

2007 No. 57 (C. 10)

LEGAL PROFESSION

LEGAL AID AND ADVICE

**The Legal Profession and Legal Aid (Scotland) Act 2007
(Commencement No. 1) Order 2007**

Made - - - -

7th February 2007

The Scottish Ministers, in exercise of the powers conferred by section 82(2) of the Legal Profession and Legal Aid (Scotland) Act 2007(a), hereby make the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Legal Profession and Legal Aid (Scotland) Act 2007 (Commencement No. 1) Order 2007.

(2) In this Order “the Act” means the Legal Profession and Legal Aid (Scotland) Act 2007.

Appointed day

2. 8th February 2007 is the appointed day for the coming into force of the following provisions of the Act:—

- (a) section 69(1), (2)(a) and (4);
- (b) section 71;
- (c) section 73; and
- (d) section 76.

CATHY JAMIESON

A member of the Scottish Executive

St Andrew’s House,
Edinburgh
7th February 2007

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 8th February 2007 sections 69(1), (2)(a) and (4) and 71, 73 and 76 of the Legal Profession and Legal Aid (Scotland) Act 2007.

Section 69(1), (2)(a) and (4) amends section 10 of the Legal Aid (Scotland) Act 1986 (“the 1986 Act”) to the effect that it is not possible to apply to the Scottish Legal Aid Board for an increase in authorised expenditure for advice and assistance beyond the initial limit in certain circumstances. Section 71 amends section 14 of and Schedule 2 to the 1986 Act to provide that civil legal aid may be available in defamation or verbal injury proceedings. Section 73 amends section 25AB of the 1986 Act to extend the availability of criminal legal aid to proceedings before the Judicial Committee of the Privy Council under paragraph 32 or 33 of Schedule 6 to the Scotland Act 1998 (c.46). Section 76 amends section 36 of the 1986 Act to provide the Scottish Ministers with a regulation making power to sub-delegate to the Scottish Legal Aid Board the power to determine what are and are not distinct matters for the purposes of advice and assistance.

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