

Draft Regulations laid before the Scottish Parliament under section 37(2) of the Legal Aid (Scotland) Act 1986, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2016 No.

LEGAL AID AND ADVICE

The Legal Aid (Scotland) Act 1986
Amendment Regulations 2016

Made - - - - 2016
Coming into force - - 1st December 2016

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 13(4) of the Legal Aid (Scotland) Act 1986(1) and all other powers enabling them to do so. In accordance with section 37(2) of that Act, a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Legal Aid (Scotland) Act 1986 Amendment Regulations 2016 and come into force on 1st December 2016.

Proceedings in which civil legal aid is available

2. In paragraph 1 of Part I of schedule 2 of the Legal Aid (Scotland) Act 1986(2) (courts in which civil legal aid is available), before the entry relating to the Upper Tribunal insert—

“in or with respect to an appeal to the Upper Tribunal for Scotland(3) (including an application for permission to appeal);”.

(1) 1986 c.47. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
(2) Schedule 2 was relevantly amended by S.S.I. 2001/42, S.S.I. 2002/532 and S.S.I. 2010/239.
(3) Established by section 1 of the Tribunals (Scotland) Act 2014 (asp 10).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish
Statutory Instrument: The Legal Aid (Scotland) Act 1986 Amendment Regulations 2016 No. 356

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Part 1 of schedule 2 of the Legal Aid (Scotland) Act 1986 to add appeals to the Upper Tribunal for Scotland (established by section 1 of the Tribunals (Scotland) Act 2014) to the list of proceedings in which civil legal aid is available.

A Business and Regulatory Impact Assessment has been prepared for these Regulations and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Justice Directorate, St Andrews House, Edinburgh EH1 3DG.