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STATUTORY INSTRUMENTS

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**1999 No. 215 (S. 12)**

**LEGAL AID AND ADVICE, SCOTLAND**

**The Criminal Legal Aid (Scotland) (Prescribed Proceedings) Amendment Regulations 1999**

*Made* - - - - *29th January 1999*

*Coming into force* - - *16th February 1999*

The Secretary of State, in exercise of the powers conferred on him by section 21(2) 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 a draft of which has, in accordance with section 37(2) of that Act, been laid before, and approved by resolution of, each House of Parliament:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Criminal Legal Aid (Scotland) (Prescribed Proceedings) Amendment Regulations 1999 and shall come into force on 16th February 1999.

(2) In these Regulations, “the principal Regulations” means the Criminal Legal Aid (Scotland) (Prescribed Proceedings) Regulations 1997<sup>(2)</sup>.

**Amendment of principal Regulations**

2. In regulation 3 (Proceedings in which criminal legal aid shall not be available) of the principal Regulations—

- (a) at the end of paragraph (i), “and” shall be deleted; and
- (b) at the end of paragraph (k), the full stop shall be deleted and there shall be inserted—  
“;

- (l) under section 234E, 234F or 234G of the 1995 Act<sup>(3)</sup> in relation to the variation or revocation of a drug treatment and testing order, the review of a drug treatment and testing order, or, as the case may be, the failure to comply with any requirement of a drug treatment and testing order; and

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(1) 1986 c. 47.

(2) S.I.1997/3069 as amended by S.I. 1998/969.

(3) Sections 234E to 234G were inserted by the Crime and Disorder Act 1998 (c. 37), sections 92 and 93.

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*Status: This is the original version (as it was originally made).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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- (m) under section 245E or 245F of the 1995 Act<sup>(4)</sup> in relation to the variation or revocation of a restriction of liberty order, or, as the case may be, the failure to comply with any of the requirements of a restriction of liberty order.”.

St Andrew’s House,  
Edinburgh  
29th January 1999

*Henry McLeish*  
Minister of State, Scottish Office

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(4) Sections 245E and 245F were inserted by the Crime and Punishment (Scotland) Act 1997 (c. 48), section 5.

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## EXPLANATORY NOTE

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

These Regulations amend the Criminal Legal Aid (Scotland) (Prescribed Proceedings) Regulations 1997 and provide that criminal legal aid shall not be available for proceedings under sections 234E to 234G, 245E and 245F of the Criminal Procedure (Scotland) Act 1995. Assistance by Way of Representation under Part II of the Legal Aid (Scotland) Act 1986 is made available in relation to these prescribed proceedings by regulation 2 of the Advice and Assistance (Assistance by way of Representation) (Scotland) Amendment Regulations 1999. The opportunity has also been taken to make a minor drafting amendment.