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STATUTORY INSTRUMENTS

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**1993 No. 972 (S.134)**

**LEGAL AID AND ADVICE, SCOTLAND**

**The Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 1993**

*Made* - - - - *31st March 1993*

*Coming into force* - - *1st April 1993*

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<sup>(1)</sup> 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, 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 1993 and shall come into force on 1st April 1993.

**Interpretation**

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

**Amendment of principal Regulations**

3. For regulation 3 of the principal Regulations there shall be substituted:—

“3. Part II of the Act shall apply to assistance by way of representation in relation to—

- (a) summary criminal proceedings;
- (b) appeals to the sheriff under the Mental Health (Scotland) Act 1984<sup>(3)</sup>;
- (c) petitions for the appointment of an executor to a deceased person under the Act of Sederunt (Confirmation of Executors) 1964<sup>(4)</sup>; and

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(1) 1986 c. 47.  
(2) S.I.1988/2290, as amended by S.I. 1992/1588.  
(3) 1984 c. 36.  
(4) S.I. 1964/1143, as amended by S.I. 1966/593.

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**Status:** This is the original version (as it was originally made).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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(d) petitions by a debtor for the sequestration of his estate under section 5(2)(a) of the Bankruptcy (Scotland) Act 1985~~((5))~~.

4. In regulation 4 of the principal Regulations, after paragraph (2) there shall be inserted–

“(3) The assistance by way of representation which may be provided under Part II of the Act in relation to a petition by a debtor for the sequestration of his estate under section 5(2)(a) of the Bankruptcy (Scotland) Act 1985 shall be providing the debtor with advice and assistance by taking on his behalf any step in instituting or conducting any proceedings in connection with the petition before a court, whether by representing him in those proceedings or by otherwise taking any step on his behalf (as distinct from assisting him in taking such a step on his own behalf).”

### **Revocation**

5. Regulation 3 of The Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 1992~~((6))~~ is hereby revoked.

St Andrew's House,  
Edinburgh  
31st March 1993

*Fraser of Carmyllie*  
Minister of State, Scottish Office

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(5) 1985 c. 66; section 5 of the 1985 Act was amended by section 3(2) of the Bankruptcy (Scotland) Act 1993 (c. 6).

(6) S.I. 1992/1588.

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## **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 petitions by a debtor for an award of sequestration under section 5(2)(a) of the Bankruptcy (Scotland) Act 1985 as amended by the Bankruptcy (Scotland) Act 1993.