
STATUTORY INSTRUMENTS

1997 No. 3070

The Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 1997

Application of Part II of the Act to assistance by way of representation: proceedings under the Proceeds of Crime (Scotland) Act 1995

5.—(1) Any reference in this regulation to a numbered section is to a section bearing that number in the Proceeds of Crime (Scotland) Act 1995(1).

(2) Part II of the Act shall apply to assistance by way of representation in relation to:

- (a) applications under section 5(3) in relation to an application for property not to be treated as a gift;
- (b) appeals under section 5(4) in relation to an appeal against a refusal of an application under section 5(3);
- (c) applications under section 6(3) in relation to an application for property not to be treated as an implicative gift;
- (d) appeals under section 6(4) in relation to an appeal against a refusal of an application under section 6(3);
- (e) applications, by someone other than the accused, under section 18(7) in relation to a discharge or variation of an order under section 18(2);
- (f) applications under section 25 in relation to a recall or variation of suspended forfeiture order or 26 in relation to a property wrongly forfeited: return or compensation;
- (g) appeals under section 27 in relation to an appeal against a court decision under section 25(1) or 26(1); and
- (h) applications under section 45(2)(b) in relation to the disposal of a family home where representations are made to the Court by someone other than the accused.