

STATUTORY INSTRUMENTS

1986 No. 1359 (S. 113)

LEGAL AID AND ADVICE, SCOTLAND

**The Legal Advice and Assistance (Scotland) Amendment
(No. 3) Regulations 1986***Made* - - - - - 29th July 1986*Laid before Parliament* 11th August 1986*Coming into Operation* 1st September 1986

The Secretary of State, in exercise of the powers conferred on him by section 5(3) of the Legal Advice and Assistance Act 1972(a), and section 15 of the Legal Aid (Scotland) Act 1967(b), and of all other powers enabling him in that behalf, hereby makes the following regulations:-

1.—(1) These regulations may be cited as the Legal Advice and Assistance (Scotland) Amendment (No. 3) Regulations 1986 and shall come into operation on 1st September 1986.

(2) In these regulations “the principal regulations” means the Legal Advice and Assistance (Scotland) Regulations 1973(c).

2. In regulation 6(1) of the principal regulations there shall be substituted for sub-paragraph (a) the following sub-paragraph:-

“(a) moneys payable, or property transferred, under -

- (i) a decree following upon an action for aliment within the meaning of the Family Law (Scotland) Act 1985(d) or an agreement in writing for the payment of aliment in fulfilment of an obligation of aliment;
- (ii) an order for financial provision within the meaning of the Family Law (Scotland) Act 1985;
- (iii) an order for the payment of a periodical allowance or a capital sum under section 5 of the Divorce (Scotland) Act 1976(e);
- (iv) any order for the payment of sums for the maintenance of any person which is, by virtue of the Maintenance Orders Act 1950(f), enforceable in Scotland;
- (v) any order to which the Maintenance Orders (Reciprocal Enforcement) Act 1972(g) applies.”.

(a) 1972 c.50.

(b) 1967 c.43; section 15 was extended by section 6 of the Legal Advice and Assistance Act 1972.

(c) S.I. 1973/390; the relevant amending instrument is S.I. 1977/1762.

(d) 1985 c.37.

(e) 1976 c.39.

(f) 1950 c.37.

(g) 1972 c.18.

John J. MacKay,
Parliamentary Under Secretary of State,
Scottish Office.

New St. Andrew's House,
Edinburgh.
29th July 1986.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Legal Advice and Assistance (Scotland) Regulations 1973 to take account of the coming into operation on 1st September 1986 of certain provisions of the Family Law (Scotland) Act 1985.

They provide for payments of aliment and payments and transfers of property following upon an order for financial provision on divorce under that Act to be exempt from the charge on property recovered or preserved, imposed by section 5(3) of the Legal Advice and Assistance Act 1972.

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