EXECUTIVE NOTE

THE ASSISTANCE BY WAY OF REPRESENTATION (DISTRICT COURT FINANCIAL LIMIT) (SCOTLAND) ORDER 2008 SSI 2008/416

This Order is made in exercise of the powers conferred on Scottish Ministers by section 64(5) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 and all other powers enabling them to do so.

Policy Objective

The policy objective is to correct an unintended effect of The Advice and Assistance (Limits, Conditions and Representation) (Scotland) Regulations 2008. The Order ensures that the financial limit for advice by way of representation in criminal proceedings in the justice of the peace court specified in Regulation 3(c)(v) of The Advice and Assistance (Financial Limit) (Scotland) Regulations 1993 also applies to criminal proceedings in the remaining district courts.

Consultation

The intention to make this corrective amendment has been discussed with the Law Society of Scotland and the Scottish Legal Aid Board.

Financial Implications

The amendment relates to a financial limit to costs incurred by solicitors in providing advice by way of representation. Where the limit is likely to be breached the approval of the Scottish Legal Aid Board is required. Amending the limit does not, in itself, entail additional expenditure.

Scottish Government
16 December 2008