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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 496**

**The Civil Legal Aid (Scotland)  
(Fees) Amendment Regulations 2002**

**Amendment of the Civil Legal Aid (Scotland) (Fees) Regulations 1989**

**4.** For regulation 3(2) there is substituted—

“(2) Subject to paragraphs (3)(b), (4) and (5), solicitors shall be paid fees and outlays, and counsel shall be paid fees, in accordance with regulations 4 to 12 of, and the Schedules to, these Regulations.

(3) Where fees and outlays are recovered by virtue of an award of expenses in favour of a person who has received legal aid or of an agreement as to expenses in favour of such a person—

- (a) accounts of such fees and outlays, where they are taxed, shall be taxed as if the work done for that person were not legal aid; and
- (b) the Board may, subject to paragraphs (4) and (5), instead of making payment in accordance with paragraph (2), pay to the solicitor (and counsel as the case may be) who acted for that person, the amount of any fees and outlays so recovered.

(4) The Board shall only make payment in accordance with paragraph (3)(b) where—

- (a) it receives a request for such payment from the solicitor who, at the conclusion of the proceedings, was acting for the person in receipt of legal aid; and
- (b) that solicitor has consulted with any counsel who was acting for that person at the conclusion of the proceedings regarding that request.

(5) The Board shall deduct from the sum payable in accordance with paragraph (3)(b) the amount of any payment made, or due to be made, by it to the solicitor or counsel referred to in paragraph (4), or to any other solicitor or counsel who previously acted for that person, in respect of those proceedings.”.