



Scottish Civil Justice Council and Criminal Legal Assistance Act 2013

2013 asp 3

PART 2

CRIMINAL LEGAL ASSISTANCE

Assistance by way of representation in relation to criminal matters

19 Clients' contributions for criminal assistance by way of representation

- (1) In section 11(1) of the 1986 Act (clients' contributions), after “below” insert “ or, where applicable, section 11A ”.
- (2) The title of section 11 becomes “ **Clients' contributions: general** ”.
- (3) After section 11 insert—

“11A Clients' contributions: specified criminal assistance by way of representation

- (1) This section applies where—
 - (a) assistance by way of representation has been made available to a client under section 9A(1) (“the assistance”), and
 - (b) the client—
 - (i) has disposable income of, or exceeding, £82 per week and is not (directly or indirectly) in receipt of any of the benefits mentioned in section 11(2)(b), or
 - (ii) has disposable capital of, or exceeding, £750.
- (2) The client is liable to pay a contribution in respect of the assistance provided of up to, but not in aggregate exceeding, such amount as may be prescribed by regulations made under section 33ZA(1).
- (3) Except where regulations made under section 33ZA(1) otherwise provide—
 - (a) in a case where the assistance is being provided—

Changes to legislation: *Scottish Civil Justice Council and Criminal Legal Assistance Act 2013, Section 19 is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (i) by a solicitor employed by the Board by virtue of sections 26 and 27 or, as the case may be, section 28A, or
 - (ii) by counsel instructed by such a solicitor,
- it is for the Board to determine the amount of and collect any contribution payable by the client under subsection (2), and
- (b) in any other case, it is for the solicitor to determine the amount of and collect any contribution payable by the client under subsection (2).
- (4) A contribution collected by the solicitor is to be treated as payment of a fee or outlay properly chargeable (in accordance with section 33).”

Commencement Information

II [S. 19](#) in force at 11.10.2013 by [S.S.I. 2013/262](#), [art. 2](#)

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Changes and effects yet to be applied to :

- specified provisions amendment to earlier commencing SSI 2013/271 art. 2 by [S.S.I. 2013/271 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(1)(c)(ii) inserted by [2014 asp 10 sch. 9 para. 13\(2\)\(b\)\(ii\)](#)
- s. 2(1)(ba) inserted by [2014 asp 10 sch. 9 para. 13\(2\)\(a\)](#)
- s. 2(3)(ca) inserted by [2014 asp 10 sch. 9 para. 13\(3\)](#)
- s. 2(7) inserted by [2014 asp 10 sch. 9 para. 13\(4\)](#)
- s. 6(1)(aa) inserted by [2014 asp 10 sch. 9 para. 13\(6\)\(b\)](#)
- s. 6(1)(ea) inserted by [2014 asp 10 sch. 9 para. 13\(6\)\(c\)](#)
- s. 8(3A) inserted by [2014 asp 10 sch. 9 para. 13\(7\)\(b\)](#)
- s. 13A and cross-heading inserted by [2014 asp 10 sch. 9 para. 13\(9\)](#)
- s. 16(1) s. 16 renumbered as s. 16(1) by [2014 asp 10 sch. 9 para. 13\(10\)\(a\)](#)
- s. 16(1) words inserted by [2014 asp 10 sch. 9 para. 13\(10\)\(b\)](#)
- s. 16(2) inserted by [2014 asp 10 sch. 9 para. 13\(10\)\(c\)](#)