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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 368**

**The Children’s Legal Assistance (Miscellaneous Amendments and Consequential Provisions) (Scotland) Regulations 2021**

**Amendment of the Legal Aid (Scotland) Act 1986**

- 2.—(1) The 1986 Act is amended in accordance with paragraphs (2) and (3).
- (2) In section 28C(1) (circumstances where children’s legal aid automatically available)—
- (a) at the end of subsection (1)(c) omit “or”,
  - (b) in subsection (1), after paragraph (d) insert—
    - “(e) an application in relation to a child is made under section 34 (application for order authorising search in relation to child under 12), 42 (application for child interview order) or 61 (application for order authorising taking of prints and samples from child) of the 2019 Act, or
    - (f) an order is made in relation to a child under section 36 (search in relation to child under 12), 44 (child interview) or 63 (taking of prints and samples from child) of the 2019 Act”,
  - (c) at the end of subsection (2)(b) omit “and”, and
  - (d) after (2)(c) insert—
    - “(d) representations in respect of an application mentioned in subsection (1)(e), and
    - (e) proceedings before the sheriff under section 38 (appeal against decision under section 36), 46 (appeal against decision under section 44) or 67 (appeal against decision under section 63) of the 2019 Act in respect of permission to appeal a decision and, where such permission is given, proceedings before the Sheriff Appeal Court in respect of such an appeal”.
- (3) In section 41 (interpretation)—
- (a) after the definition of “the 2011 Act” insert—
    - ““the 2019 Act” means the Age of Criminal Responsibility (Scotland) Act 2019 (asp 7),”, and
  - (b) in the definition of “children’s legal assistance” insert at the end—
    - “or in relation to proceedings under Part 4 of the 2019 Act”.