
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 492

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

Amendment of the Advice and Assistance (Scotland) Regulations 1996

6. In regulation 21—

(a) for paragraph (1) substitute—

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

- (a) that the person has wilfully failed to comply with these Regulations as to the information to be furnished by that person;
- (b) that the person has knowingly made a false statement or false representation in furnishing such information; or
- (c) that the Board has paid fees and outlays to a solicitor who provided advice and assistance to that person, and at any time prior to or after such payment that person or any solicitor acting on that person’s behalf has, in respect of the same matter for which advice and assistance was provided—
 - (i) received any expenses which (by virtue of a judgment or order of a court or an agreement or otherwise) are payable to that person; or
 - (ii) recovered or preserved any property (of whatever nature and wherever situated), including that person’s rights under any settlement arrived at in connection with the matter in order to avoid or bring to an end any proceedings,

such expenses or property not having been declared to the Board by either that person or any solicitor acting on that person’s behalf.”; and

(b) at the end of regulation 21 insert—

“(3) In any case to which paragraph (1)(c) above applies the sum recoverable by the Board under paragraph (2) above shall be the amount of fees and outlays paid, less any amount which would have been properly payable by way of fees and outlays under section 12(3)(d) of the Act had the expenses or property been declared to the Board.”.