

2003 No. 249

LEGAL AID AND ADVICE

**The Criminal Legal Aid (Youth Courts) (Scotland)
Regulations 2003**

<i>Made</i>	<i>12th May 2003</i>
<i>Laid before the Scottish Parliament</i>	<i>12th May 2003</i>
<i>Coming into force</i>	<i>2nd June 2003</i>

The Scottish Ministers, in exercise of the powers conferred by sections 33, 36(1) and 41A of the Legal Aid (Scotland) Act 1986(a) 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 (Youth Courts) (Scotland) Regulations 2003 and shall come into force on 2nd June 2003.

Amendment of the Criminal Legal Aid (Scotland) (Fees) Regulations 1989

2.—(1) The Criminal Legal Aid (Scotland) (Fees) Regulations 1989(b) shall be amended in accordance with the following paragraph.

(2) After regulation 6(3) there shall be inserted—

“(4) Where the duty solicitor represents an accused person before a court which has been designated a youth court by the sheriff principal, the maximum fees prescribed in regulation 6(2) shall not apply.”.

Amendment of the Criminal Legal Aid (Scotland) Regulations 1996

3.—(1) The Criminal Legal Aid (Scotland) Regulations 1996(c), shall be amended in accordance with the following paragraph.

(2) In regulation 5, at the end of paragraph (3) there shall be inserted—

“unless the proceedings take place before a court which has been designated as a youth court by the sheriff principal.”.

(a) 1986 c.47. Section 33 was amended by the Crime and Punishment (Scotland) Act 1997 (c.48), sections 51 and 62(1) and Schedule 1 and section 41A was inserted by section 54 of that Act. 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).

(b) S.I. 1989/1491, amended by S.I. 1991/566, 1992/374, 1994/1019, 1997/719, 1999/491 and 1042.

(c) S.I. 1996/2555 as amended by S.I. 1999/1042.

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

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

(2) In paragraph 6 of Part I of Schedule 1(b) after “sentence” there shall be inserted “or per appearance in a court which has been designated as a youth court by the sheriff principal, at a hearing in respect of a community supervision order.”.

St Andrew’s House,
Edinburgh
12th May 2003

JIM WALLACE
A member of the Scottish Executive

(a) S.I. 1999/491 as amended by S.I. 1999/1820 and S.S.I. 1999/48 and 2001/307.
(b) Schedule 1 was divided into Part 1 and Part 2 by S.S.I. 2001/307.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Legal Aid (Scotland) (Fees) Regulations 1989 (“the 1989 Regulations”), the Criminal Legal Aid (Scotland) Regulations 1996 (“the 1996 Regulations”) and the Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999 (“the 1999 Regulations”), so as to provide that–

- (a) the capped fees for the duty solicitor set out in regulation 6 of the 1989 Regulations do not apply to appearances on behalf of an assisted person before a youth court (regulation 2);
- (b) the exclusive jurisdiction of the duty solicitor set out in regulation 5(3) of the 1996 Regulations does not apply to proceedings which take place before a court which has been designated a youth court by the sheriff principal (“a youth court”) (regulation 3);
- (c) there shall be a fixed payment of £50 for each appearance on behalf of an assisted person, in respect of a youth court hearing in consideration of a community supervision order.

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