
STATUTORY INSTRUMENTS

1991 No. 2151 (C. 64) (S. 176)

COURT OF SESSION, SCOTLAND

EVIDENCE

FAIR TRADING

HIGH COURT OF JUSTICIARY, SCOTLAND

LEGAL AID AND ADVICE, SCOTLAND

LEGAL PROFESSION

SHERIFF COURT, SCOTLAND

The Law Reform (Miscellaneous Provisions) (Scotland)
Act 1990 (Commencement No. 8) Order 1991

Made - - - - 24th September 1991

The Secretary of State, in exercise of the powers conferred upon him by section 75(2) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation

1. This Order may be cited as the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (Commencement No. 8) Order 1991.

Interpretation

2. In this Order, “the Act” means the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990.

Commencement

3. The provisions of the Act which are specified in column 1 of the Schedule to this Order, and described by reference to subject matter in column 2 of that Schedule, shall, in so far as they are not

(1) 1990 c. 40.

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then in force, come into force on 30th September 1991 but, where a particular purpose is specified in relation to any provision in column 3 of that Schedule, that provision shall come into force on that day only for that purpose.

St Andrew's House,
Edinburgh
24th September 1991

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

SCHEDULE

Article 3

THE PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 30TH SEPTEMBER 1991

| Column 1 | Column 2 | Column 3 |
|--|---|--|
| In section 17 – subsections (3) and (11) to (15) | Qualified Conveyancers | |
| In section 18 – subsections (10) to (11) | Executry Practitioners | |
| Section 38 | Availability of legal aid for services provided under this Act | |
| Section 39 | Removal of restrictions on the borrowing of process in the Court of Session or in inferior courts | |
| Sections 40 to 42 | Advisory, investigatory and supervisory powers of the Director General of Fair Trading, and review of rules by the Secretary of State | |
| Sections 56, 58 and 59 | Evidence by children in criminal trials | Only for the purpose of proceedings in– (a) the High Court of Justiciary sitting at Edinburgh or Glasgow; and (b) any sheriff court in the sheriffdom of Glasgow and Strathkelvin or Lothian and Borders |
| Section 57 | Transfer of cases | Only for the purpose of proceedings in any sheriff court in the sheriffdom of Glasgow and Strathkelvin or Lothian and Borders |
| Section 60 | Criminal jurisdiction of sheriff court | |
| Section 74 | Amendments and Repeals | Only for the purpose of bringing into force the provisions of Schedules 8 and 9 specified or referred to in column 1 below. |
| In Schedule 8 paragraphs: 36(2) to (5) and (10) to (15) | Amendments | |
| In Schedule 9 – the repeals specified in the table below | Repeals | |

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**TABLE
REPEALS**

| Chapter | Short Title | Extent of Repeals |
|------------|------------------------------------|---|
| 1980 c. 46 | The Solicitors (Scotland) Act 1980 | Section 29 |
| 1986 c. 47 | The Legal Aid (Scotland) Act 1986 | In section 13(2), the words “(so far as is necessary)”. |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 30th September 1991 as the date for the coming into force of the provisions of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 which are specified in the Schedule to the Order.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:

| Provision | Date of commencement | S.I. No. |
|---|----------------------|-----------|
| Sections 63, 72, 74 (partially), 75 and Schedules 8 and 9 (partially) | 1.12.90 | 1990/2328 |
| Sections 64, 65, 74 (partially) and Schedules 8 and 9 (partially) | 1.1.1991 | 1990/2624 |
| Section 69 | 1.3.1991 | 1991/330 |
| Sections 68, 74 (partially) and Schedule 9 (partially) | 1.4.1991 | 1991/330 |
| Sections 16, 23, 34 (partially), 74 (partially) and Schedules 1 (partially), 3, 4 and 8 (partially) | 1.4.1991 | 1991/822 |
| Sections 61 and 62 and Schedules 6 and 8 (partially) | 1.4.1991 | 1991/850 |

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| Provision | Date of commencement | S.I. No. |
|---|----------------------|-----------|
| Sections 24, 30, 33, 34 (partially), 43, 74 (partially) and Schedules 8 (partially) and 9 (partially) | 3.6.1991 | 1991/1252 |
| Section 74 (partially) and Schedule 9 (partially) | 15.8.1991 | 1991/1252 |
| Section 74 (partially) and Schedules 8 (partially) and 9 (partially) | 26.8.1991 | 1991/1903 |