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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 492**

**The Advice and Assistance (Scotland)  
Amendment (No. 3) Regulations 2004**

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

**4.** For regulation 10 substitute—

**“Applicant for advice and assistance having other rights and facilities**

**10.—**(1) Where it appears to the solicitor that an applicant for advice and assistance under Part II of the Act has available rights and facilities making it unnecessary for him to obtain such advice and assistance or has a reasonable expectation of obtaining financial or other help from a body of which he is a member, the solicitor shall not approve the application unless the applicant has not succeeded in enforcing or obtaining such rights, facilities or help, after having taken in the opinion of the solicitor, all reasonable steps to enforce or obtain them:

Provided that the applicant shall not, for the purpose of this regulation, be deemed to have failed to take all reasonable steps by reason only that he has not taken proceedings by way of declarator or otherwise to enforce or obtain such rights, facilities or help.

(2) Where the solicitor approves an application for advice and assistance under Part II of the Act by a person who is a member of a body which might reasonably have been expected to give that person financial help towards the expenses of such advice and assistance, the solicitor shall require that person to sign an undertaking to pay to the Board any sum received from that body on account of the expenses of the advice and assistance.”