SCOTTISH STATUTORY INSTRUMENTS

2004 No. 307

LEGAL AID AND ADVICE

The Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 2004

Made - - - -	*27th June 2004*
Coming into force - -	*28th June 2004*

The Scottish Ministers, in exercise of the powers conferred by section 9 of the Legal Aid (Scotland) Act 1986(**1**), and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has, in accordance with section 37(2) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation and commencement

1. These Regulations may be cited as the Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 2004 and shall come into force on 28th June 2004.

Amendment of the Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 2003

2. The Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 2003(**2**) shall be amended in accordance with the following Regulations.

3. In regulation 6 for paragraph (2) substitute–

> "(2) The assistance by way of representation which may be provided under Part II of the Act in relation to summary criminal proceedings in a sheriff court which has been designated as a youth court, or as a domestic abuse court, by the sheriff principal shall include representation of an accused person following a finding of guilt but only where criminal legal aid has not been granted to that person in terms of section 24 of the Act.".

4. In regulation 7 for paragraph (3) substitute–

> "(3) Paragraphs (1) and (2) above shall not apply in relation to summary criminal proceedings in a sheriff court which has been designated as a youth court, or as a domestic abuse court, by the sheriff principal.".

(**1**) 1986 c. 47; section 9(2)(dd) and (de) was inserted by the Access to Justice Act 1999 (c. 22), section 32. 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**) S.S.I. 2003/179, amended by S.S.I. 2003/500.