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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 495**

**LEGAL AID AND ADVICE**

**The Advice and Assistance (Scotland)  
Amendment Regulations 2002**

*Made* - - - - - *6th November 2002*  
*Laid before the Scottish*  
*Parliament* - - - - - *7th November 2002*  
*Coming into force* - - - - - *1st December 2002*

The Scottish Ministers, in exercise of the powers conferred by sections 12(3) and 37(1) of the Legal Aid (Scotland) Act 1986<sup>M1</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Marginal Citations**

**M1** 1986 c.47. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the [Scotland Act 1998 \(c.46\)](#).

**Citation and commencement**

1. These Regulations may be cited as the Advice and Assistance (Scotland) Amendment Regulations 2002 and shall come into force on 1st December 2002.

**Amendment of the Advice and Assistance (Scotland) Regulations 1996**

2. In regulation 16(2) of the Advice and Assistance (Scotland) Regulations 1996<sup>M2</sup>—

- (a) in sub-paragraph (b), for “£2,500” substitute “ £4,200 ”; and
- (b) at the end, insert—

“(1) to any payment of money in accordance with an order made by the Social Security Commissioners or the Child Support Commissioners or under any settlement arrived at to prevent or bring to an end proceedings in which such an order may be made”.

**Marginal Citations**

**M2** [S.I. 1996/2447](#), as amended by [S.I. 1996/726](#), [1998/724](#) and [S.S.I. 2000/181](#) and 399.

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**Changes to legislation:** *The Advice and Assistance (Scotland) Amendment Regulations 2002 is up to date with all changes known to be in force on or before 06 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

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St Andrew's House, Edinburgh  
6th November 2002

*R J SIMPSON*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Advice and Assistance (Scotland) Regulations 1996 to provide that a solicitor's right to prior payment of fees and outlays out of any property recovered or preserved for a client in respect of advice and assistance shall not apply to—

**a)** the first £4,200 recovered or preserved by virtue of certain family proceedings (this sum is increased from £2,500); and

**b)** any money paid in accordance with an order made by the Social Security Commissioners or the Child Support Commissioners.

**Changes to legislation:**

The Advice and Assistance (Scotland) Amendment Regulations 2002 is up to date with all changes known to be in force on or before 06 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- reg 2 rev by [S.S.I. 2009/49](#) reg 5 schedule