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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 193**

**LEGAL AID AND ADVICE**

**The Legal Aid (Employment of Solicitors)  
(Scotland) Amendment Regulations 2018**

*Made* - - - - 12th June 2018  
*Laid before the Scottish  
Parliament* - - - - 14th June 2018  
*Coming into force* - - 27th September 2018

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 26(1) of the Legal Aid (Scotland) Act 1986(1), and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Legal Aid (Employment of Solicitors) (Scotland) Amendment Regulations 2018 and come into force on 27th September 2018.

**Amendment of the Legal Aid (Employment of Solicitors) (Scotland) Regulations 2001**

2. For regulation 3 of the Legal Aid (Employment of Solicitors) (Scotland) Regulations 2001(2) substitute—

“3. The Board may employ a solicitor for any of the following purposes:—

- (a) giving advice and assistance to which Part II of the Act applies;
- (b) acting for persons receiving legal aid; and
- (c) providing any such services as are mentioned in section 26(2) of the Act.”

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(1) 1986 c.47. Section 26 was amended by the Convention Rights (Compliance) (Scotland) Act 2001 (asp 7), section 9(6) and by the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), section 74(2). Section 27(1) was amended by the Legal Profession and Legal Aid (Scotland) Act 2007, section 74(3). The functions of the Secretary of State for Scotland were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(2) S.S.I. 2001/392.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House, Edinburgh  
12th June 2018

*ANNABELLE EWING*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Legal Aid (Employment of Solicitors) (Scotland) Regulations 2001. Regulation 2 replaces the requirement that solicitors must be employed by the Scottish Legal Aid Board (“the Board”) for the purpose of providing services for, or in connection with, any organisation but only where the Board has received a written request from the organisation for the services of a solicitor and the Board is satisfied that the services of a solicitor would enhance the services offered by that organisation. Instead the Board may employ solicitors for the purpose of giving advice and assistance, acting for persons receiving legal aid or assisting a local organisation concerned with the giving of advice or guidance.

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Government, Scottish Government Justice Directorate, St Andrews House, Edinburgh EH1 3DG, and online at [www.legislation.gov.uk](http://www.legislation.gov.uk).