
STATUTORY INSTRUMENTS

1994 No. 1001 (S. 44)

LEGAL AID AND ADVICE, SCOTLAND

**The Criminal Legal Aid (Scotland)
(Prescribed Proceedings) Regulations 1994**

Made - - - - 28th March 1994
Coming into force - - 11th April 1994

The Secretary of State, in exercise of the powers conferred on him by sections 21(2), 36(1) 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 of which a draft has, in accordance with section 37(2) of that Act, been laid before, and approved by resolution of, each House of Parliament:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Criminal Legal Aid (Scotland) (Prescribed Proceedings) Regulations 1994 and shall come into force on 11th April 1994.

(2) In these Regulations, unless the context otherwise requires, “the 1975 Act” means the Criminal Procedure (Scotland) Act 1975((2))

Application

2. These Regulations shall not apply in relation to any case where criminal legal aid is granted before 11th April 1994.

Proceedings in which criminal legal aid shall not be available

3. Criminal legal aid shall not be available in connection with proceedings—

- (a) under section 186 or 387 of the 1975 Act((3)) in relation to failure to comply with the requirements of a probation order;

(1) 1986 c. 47.

(2) 1975 c. 21.

(3) Sections 186 and 387 were amended by the Community Service by Offenders (Scotland) Act 1978 (c. 49), section 8; the Criminal Justice (Scotland) Act 1980 (c. 62), section 46(1)(a) and (d) respectively; the Criminal Justice Act 1982 (c. 48), Schedule 7, paragraphs 3 and 9 respectively; the Criminal Justice (Scotland) Act 1987 (c. 41), section 65(5); the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40), section 61(2) and the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9), Schedule 5, paragraph 1(7).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) under section 187 or 388 of the 1975 Act in relation to the conviction of a probationer by a Court in Great Britain of an offence committed during his probation period;
- (c) under section 4 of the Community Service by Offenders (Scotland) Act 1978((4)) in relation to failure to comply with the requirements of a community service order;
- (d) under paragraph 4 of Schedule 6 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990((5)) in relation to failure to comply with the requirements of a supervised attendance order; and
- (e) under section 42 of the Road Traffic Offenders Act 1988((6)) for removal of a disqualification.

St Andrew's House,
Edinburgh
28th March 1994

Fraser of Carmyllie
Minister of State, Scottish Office

(4) 1978 c. 49; section 4 was amended by the Criminal Justice Act 1982 (c. 48), Schedule 7, paragraph 12 and by the Law Reform (Miscellaneous) Provisions (Scotland) Act 1990 (c. 40), Schedule 8, paragraph 28.

(5) 1990 c. 40.

(6) 1988 c. 53; section 42 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 98.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe proceedings in connection with which criminal legal aid shall not be available. The proceedings prescribed are those to which assistance by way of representation under Part II of the Legal Aid (Scotland) Act 1986 is made available by regulation 3(b) of the Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 1994 (S.I.1994/1000).