
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 92

**The Criminal Legal Aid (Fixed Payments)
(Scotland) Amendment Regulations 2013**

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

2.—(1) Regulation 4A of the Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999⁽¹⁾ is amended as follows.

(2) In paragraph (1)—

(a) after “relevant criminal legal aid” insert “or relevant ABWOR”; and

(b) for “in Schedule 1” insert “(as the case may be) in Schedule 1 or Schedule 1B”.

(3) In paragraph (5), after “relevant criminal legal aid” where it each time appears insert “or relevant ABWOR”.

(4) After paragraph (9) insert—

“(10) Where the Board has granted an application for change of solicitor under regulation 14A(2) of the Advice and Assistance (Scotland) Regulations 1996⁽²⁾, any solicitor who has provided relevant ABWOR prior to that grant is, where the Board has determined that the circumstances prescribed at paragraph (3) exist, instead of receiving the fixed payments specified in Schedule 1B, to be paid out of the Fund in accordance with regulations made under section 33(2) and (3) of the Act.

(11) A solicitor to whom paragraph (10) applies is only to be paid where that solicitor has kept proper records of all professional services provided by way of, and outlays incurred in the provision of, that relevant ABWOR.”.

⁽¹⁾ S.I. 1999/491; relevant amending instruments are S.S.I. 2002/247 and 2011/161.

⁽²⁾ S.I. 1996/2447; relevant amending instrument is S.S.I. 2008/240.