
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 296

The Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 2020

Amendment of the Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 2003

2.—(1) The Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 2003⁽¹⁾ are amended as follows.

(2) In regulation 1(2) (interpretation) after the definition of “the 2011 Act” insert—

““the 2018 Act” means the Historical Sexual Offences (Pardons and Disregards) (Scotland) Act 2018⁽²⁾.”.

(3) In regulation 3 (application of Part II of the Act to assistance by way of representation: miscellaneous proceedings)—

(a) in paragraph (u), omit “and”, and

(b) after paragraph (v), insert—

“; and

(w) appeal proceedings under section 8 of the 2018 Act”.

(4) In regulation 9 (prescribed proceedings)—

(a) in paragraph (i), omit “and”, and

(b) after paragraph (j), insert—

“; and

(k) appeal proceedings under section 8 of the 2018 Act”.

(5) In regulation 13 (assistance by way of representation requiring approval of the Board)—

(a) in paragraph (1), for “and (u)” substitute “, (u) and (w)”,

(b) in paragraph (5), after “4(a)” insert “and (7)”, and

(c) after paragraph (6), insert—

“(7) The Board must only approve the provision of assistance by way of representation in relation to the proceedings described in regulation 3(w) where it is satisfied that in all the circumstances of the case it is—

(a) in the interests of justice, and

(b) reasonable,

that assistance by way of representation be made available.”.

(1) S.S.I. 2003/179; relevant amending instruments are S.S.I. 2005/165, S.S.I. 2005/482, S.S.I. 2008/251 and S.S.I. 2012/84. Paragraph (g) of regulation 9 was revoked by S.S.I. 2008/251.

(2) 2018 asp 14.