
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 462

**The Advice and Assistance (Scotland)
Amendment Regulations 2010**

Amendment of the Advice and Assistance (Scotland) Regulations 1996

4. After regulation 21 insert—

“Right of Board to withhold payment or recover sums paid out of the Fund in relation to non-criminal matters

22.—(1) Paragraph (3) applies where the Board finds that the provision of advice and assistance (other than advice and assistance in relation to criminal matters)—

- (a) was not (wholly or partly) in accordance with the relevant rules applying by virtue of the Legal Aid (Scotland) Act 1986; or
- (b) was otherwise unjustified in the circumstances of the case (including by reason of inadequate assessment or verification of any relevant factor).

(2) In considering whether or not the provision of advice and assistance was in accordance with the relevant rules, the Board may have regard to any guidance it has issued in relation to the application of those rules.

(3) The Board may—

- (a) withhold (wholly) payment from the Fund in respect of the advice and assistance provided; or
- (b) if such payment has been made, fully recover it.”.