SCOTTISH STATUTORY INSTRUMENTS

2004 No. 263

LEGAL AID AND ADVICE

The Criminal Legal Aid (Fixed Payments) (Scotland) Amendment (No. 3) Regulations 2004

Made - - - -	*3rd June 2004*
Laid before the Scottish Parliament - - - -	*7th June 2004*
Coming into force - -	*28th June 2004*

The Scottish Ministers, in exercise of the powers conferred by sections 33 and 41A 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 (Fixed Payments) (Scotland) Amendment (No. 3) Regulations 2004 and shall come into force on 28th June 2004.

Amendment of the Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999

2. The Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999(**2**) are amended in accordance with the following Regulations.

3. In regulation 4–

(a) for paragraph (3) substitute–

"(3) Except where proceedings have been brought under section 185 of the 1995 Act, for the purposes of the reference to summary proceedings in paragraph (1) above the following are to be treated as a single matter–

(a) a single summary complaint or complaints which arise out of the same incident; and

(**1**) 1986 c. 47. Sections 33(3A) and 41A were inserted by the Crime and Punishment (Scotland) Act 1997 (c. 48), sections 51 and 54 respectively. Sections 33(3C) to (3K) and section 33(3AA) to (3AC) were inserted by the Convention Rights (Compliance) (Scotland) Act 2001 (asp 7), sections 7 and 8 respectively. 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.1999/491, as amended by S.I. 1999/1820 and S.S.I. 1999/48, 2001/307, 2002/247 and 442, 2003/249 and 2004/51 and 126.

(b) proceedings under sections 27(1)(a) and 28 of the 1995 Act (breach of bail conditions) arising out of the complaint or complaints referred to in sub-paragraph (a).”; and

(b) for paragraph (7) substitute–

“(7) Where the Board grants an application for a change of solicitor under regulation 17(3) of the Criminal Legal Aid (Scotland) Regulations 1996(**3**) there shall be paid to each of the solicitors who act for the assisted person in the relevant proceedings–

(a) an equal part of the total amount payable under paragraph 1 of Part 1 of Schedule 1; and

(b) the amounts payable under paragraphs 2 to 13 of Part 1 of Schedule 1 shall be payable to the solicitor who carries out the work described in those paragraphs.”.

4. For Part 1 of Schedule 1 substitute the Schedule to these Regulations.

HUGH HENRY

St Andrew’s House, Edinburgh
3rd June 2004

Authorised to sign by the Scottish Ministers

(**3**) S.I. 1996/2555, as amended by S.I. 1999/1042 and S.S.I. 2001/306, 2002/441 and 2003/249.

SCHEDULE 1 Regulation 4

PROVISIONS SUBSTITUTED FOR THE TABLE SET OUT IN PART 1 OF SCHEDULE 1 OF THE CRIMINAL LEGAL AID (FIXED PAYMENTS) (SCOTLAND) REGULATIONS 1999

"SCHEDULE 1 Regulation 4

PART 1

		Where professional services are provided in relation to proceedings in the District Court (other than where proceedings are set down to proceed before a Stipendiary Magistrate)	*Where professional services are provided in relation to proceedings in the Sheriff Court (other than proceedings in a Court specified in Schedule 2) or the District Court (where proceedings are set down to proceed before a Stipendiary Magistrate)*	*Where professional services are provided in relation to proceedings in the Sheriff Court and those proceedings are brought in a Court specified in Schedule 2*
1. All work up to and including: (i) any diet at which a plea of guilty is made and accepted or plea in mitigation is made; (ii) the first 30 minutes of conducting a		£300 (where criminal legal aid has been made available in the circumstances referred to in paragraphs 11 or 12 below £275)	£500 (where criminal legal aid has been made available in the circumstances referred to in paragraphs 11 or 12 below £475)	£550 (where criminal legal aid has been made available in the circumstances referred to in paragraphs 11 or 12 below £525)

	Where professional services are provided in relation to proceedings in the District Court (other than where proceedings are set down to proceed before a Stipendiary Magistrate)	*Where professional services are provided in relation to proceedings in the Sheriff Court (other than proceedings in a Court specified in Schedule 2) or the District Court (where proceedings are set down to proceed before a Stipendiary Magistrate)*	*Where professional services are provided in relation to proceedings in the Sheriff Court and those proceedings are brought in a Court specified in Schedule 2*
	proof in mitigation, or a proof of a victim statement, other than in the circumstances where paragraph 3 below applies;		
(iii)	the first 30 minutes of conducting any trial; and		
(iv)	advising, giving an opinion and taking final instructions on the		