

2022 No. 116

LEGAL AID AND ADVICE

**The Legal Aid and Advice and Assistance (Financial Limit)
(Scotland) Amendment Regulations 2022**

Made - - - - *24th March 2022*

Coming into force - - *1st April 2022*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 9(2)(e) and 33(2), (3)(b) and (f) of the Legal Aid (Scotland) Act 1986^(a) and all other powers enabling them to do so.

In accordance with section 37(2) of that Act, a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Legal Aid and Advice and Assistance (Financial Limit) (Scotland) Amendment Regulations 2022 and come into force on 1 April 2022.

Amendments to the Criminal Legal Aid (Scotland) (Fees) Regulations 1989

2. In regulation 6 (duty solicitors' fees) of the Criminal Legal Aid (Scotland) (Fees) Regulations 1989^(b)—

- (a) in paragraph (1)(a), for “£140” substitute “£165”,
- (b) in paragraph (1)(b), for “£93” substitute “£115”, and
- (c) in paragraph (2), for “£150” substitute “£250”.

Amendments to the Advice and Assistance (Financial Limit) (Scotland) Regulations 1993

3. In regulation 3 (financial limit) of the Advice and Assistance (Financial Limit) (Scotland) Regulations 1993^(c)—

- (a) in paragraph (b)(i), for “£95” substitute “£120”,
- (b) in paragraph (b)(ii), for “£35” substitute “£45”,
- (c) in paragraph (c)(i) and (ii), for “£90” substitute “£105”,
- (d) in paragraph (c)(iii), for “£35” substitute “£45”,

(a) 1986 c. 47 (“the Act”). The functions of the Secretary of State under the Act were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10). The Regulations are subject to the affirmative procedure by virtue of section 33(3) of that Act.

(b) S.I. 1989/1491. Relevant amending instruments are S.S.I. 2008/240 and S.S.I. 2021/56.

(c) S.I. 1993/3187. Relevant amending instruments are S.S.I. 2007/248, S.S.I. 2008/251 and S.S.I. 2017/466.

- (e) in paragraph (c)(iv), for “£550” substitute “£705”,
- (f) in paragraph (c)(v), for “£185” substitute “£330”,
- (g) in paragraph (c)(vi), for “£90” substitute “£195”,
- (h) in paragraph (c)(vii), for “£90” substitute “£195”,
- (i) in paragraph (c)(viii), for “£165” substitute “£265”,
- (j) in paragraph (c)(ix), for “£165” substitute “£185”, and
- (k) in paragraph (c)(xii), (xiii) and (xiv), for “£200” substitute “£350”.

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Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
24th March 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend two sets of Regulations made under the Legal Aid (Scotland) Act 1986 (“the 1986 Act”).

Regulation 2 amends the Criminal Legal Aid (Scotland) (Fees) Regulations 1989 to substitute the maximum total fees allowable to duty solicitors representing accused persons in the sheriff or district court where the accused person pleads not guilty or where the case is adjourned under section 145 of the Criminal Procedure (Scotland) Act 1995.

Regulation 3 amends the Advice and Assistance (Financial Limit) (Scotland) Regulations 1993 to substitute the financial limit amounts for advice and assistance specified in section 10(2) of the 1986 Act beyond which solicitors are required to seek prior approval of the Scottish Legal Aid Board before providing further advice and assistance.

A business and regulatory impact assessment has not been prepared in relation to these Regulations as no, or no significant impact upon business, charities or voluntary bodies is foreseen.

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