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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 112**

**The Civil Legal Aid (Scotland) Amendment Regulations 2005**

**Transitional provisions**

5.—(1) Where any of the cases specified in paragraph (2) are pending immediately before 4th April 2005, regulation 4(a) shall apply as though the reference to section 103A of the Nationality, Immigration and Asylum Act 2002(1) were a reference to the relevant section of that Act referred to in paragraph (2).

(2) The cases are—

- (a) an application to the Court of Session under section 101(2);
- (b) where a party is entitled to make an application to the Court of Session under section 101(2);
- (c) an appeal to the Court of Session under section 103;
- (d) an application for leave to appeal to the Court of Session under section 103;
- (e) where a party has been granted leave to appeal to the Court of Session under section 103; or
- (f) where a party is entitled to apply for leave to appeal to the Court of Session under section 103.

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(1) Section 103A and B were inserted by section 26 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19) (“the 2004 Act”). The 2004 Act, section 26 and Schedule 4 repealed sections 101 and 103 of the Nationality, Immigration and Asylum Act 2002, but sections 101 and 103 continue to have effect in relation to certain cases by virtue of Articles 7 and 8 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (Commencement No. 5 and Transitional Provisions) Order 2005 (S.I. 2005/).