



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—

Status: This is the original version (as it was originally enacted).

- (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).”