
STATUTORY INSTRUMENTS

1994 No. 1015

**The Civil Legal Aid (Scotland)
(Fees) Amendment Regulations 1994**

Amendment of the principal Regulations

3. In regulation 2(1) of the principal Regulations⁽¹⁾ (interpretation)–
- (a) in the introduction after the word “context” there shall be inserted the word “otherwise”;
 - (b) for the definitions of “counsel”, “junior counsel” and “junior”, there shall be substituted–
““counsel” includes a solicitor-advocate, except in regulation 10(2) and Schedule 2;
“junior counsel” or “junior” includes a junior solicitor-advocate;” and
 - (c) for the definition of “rights of audience solicitor” to the end of Regulation 2(1) there shall be substituted the following provisions–
““right of audience” means, in relation to a solicitor, a right of audience in the Court of Session, the House of Lords and the Judicial Committee of the Privy Council which a solicitor has by virtue of section 25A (rights of audience in specified courts) of the Solicitors (Scotland) Act 1980⁽²⁾;
“senior counsel” or “senior” includes a senior solicitor-advocate except in paragraph (1A) below;
“solicitor-advocate” means a solicitor, whether instructed by another solicitor or not, when and only when he is exercising his right of audience or acting in connection with the exercise of such a right and “junior solicitor-advocate” and “senior solicitor-advocate” shall be construed in accordance with paragraph (1A) below;

and, unless the context otherwise requires, any reference in these Regulations to a solicitor shall not include a solicitor when acting as a solicitor-advocate.

- (1A) For the purposes of these Regulations, a solicitor-advocate shall be–
- (a) a senior solicitor-advocate, where he is undertaking work equivalent to that which would be done by a senior counsel in a case in the House of Lords or where the Board has authorised the employment of senior counsel under regulation 21(1)(b) or (2) of the Civil Legal Aid (Scotland) Regulations 1987⁽³⁾; or
 - (b) a junior solicitor-advocate, where he is undertaking work equivalent to that which would be done by a junior counsel, irrespective of whether or not the Board has authorised the employment of senior counsel in the case.”

(1) Regulation 2 was amended by [S.I. 1993/531](#).

(2) 1980 c. 46; section 25A was inserted by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40), section 24.

(3) [S.I. 1987/381](#); regulation 21 was amended by [S.I. 1992/753](#).