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STATUTORY INSTRUMENTS

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**1996 No. 2444**

**The Civil Legal Aid (Scotland) Regulations 1996**

**PART VIII**

**PARTICULAR COURTS, TRIBUNALS AND PROCEEDINGS**

**Applications under the European Judgments Convention**

- 47.—**(1) This regulation applies where—
- (a) application is made for legal aid for the purpose of applying to the Court of Session in accordance with section 4 of the Civil Jurisdiction and Judgments Act 1982<sup>(1)</sup> for the registration for enforcement of a judgment other than a maintenance order; and
  - (b) application for legal aid is made by or on behalf of a person who wishes to enforce a maintenance order in Scotland—
    - (i) for the purpose of an application to the sheriff court in accordance with section 5 of the Civil Jurisdiction and Judgments Act 1982; or
    - (ii) for the purpose of any proceedings following on such an application.
- (2) In the case of an application to which this regulation applies—
- (a) section 15 of the Act shall be modified so as to provide that a person making such application shall be eligible for legal aid without regard to his income or capital;
  - (b) section 17 of the Act shall be modified so as to provide that a person making such application shall not require to pay any contribution to the Fund in respect of income or capital nor shall he require, where there is a net liability to the Fund on his account, to pay the amount of that liability to the Board out of any property which is recovered or preserved for him;
  - (c) regulation 5 above shall be modified so as to provide that the application for legal aid—
    - (i) may be signed by either the applicant or his solicitor and where it is signed by the applicant such signature shall not be subject to any additional formal requirements; and
    - (ii) requires to be accompanied by a statement signed by the solicitor explaining the nature of the case and the interest of the applicant therein; and
  - (d) regulation 7(2) above shall be modified so as to provide that paragraph (1) of that regulation shall not apply in the case of an application for legal aid to which this regulation applies.