
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 466

LEGAL AID AND ADVICE

The Criminal Legal Assistance (Miscellaneous Amendments) (Scotland) Regulations 2017

Made - - - - *21st December 2017*

Coming into force - - *25th January 2018*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 8A(1), 9, 31(9), 33(2), (3) and (3A), 36(1), (2)(a), (d) and (e) and 41A of the Legal Aid (Scotland) Act 1986(1) and all other powers enabling them to do so.

In accordance with section 37(2) of that Act(2), a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament(3).

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- (1) 1986 c.47. Section 8A(1) was inserted by the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010 (asp 15), section 2(3), and amended by the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 (asp 3), section 23(4). Section 9 was amended by the Access to Justice Act 1999 (c.22), section 32, and the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 (asp 3), section 18(1) and section 23(5). Section 31(9) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40), sections 74(1), 75(2) and schedule 8, paragraph 36(14). Section 33(2) was amended by the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), section 67(7)(b). Section 33(3A) was inserted by the Crime and Punishment (Scotland) Act 1997, section 51. Section 41A was inserted by the Crime and Punishment (Scotland) Act 1997 (c.48), section 54. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (c.46), section 53.
- (2) Relevantly amended by the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010 (asp 15), section 2(2). Section 37(2) has been modified by paragraph 5 of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (the “2010 Act”).
- (3) The powers to make these Regulations are exercised together by virtue of section 33(2) of the 2010 Act. The Regulations are subject to the affirmative procedure by virtue of section 33(3) of that Act.