



The Scottish Parliament  
Pàrlamaid na h-Alba

Published 9 June 2022  
SP Paper 198  
8th Report, 2022 (Session 6)

## **Criminal Justice Committee**

# **The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2022 [draft]**



**Published in Scotland by the Scottish Parliamentary Corporate Body.**

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# Criminal Justice Committee

To consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Veterans, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.



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# Committee Membership



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**Deputy Convener**  
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Scottish Conservative  
and Unionist Party



**Katy Clark**  
Scottish Labour



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and Unionist Party



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Scottish National Party



**Rona Mackay**  
Scottish National Party



**Pauline McNeill**  
Scottish Labour



**Collette Stevenson**  
Scottish National Party

# Introduction

1. At its meeting on Wednesday 8 June 2022, the Criminal Justice Committee considered the [Legal Aid and Advice and Assistance \(Miscellaneous Amendment\) \(Scotland\) \(No. 2\) Regulations 2022 \[draft\]](#).
2. The instrument is subject to the affirmative procedure.
3. This instrument was originally laid before the Scottish Parliament on 4 May 2022. It was subsequently withdrawn and then re-laid on 13 May 2022.
4. The instrument is proposed to be made in exercise of the powers conferred by sections 9(1), (2)(a), (dd) and (de), 12(3), 31(9), 33(2), (3)(b) and (f) and (3A) and 36(1), (2)(a) and (g) of the Legal Aid (Scotland) Act 1986.
5. The Regulations make amendments to legal aid and advice and assistance regulations to remove temporary changes that were put in place during the coronavirus emergency period by The Legal Aid and Advice and Assistance (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2020, including enhanced interim fee arrangements and the removal of half fee payments, and replaces these with permanent provisions with equivalent effect.
6. They also make amendments which will enable accused persons who have been released on police undertaking (i.e. undertaking to appear when required) in summary criminal proceedings to appoint a solicitor of choice.

# **Consideration by the Delegated Powers and Law Reform Committee**

7. The Delegated Powers and Law Reform Committee ('DPLR') considered the instrument at its meeting on 24 May 2022.
8. The DPLR Committee raised no points on the instrument.

# Consideration by the Criminal Justice Committee

9. Motion S6M-04413 was lodged proposing that the Committee recommends approval of the instrument. At its at its meeting on Wednesday 8 June 2022 the Committee took oral evidence in the draft instrument from the Cabinet Secretary for Justice and Veterans ("the Cabinet Secretary"), Keith Brown MSP and Justin Haccius, Unit Head, Access to Justice, Scottish Government.
10. During the evidence session, the Cabinet Secretary outlined the purpose of the instrument to the Committee, as set out previously.
11. Following questions from members, the Cabinet Secretary moved the motion in the name of Ash Regan, Minister for Community Safety, namely:
  - S6M-04413—That the Criminal Justice Committee recommends that the Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2022 [draft] be approved.
12. Motion S6M-04413 was agreed to without debate or dissent.
13. The Criminal Justice Committee recommends to the Scottish Parliament that it approve the Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2022 [draft].



