SCOTTISH STATUTORY INSTRUMENTS

2004 No. 51

LEGAL AID AND ADVICE

The Criminal Legal Aid (Fixed Payments) (Scotland) Amendment Regulations 2004

Made - - - -	*10th February 2004*
Laid before the Scottish Parliament - - - -	*10th February 2004*
Coming into force - -	*11th March 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 Regulations 2004 and shall come into force on 11th March 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 Regulations.

3. In regulation 2–

(a) in paragraph (1) (interpretation)–

(i) after the definition of "assisted person" insert–

""continued diet" means a diet which takes place on a separate date from the diet at which a victim statement is laid before the court;",

(ii) after the definition of "excluded proceedings" insert–

""proof in mitigation" includes those diets where a proof in mitigation takes place at the same time as a proof of a victim statement;" 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. 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 and 2002/247 and 442.

(iii) at the end insert

""victim statement" means a statement made for the purposes of section 14 of the Criminal Justice (Scotland) Act 2003(**3**)

(b) for paragraph (3) substitute–

"(3) For the purposes of these Regulations, a trial, proof in mitigation or proof of a victim statement shall be taken to commence when the first witness is sworn."(**4**).

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

St Andrew's House, Edinburgh
10th February 2004

HUGH HENRY
Authorised to sign by the Scottish Ministers

(**3**) 2003 asp 7.
(**4**) Regulation 2(3) was inserted by S.S.I. 1999/48.

SCHEDULE 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 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 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)