
STATUTORY INSTRUMENTS

1987 No. 381

The Civil Legal Aid (Scotland) Regulations 1987

Part VIII

Particular Courts, Tribunals and Proceedings

Convention applications

46.—(1) In this regulation “Convention application” means an application under—

- (a) the Convention on the Civil Aspects of International Child Abduction which was signed at The Hague on 25th October 1980, as given the force of law in the United Kingdom by Part I of the Child Abduction and Custody Act 1985(1);
- (b) the European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on the Restoration of Custody of Children which was signed at Luxembourg on 20th May 1980, as given the force of Law in the United Kingdom by Part II of the Child Abduction and Custody Act 1985.

(2) Where a person resident outside the United Kingdom applies for legal aid for the purpose of pursuing an application to the Court of Session which is certified by the Secretary of State to be a Convention application—

- (a) sections 15 and 17 of the Act shall not apply and legal aid shall be made available without enquiry into the resources of the applicant and without requiring him to contribute to the Fund;
- (b) section 14 of the Act shall not apply and it shall not be necessary for the applicant to show that he has *probabilis causa litigandi* or that it is reasonable for him to receive legal aid; and
- (c) regulation 5 above shall not apply, but the application for legal aid shall be signed by either the applicant or his solicitor, and shall be accompanied by—
 - (i) a memorandum signed by the solicitor explaining the nature of the case and the interest of the applicant therein; and
 - (ii) a certificate of the Secretary of State that the application for legal aid relates to a Convention application.