
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 380

The Civil Legal Aid (Scotland) (Miscellaneous Amendments) Regulations 2015

Amendment of the Civil Legal Aid (Scotland) Regulations 2002

- 3.—(1) The Civil Legal Aid (Scotland) Regulations 2002(1) are amended as follows.
- (2) In regulation 2(1) (interpretation), for the definition of “solicitor-advocate” substitute—
- ““solicitor-advocate” means a solicitor having a right of audience, whether instructed by another solicitor or not, when and only when—
- (a) that solicitor is exercising that right of audience or acting in connection with the exercise of that right; or
 - (b) in relation to proceedings in the Sheriff Appeal Court, that solicitor would have been exercising that right of audience, or acting in connection with the exercise of that right, had the proceedings taken place in a court to which section 25A of the Solicitors (Scotland) Act 1980 applied;”.
- (3) In regulation 4 (distinct proceedings for the purposes of legal aid)—
- (a) in paragraph (1)(b), for “sheriff principal” substitute “Sheriff Appeal Court”; and
 - (b) for paragraph (2), substitute—
- “(2) Where proceedings are—
- (a) initiated in the sheriff court and remitted to the Court of Session;
 - (b) initiated in the Court of Session and remitted to the sheriff court;
 - (c) initiated in the sheriff court and remitted to the Scottish Land Court; or
 - (d) initiated in the Sheriff Appeal Court and remitted to the Court of Session,
- the proceedings in the court to which the case is remitted are not to be treated as distinct from the proceedings in the initial court.”.
- (4) In regulation 21(1) (employment of counsel etc.), after sub-paragraph (c) insert—
- “(ca) for the employment of counsel in the Sheriff Appeal Court;”.