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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 399**

**LEGAL AID AND ADVICE**

**The Advice and Assistance (Scotland)  
Amendment (No. 2) Regulations 2000**

*Made* - - - - *10th November 2000*  
*Laid before the Scottish*  
*Parliament* - - - - *13th November 2000*  
*Coming into force* - - *15th January 2001*

The Scottish Ministers, in exercise of the powers conferred by sections 12(3), 33(2)(b) and (3)(f) and 37(1) of the Legal Aid (Scotland) Act 1986(1), and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Advice and Assistance (Scotland) Amendment (No. 2) Regulations 2000 and shall come into force on 15th January 2001.

(2) In these Regulations, “the principal Regulations” means the Advice and Assistance (Scotland) Regulations 1996(2).

**Amendment of the principal Regulations**

2. The principal Regulations shall be amended in accordance with the following regulations.
3. In regulation 2(1) (interpretation) of the principal Regulations—
  - (a) after the definition of “the 1992 Act”, there shall be inserted—

““the 1996 Act” means the Employment Tribunals Act 1996(3);”;
  - (b) after the definition of “child”, the full stop shall be omitted and there shall be inserted—

“  
“employment tribunal” means a tribunal established under section 1 of the 1996 Act.”.

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(1) 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).  
(2) S.I. 1996/2447, as amended by S.I. 1997/726, 1998/724 and S.S.I. 2000/181.  
(3) 1996 c. 17. Section 1 of the Employment Rights (Dispute Resolution) Act 1998 (c. 8) provides that the Industrial Tribunals Act 1996 may be cited as the Employment Tribunals Act 1996, and substitutes the term “industrial tribunal” with “employment tribunal” wherever it occurs in any enactment.

4. In regulation 16 (payment of fees and outlays from property recovered or preserved) of the principal Regulations—

- (a) in paragraph (2)(a)(iv), for “established under section 87 of the Employment Protection Act 1975” there shall be substituted “which continues in existence under section 20 of the 1996 Act”;
- (b) in paragraph (2)(g), for “the Industrial Tribunals Act 1996” there shall be substituted “the 1996 Act”; and
- (c) at the end of paragraph (2)(j), the full stop shall be deleted and there shall be inserted—
  - “;
  - (k) to any payment of money in accordance with an order made by an employment tribunal or under any settlement arrived at to prevent or bring to an end proceedings in which such an order may be made.”.

St Andrew’s House,  
Edinburgh  
10th November 2000

*JAMES R WALLACE*  
A member of the Scottish Executive

## EXPLANATORY NOTE

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

These Regulations amend the Advice and Assistance (Scotland) Regulations 1996 (“the principal Regulations”) so as 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 an order made by an employment tribunal (regulation 3).

The reference in the principal Regulations to section 87 of the Employment Protection Act 1975 has been omitted, as that section is now repealed. An updated reference is inserted (regulation 3).