SCOTTISH STATUTORY INSTRUMENTS

2001 No. 464

LEGAL AID AND ADVICE

The Legal Aid (Scotland) Act 1986 (Availability of Solicitors) Regulations 2001

Made - - - -	*17th December 2001*
Laid before the Scottish Parliament - - - -	*18th December 2001*
Coming into force - -	*6th February 2002*

The Scottish Ministers, in exercise of the powers conferred by sections 31(9) and 36(1) and (2)(a) of the Legal Aid (Scotland) Act 1986(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Legal Aid (Scotland) Act 1986 (Availability of Solicitors) Regulations 2001 and shall come into force on 6th February 2002.

Availability of solicitors

2. Where the Board arranges that a solicitor shall be available under section 31(8) of the Legal Aid (Scotland) 1986 for the purposes of providing assistance by way of representation to a person appearing in the proceedings described at regulation 3–

(a) section 31(1) of the Legal Aid (Scotland) Act 1986 shall not apply; and

(b) assistance by way of representation shall be provided only by the solicitor so made available.

Categories of proceedings

3. The proceedings described for the purposes of regulation 2 are–

(a) proceedings under section 17 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981(**2**); and

(**1**) 1986 c. 47; section 31(9) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40), Schedule 8, paragraph 36. 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**) 1981 c. 59; section 17 was amended by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Schedule 4, paragraph 37.