to which section 25(2)(c) of the 1986 Act applies shall include a statement of the grounds of appeal and any other circumstances which the applicant considers relevant to enable the Scottish Legal Aid Board to be satisfied that it is in the interests of justice that the applicant should receive criminal legal aid (regulation 4(c)).