
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 191

The Legal Aid and Advice and Assistance (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2020

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

5.—(1) Regulation 4 (fixed payments allowable to solicitors) of the Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999⁽¹⁾ is amended as follows.

(2) In paragraph (5B), for “The amount payable” substitute “Except where paragraph (5C) applies, the amount payable”.

(3) After paragraph (5B) insert—

“(5C) This paragraph applies where during the emergency period the solicitor referred to in paragraph (5B)(a) appeared on behalf of the assisted person as a consequence of being instructed to do so by another solicitor who—

- (a) was instructed by the assisted person (whether or not an assisted person at that time); and
- (b) has (or has had) a solicitor and client relationship with the accused that is demonstrable, to the satisfaction of the Board, by reference to circumstances apart from those relating solely to the appearance.

(5D) For the purposes of this regulation “emergency period” means the period beginning on 1 July 2020 and ending on the date on which Part 9 of schedule 4 of the Coronavirus (Scotland) Act 2020⁽²⁾ expires in accordance with section 12 of that Act.”.

⁽¹⁾ S.S.I. 1999/491, relevantly amended by S.S.I. 1999/48, S.S.I. 2011/162 and S.S.I. 2014/366.

⁽²⁾ 2020 asp 7.