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STATUTORY INSTRUMENTS

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**1998 No. 1938**

**The Scottish Legal Aid Board (Employment of Solicitors to Provide Criminal Legal Assistance) Regulations 1998**

**Consequential Provisions – Advice & Assistance**

4. Where advice and assistance is given in relation to criminal matters by an employed solicitor–
- (a) regulations 9, 11 and 17 to 19 of the Advice and Assistance (Scotland) Regulations 1996<sup>(1)</sup> shall not apply;
  - (b) in any case where any fees and outlays in respect of advice and assistance provided by an employed solicitor are payable by the client to the Board under the provisions of section 11 of the Act or are payable out of any expenses payable to the client or any property recovered or preserved for the client under the provisions of section 12 of the Act, the client may, if he is dissatisfied with the amount of those fees and outlays, require taxation of the fees and outlays by the auditor; the auditor shall tax the fees and outlays as if they were fees and outlays allowable to a solicitor under regulation 17 of the Advice and Assistance (Scotland) Regulations 1996, and such taxation shall be conclusive of the amount of the fees and outlays so allowable;
  - (c) in any case where the fees and outlays allowable in respect of advice and assistance in accordance with paragraph (b) are less than any contribution paid by the client under section 11 of the Act, the Board shall refund the excess contribution; and
  - (d) Regulation 21 of the Advice & Assistance (Scotland) Regulations 1996 shall apply so that for the reference to sums paid out of the fund there is substituted a reference to the sums that would have been paid out of the fund had the solicitor not been so employed by the Board.

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<sup>(1)</sup> S.I.1996/2447, as amended by S.I. 1997/726 and S.I. 1998/724.