

2008 No. 47

LEGAL AID AND ADVICE

**The Advice and Assistance (Scotland) Amendment
Regulations 2008**

<i>Made</i>	- - - -	<i>20th February 2008</i>
<i>Laid before the Scottish Parliament</i>		<i>21st February 2008</i>
<i>Coming into force</i>	- -	<i>7th April 2008</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 12(3) of the Legal Aid (Scotland) Act 1986(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Advice and Assistance (Scotland) Amendment Regulations 2008 and shall come into force on 7th April 2008.

Application

2. These Regulations shall apply only in relation to any case where an application for advice and assistance is made on or after 7th April 2008.

Amendment of the Advice and Assistance (Scotland) Regulations 1996

3. In regulation 16(2)(b) of the Advice and Assistance (Scotland) Regulations 1996(b) for “£4,821”, substitute “£5,009”(c).

KENNY MACASKILL
A member of the Scottish Executive

St Andrew's House,
Edinburgh
20th February 2008

(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; relevant amending instruments are S.S.I. 2002/495, S.S.I. 2003/163, S.S.I. 2004/49, S.S.I. 2005/111, S.S.I. 2006/60, S.S.I. 2007/60.
(c) The previous figure specified in regulation 16(2)(b) was inserted by S.S.I. 2007/60.

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 £5,009 (increased from £4,821) recovered or preserved by virtue of certain family proceedings.

£3.00

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