



# Scottish Civil Justice Council and Criminal Legal Assistance Act 2013

## 2013 asp 3

### PART 2

#### CRIMINAL LEGAL ASSISTANCE

##### *General*

### **23 Consequential modifications**

- (1) The 1986 Act is amended as follows.
- (2) In section 4(3)(aa) (Scottish Legal Aid Fund), after “11” insert “, 11A, 25AA or 25AC”.
- (3) In section 8 (availability of advice & assistance), after “8A(1)” insert “ or 9(1) ”.
- (4) In section 8A(1) (criminal advice and assistance: automatic availability in certain circumstances)—
  - (a) the words “the financial limits in section 8” become paragraph (a),
  - (b) after that paragraph insert “; or—
    - (b) the criteria mentioned in section 9A(2)”.
- (5) In section 9(2) (regulations may apply Part 2 to representation), in paragraph (de), after “11(2)” insert or “ 11A ”.
- (6) In section 11 (clients' contributions)—
  - (a) in subsection (1)—
    - (i) after “(2)” insert “ or ”,
    - (ii) the words “or (3)” are repealed,
  - (b) in subsection (2A)—
    - (i) for the words from “criminal” where it first occurs to “assistance” where it third occurs substitute “ advice and assistance (other than assistance by way of representation to which section 9A applies) ”,
    - (ii) after “27” insert “ or section 28A ”,

*Status: Point in time view as at 11/10/2013.*

*Changes to legislation: Scottish Civil Justice Council and Criminal Legal Assistance Act 2013, Section 23 is up to date with all changes known to be in force on or before 02 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)*

- (c) in subsection (3A), after “27” insert “ or section 28A ”, and
  - (d) subsections (3) and (4) are repealed.
- (7) In section 12 (payment of fees and outlays otherwise than through clients' contributions)—
- (a) in subsection (3)(a), after “11(2)” insert “ or, as the case may be, section 11A(2) ”, and
  - (b) after subsection (3), insert—
    - “(4) In subsection (3), the reference to an amount payable by the client does not include an amount which it is for the Board to collect (whether under section 11A(3) or any regulations made under section 33ZA(1)).”.
- (8) In section 33A (contracts for the provision of criminal legal assistance)—
- (a) in subsection (5)(a), after “11(2)” insert “ , 11A(2) or 25AC(3) ”, and
  - (b) after subsection (5), insert—
    - “(5A) In subsection (5), the reference to an amount payable by the client does not include an amount which it is for the Board to collect (whether under section 11A(3), section 25AC(4)(a), or any regulations made under section 33ZA(1)).”.
- (9) In section 36(2) (regulations)—
- (a) in paragraph (b)—
    - (i) after “11(2),” insert “ 11A(1), ”,
    - (ii) for “and 17(2)” substitute “ , 17(2) and 25AC(2) ”,
    - (iii) for “amount specified in section 10(2)” substitute “ amounts specified in sections 10(2), 11A(1) and 25AC(2) and, in so far as relating to criminal matters, sections 8 and 11(2) ”.
- (10) In section 37(2) (parliamentary procedure) after “24(4)” insert “ , 33ZA(1) ”.

#### **Commencement Information**

**II** S. 23 in force at 11.10.2013 by S.S.I. 2013/262, art. 2

**Status:**

Point in time view as at 11/10/2013.

**Changes to legislation:**

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