
STATUTORY INSTRUMENTS

1997 No. 2323

**The Crime and Punishment (Scotland) Act
1997 (Commencement No.2 and Transitional
and Consequential Provisions) Order 1997**

Commencement of Parts V and VI and consequential provisions

6.—(1) The provisions of Part V of the Act specified in column 1 of Schedule 3 to this Order shall, in so far as they are not then in force, come into force on the date specified in column 2 of that Schedule so as to enable the provisions of the 1986 Act which are specified in column 3 to the Schedule to come into force on that date for the purpose specified in column 4 of that Schedule.

(2) Section 62(1) of the Act shall come into force on 1st October 1997 for the purpose of bringing into force the amendments to the 1986 Act which are made by paragraphs 12(2) to (4) and (8) to (10) of Schedule 1 to the Act.

(3) Section 63(1)(b) of the Act shall come into force on 1st October 1997.

(4) Where the name of a solicitor and any firm with which he is connected is not entered on the Register on 1st October 1998, the solicitor shall, in accordance with arrangements approved by the Board, forthwith and without waiting for the resolution of any appeal under section 25A(13)(1) of the 1986 Act, transfer—

- (a) any work currently being undertaken by him for any client by way of criminal legal assistance; and
- (b) notwithstanding any lien to which he might otherwise be entitled, any documents connected with any such work,

to a registered solicitor.

(5) For the purposes of this article and Schedule 3 to this Order—

“the 1986 Act” means the Legal Aid (Scotland) Act(2);

“the Board” means the Scottish Legal Aid Board;

“criminal legal assistance” means criminal legal aid and advice and assistance in relation to criminal matters;

“document” includes information recorded in any form;

“firm” includes an incorporated practice, a sole solicitor and a law centre;

“the Register” means the Register established and maintained under section 25A of the 1986 Act;

“registered firm” means a firm whose name appears on the Register; and

“registered solicitor” means a solicitor whose name appears on the Register.

(1) Section 25A was inserted by section 49 of the Act.

(2) 1986 c. 47.