

**1981 No. 1443 (S.145)****LEGAL AID AND ADVICE, SCOTLAND****Act of Adjournal (Rules for Legal Aid in Criminal Proceedings  
Amendment No. 2) 1981***Made*       -       -       -       -       *6th October 1981**Coming into Operation*       *27th October 1981*

The Lord Justice General, Lord Justice Clerk and Lords Commissioners of Justiciary, by virtue of the powers conferred upon them by section 16 of the Legal Aid (Scotland) Act 1967(a) and sections 282 and 457 of the Criminal Procedure (Scotland) Act 1975(b), and all other powers enabling them in that behalf, do hereby enact and declare:—

*Citation and commencement*

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Rules for Legal Aid in Criminal Proceedings Amendment No. 2) 1981 and shall come into operation on 27th October 1981.

(2) This Act of Adjournal shall be recorded in the Books of Adjournal.

*Powers of Sheriffs to order attendance of applicant*

2. In the Act of Adjournal (Rules for Legal Aid in Criminal Proceedings) 1964(c), in rule 4:—

(a) in paragraph (1)—

(i) for the words “the court shall appoint and have intimated to the applicant a special diet at which it” there are substituted the words “the court may either dispose of the application in chambers without requiring the attendance of the applicant or if it considers that in the circumstances the attendance of the applicant is required may appoint and cause to be intimated to the applicant a special diet for his attendance and in either event the court”;

(ii) after the words “and where” there are inserted the words “in a case where the court considers that in the circumstances the attendance of the applicant is required”;

(b) in the proviso, for the word “shall” there is substituted the word “may”.

Edinburgh.

*Emslie,*  
Lord Justice General.  
I.P.D.

6th October, 1981.

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(a) 1967 c. 43, as amended by 1980 c. 62.

(b) 1975 c. 21, as amended by 1980 c. 62.

(c) S.I. 1964/1409, as amended by S.I. 1975/835, 1976/371, 1981/387.

## EXPLANATORY NOTE

*(This Note is not part of the Act of Adjournal.)*

This Act of Adjournal amends rule 4 of the Act of Adjournal (Rules for Legal Aid in Criminal Proceedings) 1964 by making provision enabling the court to grant an application for legal aid to which the rule applies without requiring the attendance of the applicant at a special diet, and makes consequential amendments.

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