
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 466

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

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

6.—(1) The Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999⁽¹⁾ are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “excluded proceedings”, after (m) insert—

“(n) where a client to whom section 32 of the Criminal Justice (Scotland) Act 2016 applies has exercised a right to have a solicitor present while being interviewed in terms of section 32(2) of that Act or a right to consultation under section 44 of that Act;

(o) where there has been an application for authorisation for questioning by a prosecutor under section 36(1)(a) of the Criminal Justice (Scotland) Act 2016;”.

(3) In regulation 4(3)(b)—

(a) omit “22, 22ZA(1)(a),”; and

(b) after “the 1995 Act” insert “or paragraph 1(1)(b) of schedule 1 of the Criminal Justice (Scotland) Act 2016”.

(4) In schedule 1, in paragraph 2 of Part 1 of the table of fees—

(a) omit “22ZA(1)(b), 22ZB or”; and

(b) after “the 1995 Act” insert “or paragraph 1(1)(a) or (c) of schedule 1 of the Criminal Justice (Scotland) Act 2016”.

(5) In schedule 1A, in paragraph 2 of the table of fees—

(a) omit “22ZA(1)(b), 22ZB or”; and

(b) after “the 1995 Act” insert “or paragraph 1(1)(a) or (c) of schedule 1 of the Criminal Justice (Scotland) Act 2016”.

(6) In schedule 1B, in paragraph 3 of Part 1 of the table of fees—

(a) omit “22ZA(1)(b), 22ZB or”; and

(b) after “the 1995 Act” insert “or paragraph 1(1)(a) or (c) of schedule 1 of the Criminal Justice (Scotland) Act 2016”.