

**2008 No. 48**

**LEGAL AID AND ADVICE**

**The Civil Legal Aid (Scotland) Amendment Regulations 2008**

*Made* - - - - *20th February 2008*

*Laid before the Scottish Parliament* *21st February 2008*

*Coming into force* - - *7th April 2008*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 17(2B) and 36(1) of the Legal Aid (Scotland) Act 1986(a) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Civil Legal Aid (Scotland) Amendment Regulations 2008 and shall come into force on 7th April 2008.

**Application**

2. These Regulations shall apply only in relation to any case where an application for civil legal aid is made on or after 7th April 2008.

**Amendment of the Civil Legal Aid (Scotland) Regulations 2002**

3. In regulation 33(b) of the Civil Legal Aid (Scotland) Regulations 2002(b), for “£4,821” substitute “£5,009”(c).

*KENNY MACASKILL*

A member of the Scottish Executive

St Andrew's House,  
Edinburgh  
20th February 2008

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(a) 1986 c.47. Section 17(2B) was inserted by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40), section 74 and Schedule 8, paragraph 36(6). 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.S.I. 2002/494; relevant amending instruments are S.S.I. 2003/49, S.S.I. 2004/50, S.S.I. 2005/112, S.S.I. 2007/59.  
(c) The previous figure in regulation 33(b) was inserted by S.S.I. 2007/59.

## **EXPLANATORY NOTE**

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

These Regulations amend the Civil Legal Aid (Scotland) Regulations 2002 to provide that the requirement on a person in receipt of civil legal aid to pay the amount of any net liability of the Scottish Legal Aid Fund, shall not apply to the first £5,009 recovered or preserved by virtue of certain family proceedings (increased from £4,821).

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