
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make new provision for payment of criminal legal aid to solicitors from the Scottish Legal Aid Fund in respect of summary proceedings. Provision is made for fixed payments to be made in respect of the professional services provided by a solicitor including certain prescribed outlays. Where these regulations apply the fixed payments replace the fees and outlays formerly payable to solicitors in terms of the Criminal Legal Aid (Scotland) (Fees) Regulations 1989.

These Regulations apply to summary proceedings with the following exceptions: proceedings reduced from solemn to summary; proceedings where legal aid has been made available as a matter of special urgency by virtue of regulation 15 of the Criminal Legal Aid (Scotland) Regulations 1996; references in summary proceedings to the European Court of Justice; and the following proceedings in relation to which legal aid is not otherwise available:—
representation at an identification parade held by or on behalf of the prosecutor in connection with or in contemplation of criminal proceedings;
proceedings where the assisted person is in custody or liberated by police on undertaking to appear;
proceedings in relation to a plea of insanity in bar of trial; and
an examination of the facts (regulation 2).

The fixed payments to be made are provided for in Schedule 1. Those payments are dependent on the nature of the proceedings, the court in which the proceedings are brought and, the age and custodial status of the assisted person for whom criminal legal aid has been made available (Schedule 1 and regulation 4(6)).

A higher fixed payment is to be made where proceedings are brought in certain distant and rural sheriff courts (Schedule 1, column 3 and Schedule 2).

Only one payment is payable in relation to a single summary complaint or complaints which arise out of the same incident (regulation 4(3)).

A percentage reduction is applied to the fixed payments in respect of a second and subsequent assisted person where a solicitor represents more than one assisted person in relation to a single complaint or complaints arising from the same incident (regulation 4(5)).

A larger fixed payment is to be made where a solicitor represents an assisted person who is placed on remand at or subsequent to the first calling of the case and is under 21 at any time during that remand (regulation 4(6)).

Fixed payments are to be equally apportioned between solicitors where there has been a change of solicitor (regulation 4(7)).

Value added tax is to be chargeable where the work done by the solicitor constitutes a supply of services (regulation 4(8)).

Accounts including all fees and outlays claimed in relation to the provision of criminal legal aid in those proceedings are to be submitted to the Board within 6 months (regulation 5).

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch 1 Pt 1 para 9 am by S.S.I. 2002/247 regs 24
- sch 1 am by S.S.I. 2006/234 reg 3
- Sch 1 renumbered (as Sch 1, Pt 1) by S.S.I. 2001/307 regs 25
- sch. 1 substituted by S.S.I. 2019/78 sch. 15
- Sch. 1 Pt. 1 para. 2 word substituted by S.S.I. 2014/366 reg. 9(3)(b)
- Sch. 1 Pt. 1 para. 2 word substituted by S.S.I. 2014/366 reg. 9(3)(d)
- Sch. 1 Pt. 1 para. 2 words inserted by S.S.I. 2014/366 reg. 9(3)(a)
- Sch. 1 Pt. 1 para. 2 words inserted by S.S.I. 2017/466 reg. 6(4)(b)
- Sch. 1 Pt. 1 para. 2 words omitted by S.S.I. 2017/466 reg. 6(4)(a)
- Sch. 1 para. 1 words substituted by S.S.I. 2011/162 reg. 7(a)(i)
- Sch. 1 para. 1 words substituted by S.S.I. 2011/162 reg. 7(a)(ii)
- Sch. 1 para. 1 words substituted by S.S.I. 2011/162 reg. 7(a)(iii)
- Sch. 1 Pt. 1 para. 2 words substituted by S.S.I. 2014/366 reg. 9(3)(c)
- reg 2 defn(s) added by S.S.I. 2004/51 regs 23(a)
- reg 2 defn(s) added by S.S.I. 2005/93 regs 23
- reg 2 defn(s) am by S.S.I. 2001/307 regs 23
- reg 2 defn(s) am by S.S.I. 2002/442 reg 2
- reg 2 am by S.S.I. 2004/51 regs 23(b)
- reg.2 amended by S.S.I. 1999/48 reg.2(2)
- reg. 2 words inserted by S.S.I. 2022/30 reg. 7(2)(a)
- reg. 2 words inserted by S.S.I. 2022/30 reg. 7(2)(b)
- reg. 2(1) comma substituted for full stop by S.I. 2013/7 art. 17(a)
- reg. 2(1) words inserted by S.S.I. 2008/240 reg. 2(2)(a)
- reg. 2(1) words inserted by S.S.I. 2008/240 reg. 2(2)(b)
- reg. 2(1) words inserted by S.S.I. 2008/240 reg. 2(2)(c)
- reg. 2(1) words inserted by S.S.I. 2017/466 reg. 6(2)
- reg. 2(1) words inserted by S.I. 2013/7 art. 17(b)
- reg. 2(1) words substituted by S.S.I. 2014/366 reg. 4
- reg. 2(1) words substituted by S.I. 2012/1809 Sch. Pt. 3
- reg. 3(1) words inserted by S.S.I. 2008/240 reg. 2(3)(a)
- reg 4 am by S.S.I. 2001/307 regs 24
- reg 4 am by S.S.I. 2010/237 reg 3
- reg 4 am by S.S.I. 2010/312 reg 4
- reg. 4(1) words inserted by S.S.I. 2008/240 reg. 2(4)(a)
- reg. 4(3) substituted by S.S.I. 2004/263 reg. 3(a)
- reg. 4(5) words omitted by S.S.I. 2008/240 reg. 2(4)(c)
- reg. 4(6) sum substituted by S.S.I. 2019/78 reg. 7(2)
- reg. 4(6) sum substituted by S.S.I. 2021/56 reg. 7(2)(a)
- reg. 4(6) sum substituted by S.S.I. 2022/30 reg. 7(3)(a)
- reg. 4(7) substituted by S.S.I. 2004/263 reg. 3(b)
- reg. 5(1) words inserted by S.S.I. 2008/240 reg. 2(5)(a)(ii)
- reg. 5(1) words inserted by S.S.I. 2008/240 reg. 2(5)(a)(iii)
- reg. 5(1) words substituted by S.S.I. 2008/240 reg. 2(5)(a)(i)
- reg. 5(2) words substituted by S.S.I. 2008/240 reg. 2(5)(b)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch 1 Pt 2 added by S.S.I. 2001/307 2, 5
- Sch 1 Pt I paras 4A4B added by S.S.I. 2005/93 regs 24
- Sch. 1 para. 10ZA inserted by S.S.I. 2011/162 reg. 7(c)
- Sch 1 Pt I subst by S.S.I. 2004/126 regs 23 Schedule
- Sch 1 Pt I subst by S.S.I. 2004/51 regs 24 Schedule
- Sch. 1 Pt. 1 substituted by S.S.I. 2004/263 Sch. 1
- Sch. 1 Pt. 1 word substituted by S.S.I. 2008/240 reg. 2(6)(c)(i)
- Sch. 1 Pt. 1 word substituted by S.S.I. 2008/240 reg. 2(6)(c)(ii)
- Sch. 1 Pt. 1 word substituted by S.S.I. 2008/240 reg. 2(6)(d)(i)
- Sch. 1 Pt. 1 word substituted by S.S.I. 2008/240 reg. 2(6)(d)(ii)
- Sch. 1 Pt. 1 para. 10ZA words inserted by S.S.I. 2014/366 reg. 9(4)
- Sch. 1 para. 10 words substituted by S.S.I. 2011/162 reg. 7(b)
- Sch. 1 Pt. 1 words substituted by S.S.I. 2014/366 reg. 9(2)(a)
- Sch. 1 Pt. 1 words substituted by S.S.I. 2014/366 reg. 9(2)(b)
- Sch. 1 Pt. 1 para. 10AA inserted by S.S.I. 2008/240 reg. 2(8)
- Sch. 1 Pt. 1 para. 2 substituted by S.S.I. 2008/240 reg. 2(7)
- sch. 1 Pt. 1 substituted by S.S.I. 2021/56 sch. 15 Pt. 1
- sch. 1 Pt. 1 substituted by S.S.I. 2022/30 sch. 15 Pt. 1
- Sch. 1 Pt. 1 Table substituted by S.S.I. 2023/135 Sch. 12
- Sch. 1 Pt. 1 para. 1 word omitted by S.S.I. 2008/240 reg. 2(6)(a)(i)
- Sch. 1 Pt. 1 para. 1 word substituted by S.S.I. 2008/240 reg. 2(6)(b)(i)
- Sch. 1 Pt. 1 para. 1 word substituted by S.S.I. 2008/240 reg. 2(6)(b)(ii)
- Sch. 1 Pt. 1 para. 6 words inserted by S.S.I. 2003/249 reg. 4(2)
- Sch. 1 Pt. 1 para. 1 words inserted by S.S.I. 2008/240 reg. 2(6)(a)(ii)
- sch. 1 Pt. 2 substituted by S.S.I. 2021/56 sch. 15 Pt. 2
- sch. 1 Pt. 2 substituted by S.S.I. 2022/30 sch. 15 Pt. 2
- schs 1A1B rev in pt and am by S.S.I. 2010/237 reg 3
- Sch. 1A inserted by S.S.I. 2008/240 reg. 2(10)(a)Sch.
- schs 1A1B mod by S.S.I. 2010/267 reg 2
- sch. 1A substituted by S.S.I. 2019/78 sch. 16
- sch. 1A substituted by S.S.I. 2021/56 sch. 16
- sch. 1A substituted by S.S.I. 2022/30 sch. 16
- Sch. 1A Table substituted by S.S.I. 2023/135 Sch. 13
- Sch. 1A para. 2 word substituted by S.S.I. 2014/366 reg. 10(3)(c)
- Sch. 1A para. 2 words inserted by S.S.I. 2014/366 reg. 10(3)(a)
- Sch. 1A Pt. 1 para. 2 words inserted by S.S.I. 2017/466 reg. 6(5)(b)
- Sch. 1A Pt. 1 para. 2 words omitted by S.S.I. 2017/466 reg. 6(5)(a)
- Sch. 1A para. 1 words substituted by S.S.I. 2011/162 reg. 8(a)
- Sch. 1A para. 1 words substituted by S.S.I. 2011/162 reg. 8(b)
- Sch. 1A words substituted by S.S.I. 2014/366 reg. 10(2)
- Sch. 1A para. 2 words substituted by S.S.I. 2014/366 reg. 10(3)(b)
- Sch. 1B inserted by S.S.I. 2008/240 reg. 2(10)(b)Sch.
- Sch. 1B para. 8A inserted by S.S.I. 2011/162 reg. 9(c)
- sch. 1B substituted by S.S.I. 2019/78 sch. 17
- Sch. 1B Pt. 1 para. 1 words inserted by S.S.I. 2014/366 reg. 11(3)
- Sch. 1B Pt. 1 para. 2(c) words inserted by S.S.I. 2014/366 reg. 11(4)
- Sch. 1B Pt. 1 para. 3 words inserted by S.S.I. 2014/366 reg. 11(5)(a)
- Sch. 1B Pt. 1 para. 8A words inserted by S.S.I. 2014/366 reg. 11(7)
- Sch. 1B Pt. 1 para. 3 words inserted by S.S.I. 2017/466 reg. 6(6)(b)
- Sch. 1B Pt. 1 para. 4-7 words omitted by S.S.I. 2014/366 reg. 11(6)
- Sch. 1B Pt. 1 para. 12 words omitted by S.S.I. 2014/366 reg. 11(6)
- Sch. 1B Pt. 1 para. 13 words omitted by S.S.I. 2014/366 reg. 11(6)
- Sch. 1B Pt. 1 para. 3 words omitted by S.S.I. 2017/466 reg. 6(6)(a)
- Sch. 1B Pt. 1 words substituted by S.S.I. 2011/162 reg. 9(a)
- Sch. 1B Pt. 1 words substituted by S.S.I. 2011/162 reg. 9(b)

- Sch. 1B Pt. 1 words substituted by S.S.I. 2014/366 reg. 11(2)
- Sch. 1B Pt. 1 para. 3 words substituted by S.S.I. 2014/366 reg. 11(5)(b)
- sch. 1B Pt. 1 substituted by S.S.I. 2021/56 sch. 17 Pt. 1
- sch. 1B Pt. 1 substituted by S.S.I. 2022/30 sch. 17 Pt. 1
- Sch. 1B Pt. 1 Table substituted by S.S.I. 2023/135 Sch. 14 Pt. 1
- sch. 1B Pt. 2 substituted by S.S.I. 2021/56 sch. 17 Pt. 2
- sch. 1B Pt. 2 substituted by S.S.I. 2022/30 sch. 17 Pt. 2
- Sch. 1B Pt. 2 Table substituted by S.S.I. 2023/135 Sch. 14 Pt. 2
- Sch.2 rev.inpt. and amended by S.S.I. 1999/48 reg.2(3)
- reg. 2(1)(h) inserted by S.I. 1999/1820 Sch. 2 para. 168
- reg. 3(3) added by S.S.I. 2008/240 reg. 2(3)(b)
- reg. 4(1A)-(1D) inserted by S.S.I. 2008/240 reg. 2(4)(b)
- reg. 4(1A)(a) words omitted by S.S.I. 2023/135 reg. 8(2)(a)(i)
- reg. 4(1A)(a) words omitted by S.S.I. 2023/135 reg. 8(2)(a)(ii)
- reg. 4(1A)(b) words omitted by S.S.I. 2023/135 reg. 8(2)(a)(ii)
- reg. 4(1D) words omitted by S.S.I. 2023/135 reg. 8(2)(b)
- reg. 4(3)(b) substituted by S.S.I. 2011/162 reg. 4
- reg. 4(3)(b) substituted by S.S.I. 2014/366 reg. 5
- reg. 4(3)(b) words inserted by S.S.I. 2017/466 reg. 6(3)(b)
- reg. 4(3)(b) words omitted by S.S.I. 2017/466 reg. 6(3)(a)
- reg. 4(4)-(6ZA) omitted by S.S.I. 2023/135 reg. 8(2)(c)
- reg. 4(5A)(b) substituted by S.S.I. 2014/366 reg. 6
- reg. 4(5B) substituted by S.S.I. 2014/366 reg. 7
- reg. 4(5B) words substituted by S.S.I. 2020/191 reg. 5(2)
- reg. 4(5C)(5D) inserted by S.S.I. 2020/191 reg. 5(3)
- reg. 4(5C) words omitted by S.S.I. 2022/229 reg. 5(a)
- reg. 4(5D) omitted by S.S.I. 2022/229 reg. 5(b)
- reg. 4(6A)-(6C) revoked by S.S.I. 2011/333 reg. 3
- reg. 4(6ZA) inserted by S.S.I. 2011/162 reg. 6
- reg. 4(6ZA) sum substituted by S.S.I. 2019/78 reg. 7(2)
- reg. 4(6ZA) sum substituted by S.S.I. 2021/56 reg. 7(2)(a)
- reg. 4(6ZA) sum substituted by S.S.I. 2022/30 reg. 7(3)(a)
- reg. 4(7)(a) words inserted by S.S.I. 2008/240 reg. 2(4)(d)(i)
- reg. 4(7)(b) words inserted by S.S.I. 2008/240 reg. 2(4)(d)(ii)
- reg. 4(7)(c) and word added by S.S.I. 2008/240 reg. 2(4)(d)(iii)
- reg. 4(7A)-(7B) inserted by S.S.I. 2008/240 reg. 2(4)(e)
- reg. 4(9) words inserted by S.S.I. 2008/240 reg. 2(4)(f)
- reg. 4(9)(b) sum substituted by S.S.I. 2021/56 reg. 7(2)(b)
- reg. 4(9)(b) sum substituted by S.S.I. 2022/30 reg. 7(3)(b)
- reg. 4(10) inserted by S.S.I. 2008/240 reg. 2(4)(g)
- reg 4A added by S.S.I. 2002/247 regs 23
- reg. 4A(1) words inserted by S.S.I. 2013/92 reg. 2(2)(a)
- reg. 4A(1) words inserted by S.S.I. 2014/366 reg. 8
- reg. 4A(1) words substituted by S.S.I. 2013/92 reg. 2(2)(b)
- reg. 4A(5) words inserted by S.S.I. 2013/92 reg. 2(3)
- reg. 4A(5)(a)(i) words inserted by S.S.I. 2011/161 reg. 6(a)
- reg. 4A(6)(a) omitted by S.S.I. 2011/161 reg. 6(b)
- reg. 4A(10)(11) inserted by S.S.I. 2013/92 reg. 2(4)
- reg. 5A inserted by S.S.I. 2011/162 reg. 5
- reg. 10A omitted by S.S.I. 2008/240 reg. 2(9)