

Draft Regulations laid before the Scottish Parliament under section 37(2) of the Legal Aid (Scotland) Act 1986 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2006 No.

LEGAL AID AND ADVICE

The Advice and Assistance (Assistance
by Way of Representation) (Scotland)
Amendment (No. 2) Regulations 2006

Made - - - - 2006

Coming into force in accordance with regulation 1

The Scottish Ministers, in exercise of the powers conferred by sections 9(1), (2)(a), (c) and (d) and 37(1) 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 2006 and shall come into force on the day after the day on which they are made.

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) are amended in accordance with the following regulations.

3. In regulation 1—

- (a) for “1993”, on each occasion it occurs, substitute “2001”; and
- (b) at the appropriate place, insert—

““Pensions Regulator Tribunal” means the tribunal established under section 102 of the Pensions Act 2004(3);”.

(1) 1986 c. 47; sections 9(2)(dd) and (de) were 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, as relevantly amended by S.S.I. 2005/165 and 2005/482.
(3) 2004 c. 35.

4. In regulation 3–
 - (a) at the end of paragraph (p) omit “and”; and
 - (b) after paragraph (q) insert–
 - “(r) applications under section 57 or 58 of the Police, Public Order and Criminal Justice (Scotland) Act 2006(4) in relation to the variation or termination of a football banning order made under section 51 of that Act; and
 - (s) proceedings before the Pensions Regulator Tribunal.”.
5. In regulation 13(4) for “regulation 3(q)”, substitute “regulations 3(q) and (s)”.

St Andrew’s House,
Edinburgh
2006

Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 2003 so as to provide that—

- (a) assistance by way of representation under Part II of the Legal Aid (Scotland) Act 1986 is available for applications made under section 57 or 58 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 in relation to the variation or termination of a football banning order made under section 51 of that Act (regulation 4);
- (b) assistance by way of representation under Part II of the Legal Aid (Scotland) Act 1986 is available for proceedings before the Pensions Regulator Tribunal in cases where the Board is satisfied that it is in the interests of justice and reasonable that it be made available (regulations 4 and 5); and
- (c) references in regulation 1 to the Parole Board (Scotland) Rules are updated (regulation 3).