

2007 No. 425

LEGAL AID AND ADVICE

**The Civil Legal Aid (Scotland) Amendment (No. 2)
Regulations 2007**

Made - - - - - *13th September 2007*

Laid before the Scottish Parliament *13th September 2007*

Coming into force - - - *5th October 2007*

The Scottish Ministers make the following Regulations, in exercise of the powers conferred by sections 36(1), (2) and (3) of the Legal Aid (Scotland) Act 1986(a) and all other powers enabling them to do so:

Citation and commencement

1. These Regulations may be cited as the Civil Legal Aid (Scotland) Amendment (No. 2) Regulations 2007 and shall come into force on 5th October 2007.

2. These Regulations shall apply only in relation to any case where an application for civil legal aid is made on or after 5th October 2007.

Amendment of the Civil Legal Aid (Scotland) Regulations 2002

3. The Civil Legal Aid (Scotland) Regulations 2002(b) are amended in accordance with the following Regulations.

4. In regulation 13A(1)–

- (a) for “other than the adult to whom the application relates, for” substitute “(including, in the case of applications for orders defined in paragraphs (a) to (e) below, or applications opposing such orders, the adult to whom the application relates), for, or an application opposing”;
- (b) after “53(1) of the 2000 Act” delete “or”; and
- (c) after “57(1) of the 2000 Act” insert–
 - “(c) a renewal of a guardianship order under section 60(1) of the 2000 Act;
 - (d) a joint guardianship order under section 62(1) of the 2000 Act; or
 - (e) a substitute guardianship order under section 63(1) of the 2000 Act.”.

(a) 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).
(b) S.S.I. 2002/494.

5. In regulation 14(4) after paragraph (l) insert–

“(ll) an application, other than one to which regulation 13A applies, for a renewal of guardianship order under section 60(1) of the 2000 Act, for a joint guardianship order under section 62(1) of the 2000 Act, or for a substitute guardianship order under section 63(1) of the 2000 Act;”.

St Andrew’s House,
Edinburgh
13th September 2007

KENNY MACASKILL
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (Scotland) Regulations 2002 to provide for legal aid subject to modified means tests in respect of various guardianship order applications made under the Adults with Incapacity(Scotland) Act 2000.

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