

---

 STATUTORY INSTRUMENTS
 

---

**1986 No. 1358 (S. 112)**

**LEGAL AID AND ADVICE, SCOTLAND**

**The Legal Aid (Scotland) (General) Amendment Regulations  
1986**

|                               |         |                    |
|-------------------------------|---------|--------------------|
| <i>Made</i>                   | - - - - | 29th July 1986     |
| <i>Laid before Parliament</i> |         | 11th August 1986   |
| <i>Coming into Operation</i>  |         | 1st September 1986 |

The Secretary of State, in exercise of the powers conferred on him by sections 3(4) and 15 of the Legal Aid (Scotland) Act 1967(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:-

**1.**—(1) These regulations may be cited as the Legal Aid (Scotland) (General) Amendment Regulations 1986 and shall come into operation on 1st September 1986.

(2) In these regulations, “the principal regulations” means the Legal Aid (Scotland) (General) Regulations 1960(b).

**2.** In regulation 3(1) of the principal regulations -

- (a) after the word “payable” where it first appears, there shall be inserted the words “, or property transferred,”;
- (b) for the words “a decree for payment of aliment”, there shall be substituted the words “an order for aliment or financial provision”.

**3.** For regulation 3(2) of the principal regulations, there shall be substituted the following paragraph:-

“(2) In paragraph 1(a) above, the expression “order for aliment or financial provision” means -

- (a) a decree following upon an action for aliment within the meaning of the Family Law (Scotland) Act 1985(c);
- (b) an order for financial provision within the meaning of the Family Law (Scotland) Act 1985;
- (c) an order for the payment of a periodical allowance or a capital sum under section 5 of the Divorce (Scotland) Act 1976(d);

---

(a) 1967 c.43.

(b) S.I. 1960/2195; the relevant amending instrument is S.I. 1978/622.

(c) 1985 c.37.

(d) 1976 c.39.

- (d) any order for the payment of sums for the maintenance of any person which is, by virtue of the Maintenance Orders Act 1950(a), enforceable in Scotland; and
- (e) any order to which the Maintenance Orders (Reciprocal Enforcement) Act 1972(b) applies.”.

*John J. MacKay,*

Parliamentary Under Secretary of State,  
Scottish Office.

New St. Andrew's House,  
Edinburgh.  
29th July 1986.

---

#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations amend the Legal Aid (Scotland) (General) Regulations 1960 to take account of the coming into operation on 1st September 1986 of certain provisions of the Family Law (Scotland) Act 1985.

They provide for payments of aliment and payments and transfers of property following upon an order for financial provision on divorce under that Act to be exempt from the charge in favour of the Legal Aid (Scotland) Fund imposed by section 3(4) of the Legal Aid (Scotland) Act 1967.

---

(a) 1950 c.37.

(b) 1972 c.18.



SI 1986/1358  
ISBN 0-11-067358-1



780110 673585