
STATUTORY INSTRUMENTS

1992 No. 527 (S.58)

LEGAL AID AND ADVICE, SCOTLAND

**The Criminal Legal Aid (Scotland)
Amendment Regulations 1992**

<i>Made</i>	- - - -	<i>5th March 1992</i>
<i>Laid before Parliament</i>		<i>11th March 1992</i>
<i>Coming into force</i>	- -	<i>1st April 1992</i>

The Secretary of State, in exercise of the powers conferred on him by sections 36(1) and (2)(f) and (g), and 37(1) of the Legal Aid (Scotland) Act 1986(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Criminal Legal Aid (Scotland) Amendment Regulations 1992 and shall come into force on 1st April 1992.

Interpretation

2. In these Regulations, “the principal Regulations” means the Criminal Legal Aid (Scotland) Regulations 1987(2).

Amendment of the principal regulations

3.—(1) In regulation 18 of the principal Regulations, for paragraph (1), there shall be substituted:

—
“(1) The Board shall cease to make criminal legal aid available if it is satisfied, after taking account of any explanation offered by the assisted person in respect of subparagraphs (a) to (d) below, that he—

- (a) has wilfully failed to comply with the provisions of these Regulations as to the information to be furnished by him; or
- (b) knowingly made a false statement or false representation in furnishing such information; or

(1) 1986 c. 47.

(2) S.I.1987/307, amended by S.I. 1988/1126.

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- (c) has conducted himself in connection with the proceedings in such a way as to make it appear to the Board unreasonable that he should continue to receive legal aid; or
 - (d) has wilfully or deliberately given false information for the purpose of misleading the Board in considering his financial circumstances under section 24 of the Act.”.
- (2) In regulation 18(2) of the principal Regulations—
- (a) the word “and” at the end of sub-paragraph (a) shall be deleted;
 - (b) at the end of sub-paragraph (b), there shall be substituted for the fullstop, the following:—
 - “; and
 - (c) the Board may direct that the assisted person shall cease to be entitled to criminal legal aid in connection with those proceedings.”.

St Andrew’s House,
Edinburgh
5th March 1992

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st April 1992, amend the provisions of the Criminal Legal Aid (Scotland) Regulations 1987 by extending both the grounds upon which the Board are under a duty to cease to make legal aid in summary proceedings available and the consequential steps they may take when they exercise that duty.