

POLICY NOTE

THE CRIMINAL LEGAL AID (SCOTLAND) (FEES) AMENDMENT (No 2) REGULATIONS 2012

SSI 2012/305

1. The above instrument was made by Scottish Ministers in exercise of the powers conferred by sections 33(2)(a) and (3)(a) and 36(1) of the Legal Aid (Scotland) Act 1986. The instrument is subject to negative procedure.

Policy Objective

2. This instrument corrects an erroneous reference in the Criminal Legal Aid (Scotland) (Fees) Amendment Regulations 2012 (SSI 2012/276). Those regulations amended the Criminal Legal Aid (Scotland) (Fees) Regulations 1989 (“the principal Regulations”, SI 1989/1491) to insert a regulation 3A. Regulation 3A refers, amongst other things, to an offence under section 1 of the “1998 Act”. It should refer to section 1 of the “1988 Act”, being the Road Traffic Act 1988 (which “the 1988 Act” is defined as in the principal regulations).

Regulation 3A concerns fees payable to counsel for cases not subsequently indicted at the High Court. Periodically the Crown will drop proceedings which would have been marked and indicted as High Court proceedings at the petition stage. When these cases are concluded they will have been dealt with exclusively in the sheriff court and where the cases concern the offences specified in regulation 3A of the principal Regulations, fees for counsel may be payable as if the relevant table of fees for High Court cases applied.

Scottish Government
Justice Directorate
13 November 2012