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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 438**

**The Civil Legal Aid (Scotland) (Fees)  
Amendment (No. 3) Regulations 2007**

**Amendment of the Civil Legal Aid (Scotland) (Fees) Regulations 1989(1)**

**6.** In Schedule 6, Chapter III—

(a) after paragraph 5, insert—

“**5A.** That the assisted person or any other witness in the case is a vulnerable witness in terms of section 11 of the Vulnerable Witnesses (Scotland) Act 2004 and this has necessitated significant additional work in seeking, or opposing, or implementing a special measure for the taking of evidence from a vulnerable witness by virtue of sections 11, 12, 13 and 18(1)(a) and/or (b) of that Act(2).”;

(b) in paragraph (a) of the Note on the application of Chapter III, for “on ground” substitute “under paragraph” and delete “travelling to, or”;

(c) in paragraph (c) of the Note on the application of Chapter III, for “on ground 7” substitute “under paragraph 7”; and

(d) after paragraph (c) of the Note on the application of Chapter III, insert—

“(d) the solicitor of an assisted person, who is a vulnerable witness, may not claim in respect of the assisted person the additional fee under paragraphs 2, 3 or 4, if there is a claim under paragraph 5A in respect of the assisted person as a vulnerable witness.”.

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(1) S.I.1989/1490 as amended by S.I. 1990/473, as amended by S.I. 1991/565, S.I. 1993/531, S.I. 1994/1015, S.I. 1999/1042, S.S.I. 2002/496, S.S.I. 2003/178, S.S.I. 2004/281, S.S.I. 2007/14 and S.S.I. 2007/181.

(2) 2004 asp 3.