

---

STATUTORY INSTRUMENTS

---

**1993 No. 533 (S.70)**

**LEGAL AID AND ADVICE, SCOTLAND**

The Advice and Assistance (Scotland)  
Amendment Regulations 1993

<i>Made</i>	- - - -	<i>5th March 1993</i>
<i>Laid before Parliament</i>		<i>11th March 1993</i>
<i>Coming into force</i>	- -	<i>1st April 1993</i>

The Secretary of State, in exercise of the powers conferred on him by sections 33(2)(b) and (3) of the Legal Aid (Scotland) Act 1986(1) and of all other powers enabling him in that behalf hereby makes the following Regulations:

**Citation and commencement**

1.—(1) These Regulations may be cited as the Advice and Assistance (Scotland) Amendment Regulations 1993 and shall come into force on 1st April 1993.

**Interpretation**

2. In these Regulations, “the principal Regulations” means the Advice and Assistance (Scotland) Regulations 1987(2).

**Amendment of the principal Regulations**

3. In regulation 5(2) of the principal Regulations, there shall be substituted for the words “the right of a minor” the words “any right of a child”.

4. Part I of Schedule 3 to the principal Regulations(3) shall be amended as follows:—

(a) there shall be inserted at the beginning of the first paragraph of the Table of Fees the following words:—

“1. Subject to paragraph 3 of this Part,”;

(b) under the heading “Interpretation”, there shall be substituted for the words “In this Table” the following:—

---

(1) 1986 c. 47.

(2) S.I.1987/382.

(3) Schedule 3 is as substituted by S.I. 1992/373.

- “2. In paragraph 1 of this Part”; and  
(c) there shall be inserted at the end of Part I the following paragraph:—

**“Petition by debtor for sequestration**

3. The fees allowable to a solicitor for providing assistance by way of representation in relation to a petition by a debtor for the sequestration of his estate under section 5(2)(a) of the Bankruptcy (Scotland) Act 1985(4) shall be—

- (a) £27.40 for any time spent by a solicitor appearing in court in connection with the petition; and  
(b) £45 for all other work in connection with the petition.”.

5. The amendments to the principal Regulations made by regulation 4 of these Regulations shall apply only to work done on or after 1st April 1993.

St. Andrew’s House,  
Edinburgh  
5th March 1993

*Fraser of Carmyllie*  
Minister of State, Scottish Office

---

(4) 1985 c. 66; section 5(2)(a) was amended by section 3(2) of the Bankruptcy (Scotland) Act 1993 (c. 6).

---

## EXPLANATORY NOTE

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

These Regulations amend the Advice and Assistance (Scotland) Regulations 1987 (“the principal Regulations”).

Regulation 3 amends the reference to “the right of a minor” to apply for advice and assistance in consequence of the Age of Legal Capacity (Scotland) Act 1991 (c. 50).

Regulation 4 amends the provisions of Part I of Schedule 3 to the principal Regulations by making provision in the table of fees allowable to solicitors for assistance by way of representation for the fees allowable in relation to a petition by a debtor for the sequestration of his estate under the Bankruptcy (Scotland) Act 1985 (c. 66), as amended by the Bankruptcy (Scotland) Act 1993 (c. 6). The amendments only apply to work done on or after 1st April 1993 by virtue of regulation 5.