

**2004 No. 49**

**LEGAL AID AND ADVICE**

**The Advice and Assistance (Scotland) Amendment  
Regulations 2004**

<i>Made</i>	- - - -	<i>9th February 2004</i>
<i>Laid before the Scottish Parliament</i>		<i>10th February 2004</i>
<i>Coming into force</i>	- -	<i>12th April 2004</i>

The Scottish Ministers, in exercise of the powers conferred by section 12(3) of the Legal Aid (Scotland) Act 1986(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Advice and Assistance (Scotland) Amendment Regulations 2004 and shall come into force on 12th April 2004.

**Application**

2. These Regulations shall apply only in relation to any case where an application for advice and assistance is made on or after 12th April 2004.

**Amendment of the Advice and Assistance (Scotland) Regulations 1996**

3. The Advice and Assistance (Scotland) Regulations 1996(b) are amended in accordance with the following regulation.

4. In regulation 16(2)(b), for “£4,275” substitute “£4,395”(c).

*CATHY JAMIESON*  
A member of the Scottish Executive

St Andrew's House,  
Edinburgh  
9th February 2004

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(a) 1986 c.47. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).  
(b) S.I. 1996/2447, as amended by S.I. 1997/726, 1998/724, and S.S.I. 2000/181 and 399, 2002/495, and 2003/163 and 421.  
(c) The previous figure specified in regulation 16(2)(b) was inserted by S.S.I. 2003/163.

## EXPLANATORY NOTE

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

These Regulations amend the Advice and Assistance (Scotland) Regulations 1996 to provide that a solicitor's right to prior payment of fees and outlays out of any property recovered or preserved for a client in respect of advice and assistance shall not apply to the first £4,395 recovered or preserved by virtue of certain family proceedings (this sum is increased from £4,275).

£3.00

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