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SCOTTISH STATUTORY INSTRUMENTS

2004 No. 316

LEGAL AID AND ADVICE

**The Criminal Legal Aid (Scotland) (Fees) Amendment (No. 2)
Regulations 2004**

<i>Made</i> - - - -	<i>30th June 2004</i>
<i>Laid before the Scottish Parliament</i>	<i>1st July 2004</i>
<i>Coming into force</i> - -	<i>2nd July 2004</i>

The Scottish Ministers, in exercise of the powers conferred by section 33(2)(a) and (3) 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 (Scotland) (Fees) Amendment (No. 2) Regulations 2004 and shall come into force on 2nd July 2004.

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

2. In regulation 6(4) of the Criminal Legal Aid (Scotland) (Fees) Regulations 1989(b) for “(3)” substitute “(2)”.

CATHY JAMIESON
A member of the Scottish Executive

St Andrew's House,
Edinburgh
30th June 2004

(a) 1986 c.47. Section 33 was amended for purposes not relevant to these Regulations. 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, as relevantly amended by S.I. 1992/374, and S.S.I. 2003/249 and 2004/264.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Legal Aid (Scotland) (Fees) Regulations 1989 (“the principal Regulations”) (S.I. 1989/1491) to provide that the cap on fees for the duty solicitor set out in regulation 6(2) of the principal Regulations does not apply to appearances on behalf of an assisted person in a court which has been designated as a youth court or domestic abuse court by the sheriff principal (regulation 2). This corrects the error in the Criminal Legal Aid (Scotland) (Fees) Amendment Regulations 2004 (S.S.I. 2004/264) which disapplied for such a court the cap on fees set out in regulation 6(3) of the principal Regulations.

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