SCOTTISH STATUTORY INSTRUMENTS

2004 No. 282

LEGAL AID AND ADVICE

The Criminal Legal Aid (Scotland) Amendment Regulations 2004

Made - - - -	*10th June 2004*
Laid before the Scottish Parliament - - - -	*10th June 2004*
Coming into force - -	*2nd August 2004*

The Scottish Ministers, in exercise of the powers conferred by sections 31(9) and 36(1) of the Legal Aid (Scotland) Act 1986(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Criminal Legal Aid (Scotland) Amendment Regulations 2004 and shall come into force on 2nd August 2004.

Amendment of the Criminal Legal Aid (Scotland) Regulations 1996

2.—(1) The Criminal Legal Aid (Scotland) Regulations 1996(**2**) shall be amended in accordance with the following paragraph.

(2) For regulation 5(3) substitute–

"Where a duty solicitor is available by virtue of arrangements made by the Board in accordance with sub-paragraph (d) of paragraph (1) above, section 31(1) of the Act shall not apply, and criminal legal aid for the purposes specified in the said sub paragraph (d) shall be provided only by such solicitor unless the proceedings take place before a court which has been designated as a youth court or a domestic abuse court by the sheriff principal.".

(**1**) 1986 c. 47. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(**2**) S.I.1996/2555 as amended by S.I. 1999/1042, S.S.I. 2001/306, 2002/441 and 2003/249.