
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 491

**The Civil Legal Aid (Scotland)
Amendment (No. 2) Regulations 2004**

Amendment of the Civil Legal Aid (Scotland) Regulations 2002

4.—(1) After Regulation 23, insert—

“**23A.**—(1) The Board from time to time may directly request from the applicant or assisted person, or a solicitor or counsel acting for the applicant or assisted person, information relating to any change in circumstances, financial or otherwise.

(2) No solicitor or counsel shall be precluded, by reason of any privilege arising out of the relationship between counsel, solicitor and client from informing the Board of or drawing the Board’s attention to, any matter specified in paragraph (1) above.”.

(2) In Regulation 29, after (1)(a)(ii), insert—

“(iii) to comply with any request for information made by the Board under regulation 23A above;”.

(3) In Regulation 31 after (a)(iv) insert—

“(v) has failed without reasonable excuse to comply with any request for information made by the Board under regulation 23A above; or”.

(4) After Regulation 31 insert—

“Right of Board to recover sums paid out of the Fund

31A. If an applicant or assisted person fails to provide information requested by the Board under regulation 23A, the Board shall have the right to recover from that person the amount paid out of the Fund in respect of the fees and outlays of that person’s solicitors and counsel less any amount received from that person by way of contribution.”.

Commencement Information

II Reg. 4 in force at 4.12.2004, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Civil Legal Aid (Scotland) Amendment (No. 2) Regulations 2004, Section 4.