Draft Regulations laid before the Scottish Parliament under section 37(2) of the Legal Aid (Scotland) Act 1986, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2015 No.

LEGAL AID AND ADVICE

The Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment (No. 3) Regulations 2015

Made - - - - 2015

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by section 9 of the Legal Aid (Scotland) Act 1986(**a**) and all other powers enabling them to do so.

In accordance with section 37(2) of that Act, a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment (No. 3) Regulations 2015 and come into force on the day after the day on which they are made.

Amendment of the Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 2003

2. In regulation 9 of the Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 2003(**b**) (prescribed proceedings), after paragraph (f) insert—

(**a**) 1986 c.47; section 9(2)(dd) and (de) was inserted by the Access to Justice Act 1999 (c.22), section 32. There are other amendments to that section which are not relevant to these Regulations. The functions of the Secretary of State were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46).

(**b**) S.S.I. 2003/179; relevant amending instruments are S.S.I. 2005/165, S.S.I. 2005/482, S.S.I. 2008/251 and S.S.I. 2012/84. Paragraph (g) of regulation 9 was revoked by S.S.I. 2008/251.

"(h) applications under sections 2(2), 3(3)(b), 4(3)(b), 11(3) and 12(3) of the Double Jeopardy (Scotland) Act 2011(**a**).".

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

(**a**) 2011 asp 16.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 2003 ("the Principal Regulations"). They add applications under the Double Jeopardy (Scotland) Act 2011 to the list of prescribed proceedings in regulation 9 of the Principal Regulations in respect of which assistance by way of representation is available without reference to the financial limits under section 8 of the Legal Aid (Scotland) Act 1986 (availability of advice and assistance) and in respect of which section 11(2) of that Act (client's contributions) does not apply.

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