
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 491

**The Civil Legal Aid (Scotland)
Amendment (No. 2) Regulations 2004**

Amendment of the Civil Legal Aid (Scotland) Regulations 2002

5. After regulation 47 insert—

“Cross-border disputes

48.—(1) In this regulation—

“the Council Directive” means Council Directive [2003/8/EC\(1\)](#) of the European Council on improving access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes, as corrected by a corrigendum published on 7th February 2003(2); and

“cross-border dispute” has the same meaning given by Article 2 of the Council Directive.

(2) These Regulations are modified to the extent provided in the following sub paragraphs in the case of a person resident outwith the United Kingdom in a Member State to which Article 1 of the Council Directive applies, who applies for legal aid for the purpose of pursuing by way of proceedings a cross-border dispute, namely—

- (a) regulation 5 above is modified so as to provide that such an application for legal aid shall be in such form and completed and signed in such manner as is specified in terms of Article 16 of the Council Directive;
- (b) paragraphs (1) and (4) of regulation 19 above are modified so as to provide that the Board is not required to notify its decision to grant, or as the case may be, refuse legal aid, or its grounds for refusing legal aid to that person’s solicitor; and
- (c) paragraph (2) of regulation 20 above is modified so as to provide that that person, or any solicitor acting for that person, is not required to intimate to any opponent an application for review of a decision by the Board to refuse legal aid.”.

(1) O.J. No. L 26, 31.1.2003, p.41.

(2) O.J. No. L 32, 7.2.2003, p.15.