

2008 No. 416

LEGAL AID AND ADVICE

**The Assistance by Way of Representation (District Court
Financial Limit) (Scotland) Order 2008**

Made - - - - - *16th December 2008*

Laid before the Scottish Parliament *17th December 2008*

Coming into force - - - *12th February 2009*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 64(5) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007^(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Assistance by Way of Representation (District Court Financial Limit) (Scotland) Order 2008 and comes into force on 12th February 2009.

Application of the Advice and Assistance (Financial Limit) (Scotland) Regulations 1993

2. Regulation 3(c)(v) of the Advice and Assistance (Financial Limit) (Scotland) Regulations 1993^(b) (which specifies a financial limit for assistance by way of representation) applies to criminal proceedings in any remaining district court as it applies to proceedings in the justice of the peace court.

KENNY MACASKILL

A member of the Scottish Executive

St Andrew's House,
Edinburgh
16th December 2008

^(a) 2007 asp 6.

^(b) S.I. 1993/3187. Regulation 3(c)(v) was inserted by regulation 2(2)(c) of the Advice and Assistance (Limits, Conditions and Representation) (Scotland) Regulations 2008 (S.S.I. 2008/251).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies the application of regulation 3(c)(v) of the Advice and Assistance (Financial Limit) (Scotland) Regulations 1993, which specifies the financial limit for certain forms of assistance by way of representation in justice of the peace court proceedings (other than those before a stipendiary magistrate). District courts are being phased out and replaced by justice of the peace courts. This Order ensures that the same financial limit which applies to assistance by way of representation in proceedings before a justice of the peace court applies in relation to proceedings before any remaining district court.

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