
STATUTORY INSTRUMENTS

1996 No. 2444

The Civil Legal Aid (Scotland) Regulations 1996

PART VI

CHANGES OF CIRCUMSTANCES

Termination of legal aid and right of Board to recover sums paid out of the Fund in cases of false information, etc.

32.—(1) This regulation applies where after giving a person an opportunity of submitting representations, the Board is satisfied that that person has—

- (a) in relation to any application for legal aid, made an untrue statement as to his resources or has failed to disclose any material fact concerning them, whether the statement was made or the failure occurred before or after legal aid was made available to him;
 - (b) wilfully failed to comply with these Regulations by not furnishing to the Board any material information concerning anything other than his resources; or
 - (c) knowingly made an untrue statement in furnishing such information.
- (2) The Board—
- (a) may cease to make legal aid available to that person in the matter or proceedings;
 - (b) shall have the right to recover from that person the amount paid out of the Fund in respect of the fees and outlays of his solicitors and counsel less any amount received from him by way of contribution.
- (3) The person—
- (a) shall be deemed, for the purposes of sections 18 and 19 of the Act⁽¹⁾, never to have been an assisted person;
 - (b) shall not be entitled to avail himself of the provisions of regulation 18 in respect of any later stages of the same proceedings in the same court or any court to which those proceedings may be remitted;
 - (c) shall not be entitled to legal aid in relation to any later stages of the same proceedings in the same court or any court to which those proceedings may be remitted; and
 - (d) shall not be entitled to legal aid in any appellate proceedings in relation to the same action, cause or matter, unless the Board considers that there is special reason to make legal aid available for such appellate proceedings.

⁽¹⁾ Section 18 was amended by the Legal Aid Act 1988 (c. 34), Schedule 4, Part II, paragraph 7; section 19 was amended by the Legal Aid Act 1988, Schedule 4, Part II, paragraph 8.