



Scottish Civil Justice Council and Criminal Legal Assistance Act 2013

2013 asp 3

PART 2

CRIMINAL LEGAL ASSISTANCE

General

22 Regulations about contributions for criminal legal assistance

After section 33 of the 1986 Act insert—

“33ZA Regulations about contributions for criminal legal assistance

- (1) The Scottish Ministers may by regulations make provision in connection with the amount, determination and collection of any contribution payable under section 11 (in so far as relating to criminal matters) or section 11A, 25AA or 25AC.
- (2) Regulations made under subsection (1) may, in particular—
 - (a) make provision permitting a lower contribution to be payable where otherwise the person liable to pay the contribution, or the dependants of such person, would suffer undue hardship,
 - (b) make provision for determining appropriate contributions where the person is in receipt of criminal legal assistance in respect of two or more distinct proceedings,
 - (c) except in relation to section 25AA, specify whether it is for the Board or the solicitor providing the assistance to determine the amount of, or collect, a contribution,
 - (d) specify how a person’s contributions are to be transferred or accounted for in relation to proceedings which are—
 - (i) instituted by way of summary complaint but which are subsequently dealt with under solemn procedure, or

Status: This is the original version (as it was originally enacted).

- (ii) instituted by way of indictment but which are subsequently dealt under summary procedure,
 - (e) make provision about the payment of contributions by instalments,
 - (f) make provision requiring the Board to make arrangements to provide to solicitors a service of collecting contributions payable to solicitors on their behalf.
- (3) Regulations made under subsection (1) containing provision made in pursuance of subsection (2)(f) may include provision about the operation of the service, including provision—
 - (a) regulating the arrangements for remitting to a solicitor the amount of a contribution (or an instalment of a contribution) following its collection,
 - (b) enabling or requiring, or, where enabled or required, regulating, the imposition by the Board of charges for the recovery of any reasonable costs the Board incurs in connection with the provision of the service to a solicitor.
- (4) Regulations made under subsection (1) may provide for different provision in relation to different cases or classes of case.
- (5) In this section “the solicitor” means the solicitor by whom any criminal legal aid is being provided or, where it is provided by counsel, the solicitor on whose instruction counsel provides it.”.