
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

**The Civil and Family Justice (EU Exit)
(Scotland) (Amendment etc.) Regulations 2020**

PART 3

Legal Aid

Amendment of the Legal Aid (Scotland) Act 1986

8. In section 15 (financial conditions) of the Legal Aid (Scotland) Act 1986(1) omit subsection (4).

Amendment of the Civil Legal Aid (Scotland) Regulations 2002

9.—(1) The Civil Legal Aid (Scotland) Regulations 2002(2) are amended as follows.

(2) In regulation 46 (applications under the European Judgments Convention), in paragraph (1) (d)(ii) omit “other than an EU Member State”.

(3) Omit regulation 48 (cross-border disputes).

Amendment of the Legal Aid (Scotland) Act 1986 Amendment Regulations 2004

10. In the Legal Aid (Scotland) Act 1986 Amendment Regulations 2004(3), omit regulation 3.

Amendment of the Civil Legal Aid (Scotland) Amendment (No. 2) Regulations 2004

11. In the Civil Legal Aid (Scotland) Amendment (No. 2) Regulations 2004(4), omit regulation 5.

Saving: Council Directive 2003/8/EC: application of Article 69 of the withdrawal agreement – applications received before IP completion day

12. Nothing in this Part affects the application of paragraph 1(a) of Article 69 of the withdrawal agreement and legislation amended by this Part continues to have effect for the purposes of that paragraph as if the amendments had not been made.

Transitional provision

13.—(1) Nothing in regulations 8 to 11 affects an application for civil legal aid falling within paragraph (2).

(1) 1986 c.47. Section 15(4) was added by S.S.I. 2004/493.

(2) S.S.I. 2002/494. Regulation 46(1)(d) was added by S.S.I. 2012/301. Regulation 48 was added by S.S.I. 2004/491.

(3) S.S.I. 2004/493.

(4) S.S.I. 2004/491.

(2) An application falls within this paragraph if it is an application submitted to the Board in accordance with Article 13(1)(b) of the Cross-Border Legal Aid Directive, reading that Article as if the United Kingdom were a member State, which—

(a) is made using the standard form for legal aid applications established under Article 16 of the Cross-Border Legal Aid Directive; and

(b) is received by the Board before 1700 hours on the 15th day following IP completion day.

(3) For the purposes of an application falling within paragraph (2), the provisions in regulations 8 to 11 have effect as if the United Kingdom were a member State.

(4) In this regulation—

“civil legal aid” has the meaning given in section 13(2) of the Legal Aid (Scotland) Act 1986,

“the Board” means the Scottish Legal Aid Board,

“the Cross-Border Legal Aid Directive” means Council [Directive 2003/8/EC](#) of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes.