



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 - (ii) the words “or (3)” are repealed,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Status: This is the original version (as it was originally enacted).

- (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 - (d) subsections (3) and (4) are repealed.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)”.