
STATUTORY INSTRUMENTS

1993 No. 534 (S.71)

LEGAL AID AND ADVICE, SCOTLAND

The Legal Aid (Scotland) (Children)
Amendment Regulations 1993

<i>Made</i>	- - - -	<i>5th March 1993</i>
<i>Laid before Parliament</i>		<i>11th March 1993</i>
<i>Coming into force</i>	- -	<i>1st April 1993</i>

The Secretary of State, in exercise of the powers conferred on him by section 36(1) and (2)(a) of the Legal Aid (Scotland) Act 1986(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Legal Aid (Scotland) (Children) Amendment Regulations 1993 and shall come into force on 1st April 1993.

Interpretation

2. In these Regulations “the principal Regulations” means the Legal Aid (Scotland) (Children) Regulations 1987(2).

Amendment of principal Regulations

3. In regulation 2 of the principal Regulations:—

(a) after the definition “child”, there shall be inserted the following definitions:—

““counsel” includes a rights of audience solicitor;

“junior counsel” and “junior” include a rights of audience solicitor;”;

(b) after the definition of “parent” there shall be inserted the following definitions:—

““rights of audience solicitor” means a solicitor having a right of audience in the Court of Session, the House of Lords and the Judicial Committee of the Privy

(1) 1986 c. 47.
(2) S.I.1987/384.

Status: This is the original version (as it was originally made).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

Council by virtue of section 25A (rights of audience in specified courts) of the Solicitors (Scotland) Act 1980(3); and

“senior counsel” includes a rights of audience solicitor.”.

4. In regulation 5(2) of the principal Regulations, there shall be substituted for the words “the right of a minor” the words “any right of a child under the age of 16 years”.

St. Andrew’s House,
Edinburgh
5th March 1993

Fraser of Carmyllie
Minister of State, Scottish Office

(3) 1980 c. 46; section 25A was inserted by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40), section 24.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid (Scotland) (Children) Regulations 1987 (“the principal Regulations”). They make provision for a solicitor having a right of audience by virtue of section 25A (rights of audience) of the Solicitors (Scotland) Act 1980, as amended by section 24 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, to be entitled to the same fees as counsel when appearing in the Court of Session (regulation 3).

They also amend the reference to the “the right of a minor” to apply for legal aid as a consequence of the Age of Legal Capacity (Scotland) Act 1991 (c. 50) (regulation 4).