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STATUTORY INSTRUMENTS

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**1987 No. 381**

**The Civil Legal Aid (Scotland) Regulations 1987**

**Part VII**

**Expenses**

**Payments out of property recovered or preserved**

**32.** The right to prior payment of certain sums out of any property recovered or preserved which is created by section 17(5) of the Act shall not apply—

- (a) in respect of any money payable—
  - (i) under a decree following on an action for aliment within the meaning of the Family Law (Scotland) Act 1985(1);
  - (ii) under an order for the payment of a periodical allowance under section 5 of the Divorce (Scotland) Act 1976(2), or for the making of a periodical allowance under section 8 of the Family Law (Scotland) Act 1985;
  - (iii) under any order for the periodical payment of sums for the maintenance of any person which, by virtue of the Maintenance Orders Act 1950(3), the Maintenance Orders (Reciprocal Enforcement) Act 1972(4) or the Civil Jurisdiction and Judgments Act 1982(5), may be enforced in Scotland;
  - (iv) under an order made by the Employment Appeal Tribunal established under section 87 of the Employment Protection Act 1975(6) or under any settlement arrived at to prevent or bring to an end proceedings in which such an order may be made;
  - (v) by way of supplementary benefit under the Supplementary Benefits Act 1976(7) or family income supplement under the Family Income Supplements Act 1970(8);
  - (vi) by way of aliment or periodical allowance by virtue of any settlement arrived at to prevent or bring to an end proceedings in which such a decree or order as is mentioned in sub-paragraphs (i) to (iii) above may be granted;
- (b) to the first £2,500 of any money, or of the value of any property, recovered or preserved by virtue of:—
  - (i) an order for the payment of a capital sum under section 5 of the Divorce (Scotland) Act 1976; or
  - (ii) an order for payment of a capital sum or transfer of property, or an incidental order, under section 8 of the Family Law (Scotland) Act 1985; or

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(1) 1985 c. 37.  
(2) 1976 c. 39.  
(3) 1950 c. 37.  
(4) 1972 c. 18.  
(5) 1982 c. 27.  
(6) 1975 c. 71.  
(7) 1976 c. 71.  
(8) 1970 c. 55.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (iii) any settlement arrived at to prevent or bring to an end proceedings in which such an order may be granted.