SCOTTISH STATUTORY INSTRUMENTS

2004 No. 126

LEGAL AID AND ADVICE

The Criminal Legal Aid (Fixed Payments) (Scotland) Amendment (No. 2) Regulations 2004

Made - - - -	*11th March 2004*
Laid before the Scottish Parliament - - - -	*12th March 2004*
Coming into force - -	*2nd April 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. 2) Regulations 2004 and shall come into force on 2nd April 2004.

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

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

3. For Part 1 of Schedule 1 substitute the provisions set out in the Schedule to these Regulations.

St Andrew's House, Edinburgh
11th March 2004

HUGH HENRY
Authorised to sign by the Scottish Ministers

(**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. Section 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.

SCHEDULE Regulation 3

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

Regulation 4

"SCHEDULE 1 TO THE CRIMINAL LEGAL AID (FIXED PAYMENTS) (SCOTLAND) REGULATIONS 1999

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		£300 (where criminal legal aid has been made available in the circumstances referred to in paragraphs 10 or 11 below £275)	£500 (where criminal legal aid has been made available in the circumstances referred to in paragraphs 10 or 11 below £475)	£550 (where criminal legal aid has been made available in the circumstances referred to in paragraphs 10 or 11 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*
	of conducting a proof in mitigation, or a proof of a victim statement, other than in the circumstances where paragraph 2 below applies; and		
	(iii) the first 30 minutes of conducting any trial		
together with any subsequent or additional work other than that specified in paragraphs 2–12 below.			