
STATUTORY INSTRUMENTS

1996 No. 627 (S.62)

LEGAL AID AND ADVICE, SCOTLAND

**The Criminal Legal Aid (Scotland)
Amendment Regulations 1996**

<i>Made</i>	- - - -	<i>5th March 1996</i>
<i>Laid before Parliament</i>		<i>11th March 1996</i>
<i>Coming into force</i>	- -	<i>31st March 1996</i>

The Secretary of State, in exercise of the powers conferred on him by section 36(1) and (2)(a) and (c) of the Legal Aid (Scotland) Act 1986⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Criminal Legal Aid (Scotland) Amendment Regulations 1996 and shall come into force on 31st March 1996.

(2) In these Regulations “the principal Regulations” means the Criminal Legal Aid (Scotland) Regulations 1987⁽²⁾.

Application

2. These Regulations shall apply only in relation to any case where an application for criminal legal aid is made to the Board on or after 31st March 1996.

Amendment of the principal Regulations

3. In regulation 4(1) of the principal Regulations (distinct proceedings for the purposes of criminal legal aid)—

(a) for sub-paragraph (c) there shall be substituted—

“(c) solemn proceedings other than such proceedings referred to in sub-paragraph (b) above or (j) below;”;

(b) for sub-paragraph (e) there shall be substituted—

(1) 1986 c. 47.

(2) S.I.1987/307, as amended by 1988/1126, 1992/527, 1993/532, 1994/1050 and 1995/2320.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- “(e) summary proceedings other than such proceedings referred to in subparagraph (d) above or (j) below;” and
- (c) at the end there shall be added—
- “(j) such proceedings as are described in section 22(1)(da), (db) or (dc) of the Act⁽³⁾.”.

4. In regulation 17(3) of the principal Regulations (changes of solicitor) the words “and, in the case of legal aid made available under section 24 or section 25 of the Act, that it is in the interests of justice or, as the case may be, is reasonable, for him to receive or continue to receive criminal legal aid” shall be omitted.

St Andrew’s House,
Edinburgh
5th March 1996

James Douglas-Hamilton
Minister of State, Scottish Office

(3) Section 22(1)(da), (db) and (dc) of the Legal Aid (Scotland) Act 1986 were inserted by section 64 of the Criminal Justice (Scotland) Act 1995 (c. 20). Section 64 was commenced on 31st March 1996 by the Criminal Justice (Scotland) Act 1995 (Commencement No. 2, Transitional Provisions and Savings) Order 1996 (S.I. 1996/517).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Legal Aid (Scotland) Regulations 1987.

The Regulations—

- (a) extend the list of proceedings treated as distinct for the purposes of criminal legal aid to take account of amendments made to section 22(1) of the Legal Aid (Scotland) Act 1986 (automatic availability of criminal legal aid) by section 64 of the Criminal Justice (Scotland) Act 1995 (legal aid in case involving insanity in bar of trial) and brought into force on 31st March 1996 by the Criminal Justice (Scotland) Act 1995 (Commencement No.2, Transitional Provisions and Savings) Order 1996; and
- (b) provide that the Board may, in all cases, where it is satisfied that there is good reason for so doing grant authority to an assisted person to nominate another specified solicitor.