

SCHEDULE 4 JUSTICE

PART 9

LEGAL AID

Assessment of claims for interim payment of fees and outlays

- 21 (1) The Legal Aid (Scotland) Act 1986 applies in accordance with the modification in this paragraph.
- (2) Section 33 (fees and outlays of solicitors and counsel) has effect as if after subsection (5) there were inserted—
- “(6) Subsections (7) to (9) apply where—
- (a) a solicitor or counsel submits a claim to the Board in respect of fees or outlays incurred by the solicitor or counsel in connection with—
 - (i) the provision of legal aid by the solicitor or counsel prior to the completion of the proceedings for which the legal aid was granted, or
 - (ii) the provision of advice and assistance by the solicitor or counsel to a person while the advice and assistance is being provided by the solicitor or counsel to the person, and
 - (b) in submitting the claim, the solicitor or counsel confirms to the Board that the fees or outlays to which the claim relates have been properly incurred by the solicitor or counsel.
- (7) The fees or outlays to which the claim relates are to be treated as having been properly incurred by the solicitor or counsel for the purposes of subsection (1).
- (8) Any sum paid out of the Fund to the solicitor or counsel pursuant to the claim is to be treated as having been paid out of the Fund in accordance with section 4(2)(a).
- (9) Where the claim is made under regulation 11 of the Civil Legal Aid (Scotland) (Fees) Regulations 1989 ([S.I. 1989/1490](#)) in relation to the provision of civil legal aid, the fees to which the claim relates are to be treated, for the purposes of the regulation, as having been necessarily and reasonably incurred in connection with the proceedings for which the legal aid is granted.”.