STATUTORY INSTRUMENTS

1982 No. 1877 (S.202)

LEGAL AID AND ADVICE, SCOTLAND

The Legal Aid (Scotland) (Exclusion of Proceedings) Regulations 1982

Made - - -	*25th November* 1982
Laid before Parliament	*1st December* 1982
Coming into Operation	*11th January* 1983

In exercise of the powers conferred on me by sections 1 and 15 of the Legal Aid (Scotland) Act 1967(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the Legal Aid (Scotland) (Exclusion of Proceedings) Regulations 1982 and shall come into operation on 11th January 1983.

2. The proceedings in connection with which legal aid may be given shall not include an action for divorce where:—

(*a*) that action is brought in reliance on the facts set out in section 1(2) (d) (2 years non-cohabitation and the defender's consent to decree) or in section 1(2)(e) (5 years non-cohabitation) of the Divorce (Scotland) Act 1976(b);

(*b*) no other proceedings are pending in any court which could have the effect of bringing the marriage to an end;

(*c*) there are no children of the marriage under the age of 16 years;

(*d*) neither party applies for an order for financial provision on divorce; and

(*e*) neither party suffers from mental disorder within the meaning of section 6 of the Mental Health (Scotland) Act 1960(c).

3. These regulations shall not apply to proceedings commenced before 11th January 1983.

George Younger,
One of Her Majesty's Principal Secretaries of State.

New St Andrew's House,
Edinburgh.
25th November 1982.

(a) 1967 c.43; section 1(2) was amended by section 10(4) of the Criminal Justice (Scotland) Act 1980.

(b) 1976 c.39.

(c) 1960 c.61.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations provide that legal aid is not to be available in connection with divorce actions which are brought on the basis either of 2 years non-cohabitation and consent of the defender to granting decree or of 5 years non-cohabitation, and which fulfil certain conditions. These are actions in respect of which it is intended that a simplified divorce procedure should be available with effect from 11th January 1983. The regulations do not apply to proceedings commenced before 11th January 1983.

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