SCOTTISH STATUTORY INSTRUMENTS

2002 No. 442

LEGAL AID AND ADVICE

The Criminal Legal Aid (Fixed Payments) (Scotland) Amendment (No. 2) Regulations 2002

Made - - - -	*25th September 2002*
Laid before the Scottish Parliament - - - -	*27th September 2002*
Coming into force - -	*1st November 2002*

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 2002 and shall come into force on 1st November 2002.

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

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

(2) In the definition of "excluded proceedings" in regulation 2(1), after sub-paragraph (j) there is inserted–

"(k) proceedings in relation to which legal aid is only available by virtue of section 22(1)(dd)(**3**) of the Act (solicitor appointed by court for person accused of sexual offence)".

(**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.

(**3**) Section 22(1)(dd) of the Legal Aid (Scotland) Act 1986 (c. 47) was inserted by the Sexual Offences (Procedure and Evidence) (Scotland) Act 2002 (asp 9), section 2(2).