
STATUTORY INSTRUMENTS

1995 No. 2319 (S.172)

LEGAL AID AND ADVICE, SCOTLAND

**The Legal Aid in Contempt of Court Proceedings
(Scotland) Amendment Regulations 1995**

<i>Made</i>	- - - -	<i>31st August 1995</i>
<i>Laid before Parliament</i>		<i>5th September 1995</i>
<i>Coming into force</i>	- -	<i>26th September 1995</i>

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

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Legal Aid in Contempt of Court Proceedings (Scotland) Amendment Regulations 1995 and shall come into force on 26th September 1995.

(2) In these Regulations “the principal Regulations” means the Legal Aid in Contempt of Court Proceedings (Scotland) Regulations 1992⁽²⁾.

Application

2. These Regulations shall apply only in relation to any case where an application for legal aid is made to the Board on or after 26th September 1995.

Amendment of the principal Regulations

3. In regulation 4(3) of the principal Regulations (applications for legal aid) for sub-paragraph (d) there shall be substituted—

“(d) where section 25(2)(c) of the Act⁽³⁾ applies by virtue of section 30(3) of the Act, include a statement of the grounds of appeal and any other circumstances which the applicant considers relevant to enable the Board to be satisfied that in all the circumstances of the case it is in the interests of justice that the applicant should receive legal aid.”.

(1) 1986 c. 47.

(2) S.I. 1992/1227 as amended by 1993/528 and 1994/1016.

(3) Section 25(2)(c) was inserted by section 65(3)(c) of the Criminal Justice (Scotland) Act 1995 (c. 20).

Status: This is the original version (as it was originally made).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

St Andrew's House,
Edinburgh
31st August 1995

James Douglas-Hamilton
Minister of State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid in Contempt of Court Proceedings (Scotland) Regulations 1992 (S.I. 1992/1227) (“the principal Regulations”) to take account of amendments made to section 25 (legal aid in appeals) and 30 (legal aid in contempt proceedings) of the Legal Aid (Scotland) Act 1986 (c. 47) (“the 1986 Act”) by section 65 (legal aid in criminal appeals) of the Criminal Justice (Scotland) Act 1995 (c. 20) and brought into force on 26th September 1995 by the Criminal Justice (Scotland) Act 1995 (Commencement No.1, Transitional Provisions and Savings) Order 1995 (S.I. 1995/2295).

The Regulations amend the principal Regulations to provide that an application for legal aid in connection with an appeal against a decision of a court in proceedings for contempt of court to which section 25(2)(c) of the 1986 Act applies by virtue of section 30(3) of the 1986 Act shall include a statement of the grounds of appeal and any other circumstances which the applicant considers relevant to enable the Scottish Legal Aid Board to be satisfied that it is in the interests of justice that the applicant should receive legal aid.