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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 397**

**LEGAL AID AND ADVICE**

**The Legal Aid (Scotland) Act 1986  
Amendment Regulations 2017**

*Made* - - - - *14th November 2017*

*Coming into force* - - *1st December 2017*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 13(4) of the Legal Aid (Scotland) Act 1986(1) and all other powers enabling them to do so. In accordance with section 37(2) of that Act, a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament(2).

**Citation and commencement**

1. These Regulations may be cited as the Legal Aid (Scotland) Act 1986 Amendment Regulations 2017 and come into force on 1st December 2017.

**Application**

2. Regulation 3 applies only in relation to a case where an application for legal aid for proceedings before the First-tier Tribunal for Scotland is made on or after 1st December 2017.

**Proceedings in which civil legal aid is available**

3.—(1) Part 1 of schedule 2 of the Legal Aid (Scotland) Act 1986(3) (courts and tribunals in which civil legal aid is available) is amended as follows.

(2) In paragraph 1, before the entry relating to the Upper Tribunal for Scotland insert—  
“before the First-tier Tribunal for Scotland(4) of the type described in paragraph 2A;”.

(3) After paragraph 2 insert—

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(1) 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).  
(2) There are amendments to section 37(2) which are not relevant to these Regulations. Section 37(2) has been modified by paragraph 5 of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (the “2010 Act”).  
(3) Schedule 2 was relevantly amended by S.S.I. 2001/42, S.S.I. 2002/532, S.S.I. 2010/239 and S.S.I. 2016/356.  
(4) Established by section 1 of the Tribunals (Scotland) Act 2014 (asp 10).