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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 51**

**The Criminal Legal Aid (Fixed Payments)  
(Scotland) Amendment Regulations 2004**

**Amendment of the Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999**

**3.** In regulation 2–

(a) in paragraph (1) (interpretation)–

(i) after the definition of “assisted person” insert–

““continued diet” means a diet which takes place on a separate date from the diet at which a victim statement is laid before the court;”,

(ii) after the definition of “excluded proceedings” insert–

““proof in mitigation” includes those diets where a proof in mitigation takes place at the same time as a proof of a victim statement;” and

(iii) at the end insert

““victim statement” means a statement made for the purposes of section 14 of the Criminal Justice (Scotland) Act 2003(1)

(b) for paragraph (3) substitute–

“(3) For the purposes of these Regulations, a trial, proof in mitigation or proof of a victim statement shall be taken to commence when the first witness is sworn.”(2).

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(1) 2003 asp 7.

(2) Regulation 2(3) was inserted by S.S.I. 1999/48.