

2005 No. 111

LEGAL AID AND ADVICE

**The Advice and Assistance (Scotland) Amendment Regulations
2005**

<i>Made</i> - - - -	<i>2nd March 2005</i>
<i>Laid before the Scottish Parliament</i>	<i>3rd March 2005</i>
<i>Coming into force</i> - -	<i>11th April 2005</i>

The Scottish Ministers, in exercise of the powers conferred by section 12(3) of the Legal Aid (Scotland) Act 1986(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Advice and Assistance (Scotland) Amendment Regulations 2005 and shall come into force on 11th April 2005.

Application

2. These Regulations shall apply only in relation to any case where an application for advice and assistance is made on or after 11th April 2005.

Amendment of the Advice and Assistance (Scotland) 1996

3.—(1) The Advice and Assistance (Scotland) Regulations 1996(b) are amended in accordance with the following paragraph.

(2) In regulation 16(2)(b), for “£4,395” substitute £4,531”(c).

HUGH HENRY

Authorised to sign on behalf of the Scottish Ministers

St Andrew's House,
Edinburgh
2nd March 2005

(a) 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).
(b) S.I. 1996/2447, as relevantly amended by S.S.I. 2002/495, 2003/163 and 2004/49.
(c) The previous figure in regulation 16(2)(b) was inserted by S.S.I. 2004/49.

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 the first £4,531 recovered or preserved by virtue of certain family proceedings (this sum is increased from £4,395).

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