
STATUTORY INSTRUMENTS

1992 No. 1588 (S.149)

LEGAL AID AND ADVICE, SCOTLAND

The Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 1992

Made - - - - *30th June 1992*
Coming into force - - *1st July 1992*

The Secretary of State, in exercise of the powers conferred on him by sections 9(1) and (2)(a) and (b) and 37(1) of the Legal Aid (Scotland) Act 1986⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations, of which a draft has, in accordance with section 37(2) of that Act, been laid before Parliament and approved by resolution of each House of Parliament:

Citation and commencement

1. These Regulations may be cited as the Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 1992 and shall come into force on 1st July 1992.

Interpretation

2. In these Regulations, “the principal Regulations” means the Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 1988⁽²⁾.

Amendment of principal Regulations

3. In regulation 3 of the principal Regulations—

- (a) the word “and” shall be deleted and a comma shall be substituted therefor; and
- (b) after “1984” there shall be inserted the following:—

“and in relation to petitions for the appointment of an executor to a deceased person under the Act of Sederunt (Confirmation of Executors) 1964⁽³⁾”.

4. In regulation 4 of the principal Regulations—

- (a) at the beginning there shall be inserted “—(1)”; and

(1) 1986 c. 47.

(2) S.I.1988/2290.

(3) S.I. 1964/1143, amended by S.I. 1966/593.

Status: This is the original version (as it was originally made).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

(b) after sub-paragraph (f) there shall be inserted:—

“(2) The assistance by way of representation which may be provided under Part II of the Act in relation to petitions for the appointment of an executor shall be for representation of the petitioner in all stages of an unopposed petition until the petitioner be decerned executor and extract decree dative obtained.”.

St. Andrew’s House,
Edinburgh
30th June 1992

Fraser of Carmyllie
Minister of State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 1988 and provide for assistance by way of representation to be made available in relation to unopposed petitions for the appointment of an executor of a deceased person under the Act of Sederunt (Confirmation of Executors) 1964. Their provisions come into force on 1st July 1992.