

These draft Regulations supersede the draft of the same title which were laid before the Scottish Parliament on 6 September 2023 and published on 7 September 2023 (ISBN 978-0-11-105799-5). They are being issued free of charge to all known recipients of those draft Regulations.

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

2023 No.

LEGAL AID AND ADVICE

The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) (No. 4) Regulations 2023

Made - - - - 2023

Coming into force - - 15th November 2023

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 9(1) and (2)(a), (b), (dd), (e), 17(2B), 31(9), 33(2) and (3)(a), (b) and (f), 36(1) and (2)(a) and (b), and 42 of the Legal Aid (Scotland) Act 1986(1) and all other powers enabling them to do so.

In accordance with section 37(2)(2) of that Act(3), a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

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- (1) 1986 c. 47. Section 9(dd) was inserted by the Access to Justice Act 1999 (c. 22), section 32. Section 17(2B) was inserted by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40) (“the 1990 Act”), section 74(1) and schedule 8, paragraph 36(6). Section 31(9) was amended by the 1990 Act, section 74(1) and schedule 8, paragraph 36(14). Section 36(2)(b) was amended by the Legal Aid Act 1988 (c. 34), section 44 and schedule 4 Part 1, paragraph 6 and by the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 (asp 3), section 23(9)(a)(iii). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (c. 46), section 53.
- (2) Section 37(2) has been modified by schedule 3, paragraph 5 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (“ILRA”).
- (3) The powers to make these Regulations are exercised together by virtue of section 33(2) of ILRA. The Regulations are subject to the affirmative procedure by virtue of section 33(3) of that Act.