

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. 2) Regulations 2015

- - - - -
Made - - - -
Coming into force - - *1st April 2015*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 9 of the Legal Aid (Scotland) Act 1986(1) 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. 2) Regulations 2015 and come into force on 1st April 2015.

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

2.—(1) In regulation 3 of the Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 2003(2) (application of Part II of the Act to assistance by way of representation: miscellaneous proceedings), after paragraph (n) insert—

“(na) proceedings in connection with—

- (i) an application under section 11 of the Counter-Terrorism and Security Act 2015 (review of decisions relating to temporary exclusion orders); or

(1) 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).

(2) S.S.I. 2003/179; there are no amendments which are relevant to these Regulations.

- (ii) an application under paragraph 8 of Schedule 1 to that Act (seizure of passports etc.; extension of 14-day period by judicial authority);”.

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

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”) to make Assistance by Way of Representation (“ABWOR”) available for proceedings under the Counter-Terrorism and Security Act 2015 (“the 2015 Act”).

The proceedings for which ABWOR is made available are proceedings relating to the review of decisions relating to temporary exclusion orders (under section 11 of the 2015 Act) and proceedings relating to an application by a senior police officer under paragraph 8 of Schedule 1 to the 2015 Act for an extension of the 14-day period during which a travel document may be retained.

Regulation 2 adds these proceedings to the list of proceedings in regulation 3 of the principal Regulations for which ABWOR is available.

A Business Regulatory Impact Assessment (BRIA) has been prepared and placed in the Scottish Parliament Information Centre.