
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999 (“the 1999 Regulations”) and the Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 2003 (“the 2003 Regulations”).

The amendments reduce the fees payable for criminal legal aid work by solicitors in summary criminal proceedings, clarify some fees and ensure the availability of assistance by way of representation in relation to certain hearings.

Regulation 6 of the Regulations amends the 1999 Regulations to provide the level of the prescribed amount when pleading guilty to multiple charges in a complaint at first diet.

Regulation 7 of the Regulations substitutes a new regulation 4(5B) of the 1999 Regulations to allow for the reduction of the prescribed amount in certain circumstances detailed in new sub-paragraphs (a) to (c).

Regulation 8 expands the availability under the 1999 Regulations of exceptional case status so that a solicitor may be paid, when a case has that status, detailed fees from any of the Schedules to the 1999 Regulations.

Regulation 12 amends the 2003 Regulations to ensure that assistance by way of representation is available in relation to any diet to which the summary criminal proceedings has been adjourned, not just at any diet to which the case has been adjourned. A similar amendment is made in regulation 11(4) as regards the fee payable under the 1999 Regulations to ensure they are payable in relation to preparation of such diets not just for attendance at them.

A business and Regulatory Impact Assessment has been prepared for these Regulations. Copies can be obtained from the BRIA Final Assessment page on the Scottish Government Publications website: <http://www.scotland.gov.uk/Topics/Business-Industry/support/better-regulation/partial-assessments/full/2014>.