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STATUTORY INSTRUMENTS

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**1993 No. 535 (S.72)**

**LEGAL AID AND ADVICE, SCOTLAND**

**The Civil Legal Aid (Scotland) Amendment Regulations 1993**

*Made* - - - - *9th March 1993*  
*Laid before Parliament* *11th March 1993*  
*Coming into force* - - *1st April 1993*

The Secretary of State, in exercise of the powers conferred on him by sections 36(1) and (2)(a), 37(1) and 42(1) of the Legal Aid (Scotland) Act 1986(1) and all other powers enabling him in that behalf, and with the concurrence of the Treasury, hereby makes the following Regulations:

**Citation and commencement**

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

**Interpretation**

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

**Amendment of principal Regulations**

3. In regulation 3 of the principal Regulations (interpretation) there shall be inserted the following definitions:—

(a) after the definition of “child”:—

““counsel” includes a rights of audience solicitor;”;

(b) after the definition of “interest in land”:—

““junior counsel” includes a rights of audience solicitor;”;

(c) at the end:—

““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

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(1) 1986 c. 47.

(2) S.I.1987/381, amended by S.I.s 1987/431, 1988/490, 1171 and 1891, 1989/505, 1990/631, 1991/745 and 1904 and 1992/753.

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 6 of the principal Regulations, there shall be substituted for the words “the right of a minor” the words “any right of a child”.

5. For paragraph 8A(4) of Schedule 2 to the principal Regulations, there shall be substituted the following paragraphs:—

“8A. There shall be a deduction in respect of any amounts paid by the person concerned in respect of arrears of community charge and community water charges as defined in section 26(1), and the rate as was defined in section 26(2), of the Abolition of Domestic Rates Etc. (Scotland) Act 1987(5) in respect of any period prior to 1st April 1993.

8B. There shall be a deduction in respect of the amounts payable or estimated to be payable in the 12 months following the application by the person concerned in respect of the council tax, the council water tax and the rate as defined in section 99(1) and (2)(a) of the Local Government Finance Act 1992(6)

6. The amendments made by these Regulations shall only apply in relation to any application for civil legal aid which is made to the Scottish Legal Aid Board on or after 1st April 1993.

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

*Fraser of Carmyllie*  
Minister of State, Scottish Office

We consent,

9th March 1993

*T J R Wood*  
*Tim Kirkhope*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

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(3) 1980 c. 46; section 25A was inserted by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40), section 24.  
(4) Paragraph 8A was inserted by S.I. 1989/505.  
(5) 1987 c. 47.  
(6) 1992 c. 14.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Civil Legal Aid (Scotland) Regulations 1987 (“the principal Regulations”).

They amend the principal Regulations by defining the references to Counsel, Junior Counsel and Senior Counsel in those Regulations as including a reference to a solicitor having a right of audience in the Court of Session, the House of Lords and the Judicial committee of the Privy Council by virtue of section 25A (rights of audience in specified courts) of the Solicitors (Scotland) Act 1980, as inserted by section 24 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990.

They also amend the reference to “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).

These amendments only apply in relation to any application made to the Scottish Legal Aid Board on or after 1st April 1993 (regulation 6).