1987 No. 883 (S. 75)

LEGAL AID AND ADVICE, SCOTLAND

The Advice and Assistance (Scotland) Amendment Regulations 1987

Made - - - -	*13th May 1987*
Laid before Parliament	*15th May 1987*
Coming into force	*5th June 1987*

The Secretary of State, in exercise of the powers conferred on him by sections 12(3), 33(2) and (3) and 37(1) of the Legal Aid (Scotland) Act 1986(**a**), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Advice and Assistance (Scotland) Amendment Regulations 1987 and shall come into force on 5th June 1987.

Interpretation

2. In these Regulations, "the principal Regulations" means the Advice and Assistance (Scotland) Regulations 1987(**b**).

Amendment of principal Regulations

3. At the end of paragraph (1) of regulation 15 of the principal Regulations there shall be added the following sub-paragraphs–

"(c) to unemployment benefit, sickness benefit, invalidity benefit, retirement pension, death grant, maternity benefit, widow's benefit, child's special allowance, attendance allowance, invalid care allowance, mobility allowance, guardian's allowance, injury benefit, disablement benefit or industrial death benefit paid under the Social Security Act 1975(**c**);

(d) to child benefit paid under the Child Benefit Act 1975(**d**);

(e) to allowances and benefit paid under the Industrial Injuries and Diseases (Old Cases) Act 1975(**e**);

(f) to any rate rebate or rent rebate or rent allowance paid under Part II of the Social Security and Housing Benefits Act 1982(**f**);

(g) to one-half of any redundancy payment within the meaning of Part VI of the Employment Protection (Consolidation) Act 1978(**g**) recovered or preserved for the client;

(**a**) 1986 c.47.
(**b**) S.I. 1987/382.
(**c**) 1975 c.14.
(**d**) 1975 c.61.
(**e**) 1975 c.16.
(**f**) 1982 c.24.
(**g**) 1978 c.44.

(h) to any payment of money in accordance with an order made under section 136 of the Employment Protection (Consolidation) Act 1978 by the Employment Appeal Tribunal;

(i) to any dwelling, household furniture or tools of trade recovered or preserved for the client as a result of advice or assistance given to him by the solicitor.".

4. In Schedule 3 to the principal Regulations–

(a) in Part I for "£75.75" there shall be substituted "£78.80"; and

(b) in Part II for "£2.20", "£14.10" where it occurs twice, "£7.05" and "£28.80" there shall be substituted "£2.30", "£14.80" in each case, "£7.40" and "£29.60" respectively.

Ian Lang
Parliamentary Under Secretary of State,
Scottish Office

New St. Andrew's House, Edinburgh
13th May 1987

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the provisions of the Advice and Assistance (Scotland) Regulations 1987 in two respects.

Firstly, they secure that a solicitor's right under section 12(3)(c) of the Legal Aid (Scotland) Act 1986 to prior payment of fees or outlays out of any property recovered or preserved for his client shall not apply to the following property so recovered or preserved–

payments made under the Social Security Act 1975, and the Child Benefit Act 1975;

payments under the Industrial Injuries and Diseases (Old Cases) Act 1975;

a rate or rent rebate or rent allowance under the Social Security and Housing Benefits Act 1982;

certain payments under the Employment Protection (Consolidation) Act 1978;

any dwelling or household furniture or tools of a trade which the client gets back or retains through advice or help given by the solicitor.

Secondly they increase by 4% the fee allowable to solicitors in respect of representation where, following a plea of guilty, one or more adjournments are ordered by the court; and by 5% the fees allowable for advice and assistance other than by way of representation.

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