S C O T T I S H S T A T U T O R Y I N S T R U M E N T S

2001 No. 306

LEGAL AID AND ADVICE

The Criminal Legal Aid (Scotland) Amendment Regulations 2001

Made	*10th September 2001*
Laid before the Scottish Parliament	*12th September 2001*
Coming into force	*15th October 2001*

The Scottish Ministers, in exercise of the powers conferred by sections 31(9) and 36(1) and (2)(a) and (c) of the Legal Aid (Scotland) Act 1986(**a**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Criminal Legal Aid (Scotland) Amendment Regulations 2001 and shall come into force on 15th October 2001.

Amendment of the Criminal Legal Aid (Scotland) Regulations 1996

2. The Criminal Legal Aid (Scotland) Regulations 1996(**b**) shall be amended in accordance with the following regulations.

3. In paragraph (1) of regulation 4, for sub-paragraph (h) there shall be substituted–

"(h) references by the Scottish Criminal Cases Review Commission under section 194B of the 1995 Act(**c**);".

4. In sub-paragraph (c) of paragraph (2) of regulation 4, for "185" there shall be substituted "183".

5. In regulation 5, after paragraph (2), there shall be inserted–

"(2A) The duty solicitor shall not be available for the purpose described in sub-paragraph (d) of paragraph (1) above, where the proceedings described in that sub-paragraph take place before a court which has been designated as a drug court by the sheriff principal.".

JAMES WALLACE
A member of the Scottish Executive

St Andrew's House,
Edinburgh
10th September 2001

(a) 1986 c.47. Section 31(9)(b) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40), section 74(1) and Schedule 8, paragraph 36(14). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1996/2555, as amended by S.I. 1999/1042.

(c) Section 194B was inserted into the Criminal Procedure (Scotland) Act 1995 (c.46) by section 25 of the Crime and Punishment Act 1997 (c.48) and was amended by S.I. 1999/1181, article 3.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Legal Aid (Scotland) Regulations 1996 ("the 1996 Regulations") so as to provide that the duty solicitor scheme shall not apply to proceedings which take place in a court which has been designated as a drug court by the sheriff principal (regulation 5).

Regulation 3 updates the 1996 Regulations to reflect an amendment to the Criminal Procedure (Scotland) Act 1995 (c.46).

Regulation 4 amends an incorrect reference in the 1996 Regulations.

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