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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 291**

**The Advice and Assistance (Proceedings for Recovery of Documents) (Scotland) Regulations 2017**

**Amendment of the Advice and Assistance (Scotland) Regulations 1996**

4.—(1) The Advice and Assistance (Scotland) Regulations 1996(1) are amended as follows.

(2) In regulation 17 (fees and outlays of solicitors), after paragraph (4) insert—

“(4A) In the application of paragraph (1) above to recovery proceedings, the fees allowable to the solicitor shall be assessed as if the advice or assistance was a criminal matter.

(4B) In paragraph (4A), “recovery proceedings” means proceedings relating to an application for an order for recovery of documents, in connection with criminal proceedings, in which—

- (a) the documents sought include medical or other sensitive documents relating to a client;
- (b) the application has been intimated to the client; and
- (c) the client wishes to oppose recovery of the documents on the basis that the granting of the order would infringe their rights under Article 8 of the European Convention on Human Rights.”.