
STATUTORY INSTRUMENTS

1987 No. 430

Act of Adjournal (Criminal Legal Aid Rules) 1987

Citation, commencement and interpretation

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Legal Aid Rules) 1987 and shall come into force on 1st April 1987.

(2) In this Act of Adjournal, unless the context otherwise requires—

“the Act of 1986” means the Legal Aid (Scotland) Act 1986;

“assisted person” means a person who is in receipt of criminal legal aid in the proceedings in question;

“clerk of court” means clerk of justiciary, sheriff clerk, sheriff clerk depute or clerk of the district court, as the case may be;

“court” means the High Court of Justiciary, a sheriff court or a district court, as the case may be;

“the Regulations” means the Criminal Legal Aid (Scotland) Regulations 1987(1).

Revocations and transitional provision

2.—(1) The Acts of Adjournal set out in the Schedule to these Rules are hereby revoked.

(2) Notwithstanding the revocation of the Act of Adjournal (Criminal Legal Aid Fees) 1964(2), that Act of Adjournal shall continue to have effect in relation to work done before 1st May 1984.

Legal aid in High Court of Justiciary

3. Where an application for legal aid is made to the High Court of Justiciary under section 23 of the Act of 1986, the court may—

- (a) determine the application itself; or
- (b) remit the application to the sheriff court for determination.

Discontinuance of entitlement to criminal legal aid

4.—(1) Where the court, before which there are proceedings in which an assisted person is an accused person or appellant, after hearing that person, is satisfied—

- (a) that that person—
 - (i) has without reasonable cause failed to comply with a proper request made to him by the solicitor acting for him to supply any information relevant to the proceedings;
 - (ii) has delayed unreasonably in complying with any such request as is mentioned in head (i);
 - (iii) has without reasonable cause failed to attend at a diet of the court at which he has been required to attend or at a meeting with the solicitor or counsel acting for him

(1) S.I.1987/307.

(2) S.I. 1964/1410, as amended by the Acts of Adjournal mentioned in Part II of the Schedule to these Rules.

under the Act of 1986 at which he has reasonably and properly been required to attend;

- (iv) has conducted himself in connection with the proceedings in such a way as to make it appear to the court unreasonable that he should continue to receive criminal legal aid;
 - (v) has wilfully given false information for the purpose of misleading the court in considering his financial circumstances under section 23(1) of the Act of 1986; or
 - (vi) has without reasonable cause failed to comply with a requirement of the Regulations;
- or

- (b) that it is otherwise unreasonable for the solicitor to continue to act on behalf of the assisted person in the proceedings,

the court may direct that the assisted person shall cease to be entitled to criminal legal aid in connection with those proceedings.

(2) Where a direction is made under paragraph (1) in the course of proceedings to which section 22 of the Act of 1986 applies, the accused person shall not be entitled to criminal legal aid in relation to any later stages of the same proceedings before the court of first instance.

(3) Where a court issues a direction under paragraph (1), the clerk of court shall send notice of it to the Board.

(4) Where a court of first instance has made a direction under paragraph (1)(a), it shall instruct the clerk of court to report the terms of the finding made by the court to the Board for its consideration in any application for criminal legal aid in an appeal in connection with the proceedings in that court.

Statements on oath

5. In considering any matter in regard to the entitlement of a person to criminal legal aid, the court may require that person to make a statement on oath for the purpose of ascertaining or verifying any fact material to his entitlement to criminal legal aid.

Edinburgh
12th March 1987

Emslie
Lord Justice General, I.P.D.